

By: Farias

H.B. No. 2437

A BILL TO BE ENTITLED

AN ACT

relating to community homes for persons with disabilities.

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

SECTION 1. Section 123.002, Human Resources Code, is amended to read as follows:

Sec. 123.002. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Department" means the Department of Aging and Disability Services.

(2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(3) "Person [,"person] with a disability" means a person whose ability to care for the person's self [~~himself~~], perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:

(A) [~~(1)~~] an orthopedic, visual, speech, or hearing impairment;

(B) [~~(2)~~] Alzheimer's disease;

(C) [~~(3)~~] pre-senile dementia;

(D) [~~(4)~~] cerebral palsy;

(E) [~~(5)~~] epilepsy;

(F) [~~(6)~~] muscular dystrophy;

(G) [~~(7)~~] multiple sclerosis;

(H) [~~(8)~~] cancer;

(I) [~~(9)~~] heart disease;

- (J) [(10)] diabetes;
- (K) [(11)] mental retardation;
- (L) [(12)] autism; or
- (M) [(13)] emotional illness.

SECTION 2. Section 123.004, Human Resources Code, is amended to read as follows:

Sec. 123.004. QUALIFICATION AS COMMUNITY HOME. To qualify as a community home, an entity must comply with Sections 123.005 through 123.008 and be:

(1) a community-based residential home operated by:

(A) the department [~~Texas Department of Mental Health and Mental Retardation~~];

(B) a community center organized under Subchapter A, Chapter 534, Health and Safety Code, that provides services to persons with disabilities;

(C) an entity subject to the Texas Nonprofit Corporation Law as described by Section 1.008, Business Organizations Code [~~Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes)~~]; or

(D) an entity certified by the Health and [~~Texas Department of~~] Human Services Commission as a provider under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation; or

(2) an assisted living facility licensed under Chapter 247, Health and Safety Code, provided that the exterior structure retains compatibility with the surrounding residential dwellings.

SECTION 3. Section 123.007, Human Resources Code, is

1 amended to read as follows:

2 Sec. 123.007. LICENSING AND REGISTRATION REQUIREMENTS. (a)
3 A community home must meet all applicable licensing requirements.

4 (b) A community home that is not registered, licensed,
5 operated, certified, or otherwise regulated by a state agency shall
6 register with the department in accordance with rules adopted by
7 the executive commissioner.

8 SECTION 4. Section 123.008, Human Resources Code, is
9 amended to read as follows:

10 Sec. 123.008. LOCATION REQUIREMENT. (a) A community home
11 may not be established within one-half mile of an existing
12 community home.

13 (b) The department or another state regulatory agency may
14 not operate a community home that is located within one-half mile of
15 an existing community home and may not issue or renew a
16 registration, license, or certificate to such a home.

17 (c) If a community home is registered, licensed, operated,
18 certified, or otherwise regulated by the department or another
19 state agency under another law, the department or other agency may
20 enforce a violation of this section in the same manner the
21 department or other agency enforces a violation of that other law.

22 (d) The executive commissioner shall adopt rules necessary
23 to implement this section.

24 SECTION 5. Section 123.010, Human Resources Code, is
25 amended to read as follows:

26 Sec. 123.010. ENSURING THE SAFETY OF RESIDENTS. The
27 department [~~Texas Department of Mental Health and Mental~~

1 ~~Retardation]~~ shall make every reasonable effort to ensure the
2 safety of community home residents and the residents of a
3 neighborhood that is affected by the location of a community home.

4 SECTION 6. (a) Not later than January 1, 2014, the executive
5 commissioner of the Health and Human Services Commission shall
6 adopt rules as required by Sections 123.007 and 123.008, Human
7 Resources Code, as amended by this Act.

8 (b) A community home that is subject to Section 123.007(b),
9 Human Resources Code, as added by this Act, is not required to
10 register with the Department of Aging and Disability Services as
11 required by that section until February 1, 2014.

12 SECTION 7. This Act takes effect September 1, 2013.