

**CHAPTER 303**

**S.B. No. 940**

An Act relating to the requirements and standards for and location of family homes for disabled persons.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1. SHORT TITLE.** This Act may be cited as the Community Homes for Disabled Persons Location Act.

**SECTION 2. DEFINITIONS.** In this Act:

- (1) "City" includes any incorporated city or town, including a home-rule city.
- (2) "Department" means the Texas Department of Mental Health and Mental Retardation.
- (3) "Disabled person" means a person who has a physical or mental impairment, or both, that substantially limits one or more major life activities.
- (4) "Family home" means a community-based residential home operated by:
  - (A) the department;
  - (B) a community center organized under Section 3.01, Texas Mental Health and Mental Retardation Act (Article 5547-203, Vernon's Texas Civil Statutes), which provides services to disabled persons;
  - (C) a nonprofit corporation; or
  - (D) an entity certified by the Texas Department of Human Resources as a provider under the intermediate care facilities for the mentally retarded program.
- (5) "Major life activity" means caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working.
- (6) "Nonprofit corporation" means an entity subject to the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes).

(7) "Permitted use" means a use by right that is authorized in all residential zoning districts in this state.

(8) "Physical or mental impairment" means orthopedic, visual, speech, or hearing impairments, Alzheimer's Disease, Pre-senile Dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, autism, or emotional illness.

**SECTION 3. FAMILY HOME REQUIREMENTS.** (a) To qualify as a family home under this Act, a home must comply with this section.

(b) Not more than six disabled persons, regardless of their legal relationship to one another, and two supervisory personnel may reside in a family home at the same time.

(c) A family home must provide to the disabled residents the following services:

- (1) food and shelter;
- (2) personal guidance;
- (3) care;
- (4) habilitation services; or
- (5) supervision.

(d) A family home must meet all applicable licensing requirements.

(e) A family home may not be established within one-half mile of a previously existing family home.

**SECTION 4. FAMILY HOMES AS PERMITTED USES.** In all residential zones or districts in this state, a family home that meets the requirements of this Act is a permitted use. However, the residents of such home may not keep, on the premise of the home or on the public rights-of-way adjacent to the home, more than one motor vehicle per bedroom for the use of the residents of the home unless otherwise provided by city ordinance.

**SECTION 5. EXCLUSION BY PRIVATE AGREEMENT PROHIBITED.** Any restriction, reservation, exception, or other instrument created or amended on or after September 1, 1985, that relates to the transfer, sale, lease, or use of property may not prohibit the use of the property as a family home.

**SECTION 6. EFFECTIVE DATE.** This Act takes effect September 1, 1985.

**SECTION 7. EMERGENCY.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on May 2, 1985, by a viva-voce vote; Senate concurred in House amendments on May 27, 1985, by a viva-voce vote; passed the House, with amendments, on May 21, 1985, by a non-record vote.

Approved: June 7, 1985

Effective: September 1, 1985