

## **BILL ANALYSIS**

Senate Research Center

S.B. 500  
By: Miles  
Health & Human Services  
6/8/2021  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 500 amends the Health and Safety Code to add Section 260.0051, which creates a Class B misdemeanor offense for operating a boarding home facility under Chapter 206, Health and Safety Code, without the required local permit from the applicable municipality or county.

"Rogue" or unlicensed group homes pose a serious threat to some of the most vulnerable Texans. State law currently allows cities and counties to require boarding home facilities to obtain a local permit. However unpermitted, or "rogue," facilities are prevalent in many large counties as well as counties adjacent to large counties. The current penalty for operating an unpermitted facility is a Class C misdemeanor.

The current penalty is problematic for law enforcement when attempting to obtain warrants against these unpermitted facilities. The Houston Police Department Boarding Home Enforcement Unit reports regular difficulty when trying to obtain warrants for Class C misdemeanors because judges are sometimes apprehensive to issue warrants for such low level offenses.

S.B. 500 addresses this issue and recognizes the seriousness and danger posed by unpermitted and rogue boarding home facilities. Last year, in unincorporated Harris County, almost 40 individuals were found living in a three bed, one bathroom house in unsanitary and dangerous conditions. Allegations of abuse, neglect, prostitution, and other crimes at this location are currently under investigation. The operator of this location also operated another two homes, and industry participants recognize the prevalence of the problem. The Harris County Sherriff maintains a list of around 140 of these unpermitted facilities in unincorporated Harris County, with some locations receiving over three dozen law enforcement calls per year. S.B. 500 helps law enforcement access these homes to ensure protection of the most vulnerable Texans.

(Original Author's/Sponsor's Statement of Intent)

S.B. 500 amends current law relating to creating the criminal offense of operating a boarding home facility without a permit and to a study regarding the 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. Amends Chapter 260, Health and Safety Code, by adding Section 260.0051, as follows:

Sec. 260.0051. CRIMINAL PENALTY. (a) Provides that this section applies only to a county or municipality that requires a person to obtain a permit to operate a boarding home facility as authorized by Section 260.004 (Local Regulation).

(b) Provides that a person commits an offense if the person operates a boarding home facility without a permit in a county or municipality to which this section applies.

(c) Provides that an offense under this section is a Class B misdemeanor.

SECTION 2. (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) a boarding home facility, as defined by Section 260.001 (Definitions), Health and Safety Code; and

(B) 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 3. Effective date: September 1, 2021.