

By: Miles

S.B. No. 1871

A BILL TO BE ENTITLED

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

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

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

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

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

11 (b) A county or municipality that requires a person to
12 obtain a boarding home facility permit as authorized under Section
13 260.004 may set reasonable fees for issuance of the permit, renewal
14 of the permit, and inspections [~~and may impose fines for~~
15 ~~noncompliance with the county or municipal boarding home facility~~
16 ~~regulations~~]. The fees collected [~~and fines imposed~~] by the county
17 or municipality must be used to administer the county or municipal
18 permitting program or for other purposes directly related to
19 providing boarding home facility or other assisted living services
20 to elderly persons and persons with disabilities.

21 (c) A person required to obtain a boarding home facility
22 permit from a county or municipality as authorized under Section
23 260.004 shall pay all [~~any~~] fees required [~~or fines imposed~~] by the
24 county or municipality.

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

3 Sec. 260.0051. CIVIL PENALTIES. (a) This section applies
4 only to a county or municipality that requires a person to obtain a
5 permit to operate a boarding home facility as authorized by Section
6 260.004.

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

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

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

18 Sec. 260.0052. CRIMINAL OFFENSE. (a) This section applies
19 only to a county or municipality that requires a person to obtain a
20 permit to operate a boarding home facility as authorized by Section
21 260.004.

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

25 (c) An offense under this section is:

26 (1) a misdemeanor punishable by:

27 (A) a fine not to exceed \$500; or

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

3 (C) both the fine and confinement;

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

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

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

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