

By: Reynolds

H.B. No. 3987

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of boarding home facilities.

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

SECTION 1. Section 260.001(2), Health and Safety Code, is amended to read as follows:

(2) "Boarding home facility" means an establishment that:

(A) furnishes, in one or more buildings, lodging to three or more persons [~~with disabilities or elderly persons~~] who are unrelated to the owner of the establishment by blood or marriage; and

(B) may provide household services to those persons, other than [~~provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication but does not provide~~] personal care services as defined by Section 247.002 [~~to those persons~~].

SECTION 2. Section 260.005(b), Health and Safety Code, is amended to read as follows:

(b) A county or municipality that requires a person to obtain a boarding home facility permit as authorized under Section 260.004 may set reasonable fees for issuance of the permit, renewal of the permit, and inspections and may impose fines for noncompliance with the county or municipal boarding home facility

1 regulations. [~~The fees collected and fines imposed by the county or~~
2 ~~municipality must be used to administer the county or municipal~~
3 ~~permitting program or for other purposes directly related to~~
4 ~~providing boarding home facility or other assisted living services~~
5 ~~to elderly persons and persons with disabilities.~~]

6 SECTION 3. Section 260.010(a), Health and Safety Code, is
7 amended to read as follows:

8 (a) Not later than September 30 of each year following the
9 establishment of a county or municipal permitting requirement under
10 this chapter, each county or municipality that requires a person to
11 obtain a boarding home facility permit under Section 260.004 shall
12 submit to the commission a report. The report must include:

13 (1) the total number of:

14 (A) boarding home facilities permitted during
15 the preceding state fiscal year;

16 (B) boarding home facility applications denied
17 permitting, including a summary of cause for denial; and

18 (C) boarding home facility permits active on
19 August 31 of the preceding state fiscal year;

20 (2) the total number of residents reported housed in
21 each boarding home facility reported;

22 (3) the total number of inspections conducted at each
23 boarding home facility by the county or municipality that requires
24 the permit; [~~and~~]

25 (4) the total number of permits revoked or suspended
26 as a result of an inspection described by Subdivision (3) and a
27 summary of the outcome for the residents displaced by revocation or

1 suspension of a permit; and

2 (5) the total number of incidents occurring at each
3 boarding home facility that required the intervention of a peace
4 officer as defined by Article 2.12, Code of Criminal Procedure.

5 SECTION 4. Section 260.011, Health and Safety Code, is
6 repealed.

7 SECTION 5. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2023.