

BILL ANALYSIS

C.S.H.B. 3971
By: King, Susan
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerned parties assert the need for improved communication and interaction between a group home and the surrounding neighborhood. C.S.H.B. 3971 seeks to address this need.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3971 amends the Human Resources Code to require an operator of a group home to develop and maintain a neighborhood and community engagement plan to promote positive relationships between community members and residents of the group home. The bill requires the plan to address barriers to and facilitate meaningful neighborhood and community interaction and involvement by residents of the group home, protect the civil rights of residents of the group home, and protect the rights to which residents of the group home are entitled under the federal Health Insurance Portability and Accountability Act of 1996 and state and federal fair housing laws. The bill defines "group home" as a residence in which residential support or supervised living is provided through the home and community-based services waiver program or a residence in which fewer than seven persons reside and in which services are provided through the intermediate care facility for individuals with an intellectual disability or related condition program.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3971 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Subchapter D, Chapter 161,	SECTION 1. Subchapter D, Chapter 161,

Human Resources Code, is amended by adding Section 161.089 to read as follows:

Sec. 161.089. NOTICE REGARDING GROUP HOMES. (a) The purpose of this section is to protect the safety of residents of group homes and the neighborhoods in which those group homes are located.

(b) For purposes of this section, "group home" means:

(1) a residence in which residential support or supervised living is provided through the Home and Community-based Services waiver program; or

(2) a residence in which fewer than seven persons reside and in which services are provided through the intermediate care facility for individuals with an intellectual disability or related condition program.

(c) In accordance with 42 U.S.C. Section 3604(f)(9), the commission and the department shall collaborate with advocacy groups for persons with disabilities to develop, and the executive commissioner shall by rule to establish, a process for the department to provide notice about the presence of a group home to the neighborhood in which the group home is located if:

(1) law enforcement officers have responded to multiple emergencies at the group home;

(2) multiple emergencies or crises have been documented at the group home;

(3) elopements have occurred from the group home; or

(4) the department has otherwise determined that notice is required to protect the safety of the residents of the group home or the neighborhood in which the group home is located.

Human Resources Code, is amended by adding Section 161.089 to read as follows:

Sec. 161.089. NEIGHBORHOOD AND COMMUNITY ENGAGEMENT PLANS FOR GROUP HOMES.

(a) For purposes of this section, "group home" means:

(1) a residence in which residential support or supervised living is provided through the Home and Community-Based Services waiver program; or

(2) a residence in which fewer than seven persons reside and in which services are provided through the intermediate care facility for individuals with an intellectual disability or related condition program.

(b) An operator of a group home shall develop and maintain a neighborhood and community engagement plan to promote positive relationships between community members and residents of the group home.

The plan must:

(1) address barriers to and facilitate meaningful neighborhood and community interaction and involvement by residents of the group home;

(2) protect the civil rights of residents of the group home; and

(3) protect the rights to which residents of the group home are entitled under the Health Insurance Portability and Accountability Act

of 1996 (Pub. L. No. 104-191) and state and federal fair housing laws.

SECTION 2. This Act takes effect September 1, 2015.

SECTION 2. Same as introduced version.