87R12506 EAS-F

By:  Miles S.B. No. 1871

A BILL TO BE ENTITLED

AN ACT

relating to penalties for violating certain county and municipal regulations regarding the operation of a boarding home facility; imposing a civil penalty; creating a criminal offense.

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

SECTION 1.  The heading to Section 260.005, Health and Safety Code, is amended to read as follows:

Sec. 260.005.  PERMIT PROCEDURES; FEES[~~; FINES~~].

SECTION 2.  Sections 260.005(b) and (c), Health and Safety Code, are amended to read as follows:

(b)  A county or municipality that requires a person to obtain a boarding home facility permit as authorized under Section 260.004 may set reasonable fees for issuance of the permit, renewal of the permit, and inspections [~~and may impose fines for noncompliance with the county or municipal boarding home facility regulations~~]. The fees collected [~~and fines imposed~~] by the county or municipality must be used to administer the county or municipal permitting program or for other purposes directly related to providing boarding home facility or other assisted living services to elderly persons and persons with disabilities.

(c)  A person required to obtain a boarding home facility permit from a county or municipality as authorized under Section 260.004 shall pay all [~~any~~] fees required [~~or fines imposed~~] by the county or municipality.

SECTION 3.  Chapter 260, Health and Safety Code, is amended by adding Sections 260.0051 and 260.0052 to read as follows:

Sec. 260.0051.  CIVIL PENALTIES. (a) 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.

(b)  A person who violates a county or municipal boarding home facility regulation is liable for a civil penalty of not more than $1,000 for each violation. Each day a violation continues is considered a separate violation for purposes of assessing the civil penalty.

(c)  A municipality or county may bring suit in a district court to recover a civil penalty authorized by Subsection (b).

(d)  The appropriate attorney representing the county or municipality in the district court may seek injunctive relief to prevent the violation or threatened violation of a county or municipal boarding home facility regulation.

Sec. 260.0052.  CRIMINAL OFFENSE. (a) 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.

(b)  A person commits an offense if the person owns or operates a boarding home and intentionally or knowingly violates a county or municipal boarding home facility regulation.

(c)  An offense under this section is:

(1)  a misdemeanor punishable by:

(A)  a fine not to exceed $500; or

(B)  confinement in jail for a term not to exceed one day; or

(C)  both the fine and confinement;

(2)  a Class B misdemeanor if it is shown on the trial of the offense that the defendant has been previously convicted under this section two times; or

(3)  a Class A misdemeanor if it is shown on the trial of the offense that the defendant has been previously convicted under this section three or more times.

SECTION 4.  The change in law made by this Act applies to a violation of a county or municipal boarding home facility regulation that occurs on or after the effective date of this Act. A violation that occurs before the effective date of this Act is governed by the law in effect on the date the violation occurred, and the former law is continued in effect for that purpose.

SECTION 5.  This Act takes effect September 1, 2021.