

BILL ANALYSIS

Senate Research Center
87R3352 MCF-F

H.B. 149
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Health & Human Services
5/17/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are concerns surrounding the differing regulatory schemes among the various state and local laws on group homes, including assisted living facilities, boarding home facilities, and community homes. It has been noted that cities have seen an influx of group homes in recent years and that some of those homes are regulated by the state and others are not. These varying regulations can result in confusion for residents. H.B. 149 seeks to address these concerns and improve transparency to the public by providing for a study on state and local regulation of group homes.

H.B. 149 requires the Health and Human Services Commission (HHSC), not later than December 1, 2022, to do the following:

- prepare a written or electronic report that includes a summary of the study results and any legislative recommendations based on the study; and
- submit the report to the governor, lieutenant governor, speaker of the house of representatives, and members of the house and senate standing committees with jurisdiction over HHSC.

H.B. 149 amends current law relating to a study to evaluate state and local regulation of group homes.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Requires the Health and Human Services Commission (HHSC) to conduct a study on state and local regulation of group homes.

(b) Requires that the study:

(1) identify and evaluate state laws relating to the regulation of group homes, including:

(A) an assisted living facility, as defined by Section 247.002 (Definitions), Health and Safety Code;

(B) a boarding home facility, as defined by Section 260.001 (Definitions), Health and Safety Code; and

(C) a community home, described by Chapter 123 (Community Homes for Persons With Disabilities), Human Resources Code;

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

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

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

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

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

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

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

(9) evaluate whether Section 260.011 (Exclusion Prohibited), Health and Safety Code, which prohibits a county or municipality from excluding boarding home facilities from residential areas by zoning and similar regulations, prevents certain counties and municipalities from regulating boarding home facilities.

(c) Requires HHSC, not later than December 1, 2022, to prepare a written or electronic report that includes a summary of the results of the study conducted under this section and any legislative recommendations based on the study and submit the report to the governor, lieutenant governor, speaker of the Texas House of Representatives (house), and members of the standing committees of the Texas Senate and the house with jurisdiction over HHSC.

SECTION 2. Effective date: September 1, 2021.