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

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Background

In compliance with H.B. 1168, 80th Legislature, Regular Session, 2007, 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. Chapter 254.003 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.

Chapter 254.004 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 254.003 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 Chapter 254.010(a), not later than September 30 of each year after the standards are adopted, the county or municipality must submit a report to HHSC that must include:

- 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 Chapter 254.010(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 1 of each odd-numbered year.

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.
**Current Status**

Following publication of the model standards, HHSC delegated to the DADS the responsibility to inform counties and municipalities about the model standards, make these standards readily available, alert counties and municipalities who choose to adopt the model standards of the obligation to submit annual reports, create a mechanism for submitting these reports, compile any reports submitted by counties and municipalities and submit the compiled reports in a biennial report to the Legislature.

DADS created a webpage on its website that includes links to the statute, the model standards as found in the *Texas Register* and instructions to counties and municipalities on how to submit reports to DADS.

The model standards were formally published on August 27, 2010. No counties or municipalities had adopted the model standards before the end of the state fiscal year, August 31, 2010. Had any counties or municipalities adopted the model standards by that date, they would have been required to report that to the state by September 30, 2010. To date, neither HHSC nor DADS has received any reports nor are we aware of any counties or municipalities that have adopted the standards since that date. Consequently, DADS has no reports from local governments to include in this report. As required by statute, DADS will collect and maintain any reports submitted during the next biennium and include this information in the next report which will be due no later than January 1, 2013.