

AN ACT

relating to creating the criminal offense of operating a boarding home facility without a permit and to a study regarding the regulation of group homes.

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

SECTION 1. Chapter 260, Health and Safety Code, is amended by adding Section 260.0051 to read as follows:

Sec. 260.0051. CRIMINAL PENALTY. (a) This section applies only to a county or municipality that requires a person to obtain a permit to operate a boarding home facility as authorized by Section 260.004.

(b) A person commits an offense if the person operates a boarding home facility without a permit in a county or municipality to which this section applies.

(c) An offense under this section is a Class B misdemeanor.

SECTION 2. (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) a boarding home facility, as defined by Section 260.001, Health and Safety Code; and

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

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

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

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

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

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

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

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

19 (9) evaluate whether Section [260.011](#), Health and
20 Safety Code, which prohibits a county or municipality from
21 excluding boarding home facilities from residential areas by zoning
22 and similar regulations, prevents certain counties and
23 municipalities from regulating boarding home facilities.

24 (c) Not later than December 1, 2022, the Health and Human
25 Services Commission shall prepare a written or electronic report
26 that includes a summary of the results of the study conducted under
27 this section and any legislative recommendations based on the study

1 and submit the report to the governor, lieutenant governor, speaker
2 of the house of representatives, and members of the standing
3 committees of the senate and the house of representatives with
4 jurisdiction over the Health and Human Services Commission.

5 SECTION 3. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 500 passed the Senate on April 29, 2021, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 29, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 500 passed the House, with amendment, on May 26, 2021, by the following vote: Yeas 92, Nays 55, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor