

CHAPTER 574

H.B. No. 168

AN ACT

relating to personal care homes and lodging homes for senior citizens or disabled persons.

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

SECTION 1. The Board and Lodging Home Registration Act is adopted to read as follows:

Sec. 1. DEFINITIONS. In this Act:

(1) "Board and lodging home for senior citizens or disabled persons" means an establishment that provides room and board to a total of four or more senior citizens or disabled persons unrelated to the proprietor.

(2) "Senior citizen" means a person 60 years of age or older.

(3) "Disabled person" means a person who has a physical or mental impairment that substantially limits one or more major life activities.

(4) "Department" means the Texas Department on Aging.

Sec. 2. REGISTRATION. Each board and lodging home for senior citizens or disabled persons under this Act must register annually with the department.

Sec. 3. FEE. The department may set and charge a fee for registering a board and lodging home for senior citizens or disabled persons. The fee must be in an amount necessary to cover the costs of administering this Act, not to exceed \$15.

Sec. 4. REGISTRY. (a) The department shall establish a registry of board and lodging homes for senior citizens or disabled persons. The registry shall include the name and ownership of the facility, location and mailing address of the facility, the phone number, whether or not the facility is receiving state or federal subsidies, the number of people currently housed, and the total capacity.

(b) The department shall make the registry available to the public, the Texas Department of Mental Health and Mental Retardation, the Texas Department of Human Services, and the Texas Department of Health.

(c) Not later than March 1, 1988, the department shall promulgate reasonable rules and regulations regarding requirements for the registering of board and lodging homes through the rulemaking process.

(d) The department shall provide an ongoing method to educate and inform the public as to the registration process and the definition of a registered board and lodging home.

Sec. 5. ADVERTISING OF BOARD AND LODGING HOMES. As of the effective date of registration set by this Act, any print or broadcast advertisement for a board and lodging home for senior citizens or disabled persons that uses the phrase "registered board and lodging home" must contain a provision in the same size type or voice stating:

"This home is registered with the Texas Department on Aging, but is not inspected, licensed, or otherwise regulated by the State of Texas."

SECTION 2. By March 1, 1988, the Texas Department of Health shall also review the role and scope of personal care homes by surveying the number of such facilities and nature of the personal care market.

SECTION 3. The intent of this legislation is to encourage the development within the private and public sectors of innovative housing options for the changing needs of senior citizens and disabled citizens of Texas and to assess the nature and number of facilities available.

SECTION 4. This Act takes effect September 1, 1987. The board and lodging homes are required to be registered by September 1, 1988.

SECTION 5. 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 by the House on May 7, 1987, by a non-record vote. Passed by the Senate on May 25, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 18, 1987.

Effective Sept. 1, 1987.