



BOARDING HOME FACILITIES REPORT

Report to the Texas Legislature

**As Required by
H. B. 216, 81st Legislature, Regular Session, 2009**



by the:
**Texas Health and Human Services Commission
in coordination with the
Texas Department of Aging and Disability Services**

December 2012

Table of Contents

Background-----	page 1
DADS Activities-----	page 3
Local Government Activities and Reports-----	page 3

Background

In compliance with H.B. 1168, 80th Legislature, Regular Session, 2007, the Texas Health and Human Services Commission (HHSC) contracted with Health Management Associates (HMA) to develop methods for regulating boarding homes, including recommendations on clarifying the authority of and granting additional authority to counties and municipalities to establish health and safety standards for boarding homes.

The HMA report was submitted to HHSC on December 16, 2008, and forwarded to the Governor and the Texas Legislature in January 2009. The report included 14 recommendations to strengthen housing options, improve enforcement and monitoring, and increase education regarding boarding homes.

H.B. 216, 81st Legislature, Regular Session, 2009, amended the Texas Health and Safety Code by adding Chapter 254 governing boarding home facilities, re-designated as Chapter 260, effective September 1, 2011. Section 260.003 requires the executive commissioner of HHSC to develop and publish model standards for the operation of a boarding home facility and specifies that these standards must address elements including construction, fire safety, sanitary conditions, reporting and investigation of injuries and incidents, staff education, and assessment of residents.

As required by H.B. 216, HHSC formed an interagency workgroup and drafted model standards. These standards were released to stakeholders for review and comment, and a public hearing was held in February 2010. After approval of a final version of the model standards by the executive commissioner of HHSC, the standards were published in the August 27, 2010, issue of the *Texas Register*.

Section 260.004 provides that, “A county or municipality may require a person to obtain a permit from the county or municipality to operate a boarding home facility within the county’s or municipality’s jurisdiction. A county or municipality may adopt the standards developed by the executive commissioner under Section 260.003 and require a boarding home facility that holds a permit issued by the county or municipality to comply with the adopted standards.”

If a county or municipality chooses to adopt the standards developed by HHSC, then, as provided by Section 260.010(a), not later than September 30th of each year after the standards are adopted, the county or municipality must submit a report to HHSC that includes:

- the total number of boarding home facilities permitted during the preceding state fiscal year;
- the number of active permits;
- the total number of residents in each boarding home facility; and
- the total number of inspections conducted of boarding home facilities.

HHSC is required under Section 260.010(b) to compile and maintain any reports submitted by a county or municipality and to report that information to the Legislature not later than January 1st of each odd-numbered year.

Following publication of the model standards, HHSC delegated to the Department of Aging and Disability Services (DADS) responsibility for:

- informing counties and municipalities about the model standards;
- making these standards readily available;
- alerting counties and municipalities who choose to adopt the model standards of the obligation to submit annual reports;
- creating a mechanism for submitting these reports;
- compiling any reports submitted by counties or municipalities; and
- submitting the compiled report through HHSC in a biennial report to the Legislature.

DADS Activities

In January 2011, DADS created a webpage that includes links to the statute, the model standards, required Legislative reports, and the DADS mailbox address for questions regarding the Texas Boarding Home Model Standards. The link to this webpage is <http://www.dads.state.tx.us/boardinghomes/index.html> .

In order to inform local governments about the model standards and reporting requirements, DADS conducted ongoing outreach to local governments through the Texas Municipal League, the Texas Association of Counties, the Conference of Urban Counties, and with individual municipalities and counties. As DADS became aware, we contacted government entities adopting or considering the adoption of boarding home standards.

At the time of the previous report dated December 2010, no local governments had adopted the model standards. Since that time four government entities have adopted the model standards, and others report they are actively considering local boarding home ordinances that may include adoption of the model standards.

Local Government Activities and Reports

City of El Paso

On June 7, 2011, the El Paso City Council adopted an ordinance regulating boarding homes within the city limits of El Paso, effective July 1, 2011. The El Paso ordinance substantially adopts the model standards, including the requirement to report permitting activity to HHSC by September 30th of each year.

The El Paso ordinance may be accessed at the following link, under Title 5, Business License and Permit regulations, Chapter 5.07-Boarding Home Facilities:
<http://library.municode.com/index.aspx?clientId=16180>

On September 29, 2011, the city of El Paso submitted its first report to HHSC through DADS, three months after adopting the ordinance. As such, its report contained minimal information.

On August 28, 2012, the city of El Paso submitted its second report for the time frame July 1, 2011, through August 31, 2012. The report contained the following information as required by the Texas Health and Safety Code, Section 260.010:

- Total number of boarding home facilities permitted during the preceding state fiscal year (75);
- Total number of active permits (75);
- Total number of residents in each boarding home facility (the report included the number of residents within each facility for a total of 478);
- Total number of inspections conducted at each boarding home by the city (average number of inspections per boarding home was 2.13; total number of inspections conducted for all boarding homes was 160); and
- Permit activity (no permits were revoked or suspended; five requests were denied).

City of Dallas

On June 27, 2012, the Dallas City Council passed ordinance number 28706 to add Chapter 8A, “Boarding Home Facilities” to the Dallas City Code and amended Chapter 33 “Personal Care Facilities” of the Dallas City Code. The ordinance went into effect on October 1, 2012, and substantially adopts the model standards, including the requirement to report permitting activities to HHSC by September 30th of each year.

The Dallas City Council Resolution and Ordinance 28706 can be accessed at the following link: <http://www.ci.dallas.tx.us/cso/resolutions/2012/06-27-12/12-1719.PDF>

On September 30, 2012, Dallas submitted its report. Because the ordinance did not go into effect until October 1, 2012, the report noted that permitting activity was not applicable for this year’s report.

City of Brenham

On September 6, 2012, the Brenham City Council passed Boarding Home Ordinance O-12-021. The ordinance went into effect on September 22, 2012. The ordinance substantially tracks the model standards, including the requirement to report permitting activities to HHSC by September 30th of each year. Brenham city officials provided DADS with a copy of the ordinance and minutes from council meetings when boarding home regulation was discussed. In accordance with the Texas Health and Safety Code and the Brenham city ordinance, Brenham will submit a report in 2013.

Ordinance O-12-021 amends the Brenham Code of Ordinances as Chapter 16, Article III, Sections 16-50 - 16.71. The Code of Ordinances can be accessed at the following link: <http://cityofbrenham.org/admin/ordinances.php>

City of San Antonio

On December 13, 2012, the San Antonio City Council passed an ordinance (city council agenda item #9) regulating boarding homes. The ordinance includes provisions of the model standards including the requirement to report permitting activities to HHSC by September 30th of each year. The ordinance goes into effect on March 1, 2013.

DADS will continue to monitor boarding home permitting activities by local governments and provide ongoing outreach and assistance as requested.