

## **BILL ANALYSIS**

Senate Research Center  
87R12511 MCF-D

S.B. 1630  
By: Miles  
Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Chapter 260 of the Health and Safety Code authorizes counties and cities to locally regulate boarding home facilities. These are defined as establishments that furnish lodging to three or more persons with disabilities or elderly persons who are unrelated to the owner of the establishment, and provide assistance, but not personal care services.

However, many cities and counties, both rural and urban, are plagued with unscrupulous boarding home operators who evade local regulation and operate without oversight while having control over some of Texas's most vulnerable residents. The Harris County Sherriff's Office (HCSO) estimates at least 140 such facilities operate in unincorporated Harris County alone. The Houston Police Department and HCSO each maintain full time boarding home enforcement units.

In September of 2020, a 911 response to one of these rogue boarding homes in Harris County revealed that a three bedroom, one bathroom, single family residence was housing almost 40 individuals in squalid conditions. From gaping wounds, to obviously apparent neglect, and even allegations of coerced sexual acts and position, the boarding home was unacceptable.

As a result of investigation into this issue, it became apparent that the operator and employees of the group home were criminals. S.B. 1630 addresses this by requiring group home owners and operators to obtain criminal history background checks on employees and not hire anyone with any offense above a Class C misdemeanor on their record. The bill also creates a Class A misdemeanor offense for group home owners or operators that employ individuals with criminal histories.

As proposed, S.B. 1630 amends current law relating to criminal history record information checks for applicants for employment and employees of group homes and creates a criminal offense.

### **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 Subtitle A, Title 9, Health and Safety Code, by adding Chapter 769, as follows:

#### **CHAPTER 769. REGULATION OF CERTAIN GROUP HOMES**

Sec. 769.001. DEFINITIONS. Defines "group home" and "residential care services."

Sec. 769.002. EMPLOYEES AND APPLICANTS CONVICTED OF CERTAIN OFFENSES; CRIMINAL PENALTY. (a) Requires an owner or operator of a group home to obtain criminal history record information maintained by the Department of Public Safety of the State of Texas that relates to an individual who is an applicant for employment with or an employee of the group home.

(b) Prohibits an owner or operator of a group home from hiring or continuing to employ an individual for whom the owner or operator obtains criminal history record information on the employee's or applicant's conviction of an offense that is a Class A or B misdemeanor or a felony.

(c) Provides that an owner or operator who violates Subsection (b) commits an offense. Provides that an offense under this section is a Class A misdemeanor.

SECTION 2. Makes application of Section 769.002, Health and Safety Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2021.