

BILL ANALYSIS

C.S.H.B. 2429
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Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 2002, the U.S. Department of Housing and Urban Development (HUD) announced the availability of \$50 million in funding for the structural conversion of existing non-profit public housing units into assisted living units. Assisted living facilities (ALFs) are designed to accommodate elderly and people with disabilities who can live independently but need assistance with activities of daily living (e.g., assistance with eating, bathing, grooming, dressing and home management activities.) The Assisted Living Conversion Program (ALCP) is funded entirely by federal funds and requires no state matching funds. This federal funding provides states with an opportunity to promote and support the community integration of elderly individuals.

Only nonprofit organizations are eligible for an ALCP grant to convert some or all of the dwelling units in the project into an ALF for the elderly. The facility must be licensed and regulated by the state. Typical funding under this grant will cover basic physical conversion of existing project units, common and services space. The ALCP provides funding for the physical costs of converting some or all of the units of an eligible development into an ALF, including the unit configuration, common and services space and any necessary remodeling, consistent with HUD or the State's statute/regulations (whichever is more stringent).

Several non-profit senior housing facilities in Texas are unable to acquire the ALCP grant because of a state code distinguishing between certain types of assisted living facilities. The 1988 edition of NFPA 101, Chapter 12 covers hospitals and nursing institutions. Currently, only Type A assisted living facilities and small Type B assisted living facilities fall under the 1988 edition of NFPA 101 Chapter 21 that covers new health care occupancies. As proposed, C.S.H.B. 2429 requires that an existing building that is converted to a large Type B assisted living facility, as classified by the board, to conform to the edition of the National Fire Protection Association, 101, that is designated by the Department of Human Services.

Pennsylvania, Massachusetts, New York, Maine, and other states participating in the HUD grant do not rely on the 1988 edition of NFPA 101, Chapter 12 as their code for large Type B facilities. Current Texas law relies on the National Fire Protection Association (NFPA) as its standards for assisted living facility codes. Texas Administrative Code (40, Part 1, Chapter 92, Subchapter D, Rule 92.61) distinguishes that large Type B assisted living facilities are governed under the same life safety code as hospitals and nursing homes.

By requiring large Type B facilities to conform to the edition of the National Fire Protection Association, 101, that is designated by the Department of Human Services, C.S.H.B. 2429 will allow a number of Texas senior housing facilities to be eligible for the \$50 million in federal funds for ALCP, requiring no state matching funds, and provide services for their aging population to remain in the community.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

As proposed, C.S.H.B. 2429 requires that an existing building that is converted to a large Type B assisted living facility, as classified by the board, to conform to the edition of the National Fire Protection Association, 101, that is designated by the Department of Human Services.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2429 clarifies that the language applies to existing building structures modified for Type B assisted living facilities, as classified by the board. The original version of the bill applies to Type A and Type B assisted living facilities. However, changes to Type A assisted living facilities were not necessary for the purpose of this legislation.

C.S.H.B. 2429 also differs from the original version of the bill by stating that existing building structures modified for Type B assisted living facilities, as classified by the board, must conform to the edition of the National Fire Protection Association (NFPA), 101, that is designated by the department. This change was made to ensure that the most recent standards outlined by the NFPA 101 are enforced.