

By: Reynolds, Shaheen, White, Collier, Lopez

H.B. No. 149

A BILL TO BE ENTITLED

AN ACT

relating to a study to evaluate state and local regulation of group homes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) The Health and Human Services Commission shall conduct a study on state and local regulation of group homes.

(b) The study must:

(1) identify and evaluate state laws relating to the regulation of group homes, including:

(A) an assisted living facility, as defined by Section 247.002, Health and Safety Code;

(B) a boarding home facility, as defined by Section 260.001, Health and Safety Code; and

(C) a community home, described by Chapter 123, Human Resources Code;

(2) analyze the procedures for filing complaints against group homes and make recommendations to expedite complaint processes;

(3) analyze complaints filed against group homes in the preceding 10 years;

(4) analyze the enforcement authority over group homes granted to state and local governmental agencies, including the authority of counties and municipalities to enforce boarding home regulations;

1 (5) recommend whether additional state and local
2 governmental enforcement authority over group homes is needed;

3 (6) recommend processes to expedite the licensing of
4 and regulatory procedures for group homes;

5 (7) determine whether new categories of group homes
6 should be licensed or regulated by state or local governmental
7 agencies;

8 (8) discuss and recommend methods for identifying
9 unlicensed group homes; and

10 (9) evaluate whether Section [260.011](#), Health and
11 Safety Code, which prohibits a county or municipality from
12 excluding boarding home facilities from residential areas by zoning
13 and similar regulations, prevents certain counties and
14 municipalities from regulating boarding home facilities.

15 (c) Not later than December 1, 2022, the Health and Human
16 Services Commission shall prepare a written or electronic report
17 that includes a summary of the results of the study conducted under
18 this section and any legislative recommendations based on the study
19 and submit the report to the governor, lieutenant governor, speaker
20 of the house of representatives, and members of the standing
21 committees of the senate and the house of representatives with
22 jurisdiction over the Health and Human Services Commission.

23 SECTION 2. This Act takes effect September 1, 2021.