

BILL ANALYSIS

Senate Research Center
87R4627 EAS-D

S.B. 500
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Health & Human Services
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As Filed

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.

As proposed, S.B. 500 amends current law relating to creating the criminal offense of operating a boarding home facility without a permit in certain counties and municipalities.

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. Effective date: September 1, 2021.