UNLICENSED BOARDING HOME REGISTRATION ORDINANCE

Presented By:

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Executive Assistant Chief Houston Police Department

and

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First Assistant City Attorney Legal Department

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BOARDING HOME - UNLICENSED

- Establishment **that furnishes** in one or more buildings, lodging to **three or more** persons with **disabilities or elderly persons** who are unrelated to the owner of the establishment by blood or marriage; **and**....

- **Provides** – community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services **or assistance with self-administration of medication** but **does not provide personal care services** to persons
As of March 2013 we have identified **441** Boarding Homes

Locations are transient – move to stay under radar

Boarding home locations accounted for **1,386** calls for service to HPD in 2012

**35** locations (8%) accounted for **45%** of calls
WHAT WE FIND AT THE WORST LOCATIONS

- Residents are adversely affected by:
  - Physical condition of residence
  - Lack of training on part of staff
  - Lack of basic care - monitoring of medication etc.

- Residents treated as property – they are a commodity to owners

- Social Security and Food Stamp diversion and fraud

- Residents locked into facility, illegal restraint

- Residents put out on street without medications for no reason

- Psychological as well as physical abuse and neglect
HPD GOALS

• Improve quality of care and living conditions for residents through enforcement of existing city of Houston Ordinances

• Decrease potential for residents and employees to be victims of fraud, violence, abuse and neglect

• Provide transparency
  • Identify locations in dispatch computers
  • Identify locations for disaster response (Hurricane)
ABILITY TO REGULATE

- House Bill 216, 81st Legislature Regular Session 2009
  - Allows local municipalities to regulate boarding homes

- Currently the following cities have passed ordinances:
  - El Paso
  - Dallas
  - San Antonio
<table>
<thead>
<tr>
<th>San Antonio (200 Homes)</th>
<th>Dallas (200-250 Homes)</th>
<th>El Paso (25 Homes)</th>
<th>Houston (400+ homes)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cost to City Budget</strong></td>
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<td><strong>Building Permitting Dept. Charges set fees</strong></td>
<td><strong>ARA cost $50,000 (1 employee)</strong></td>
</tr>
<tr>
<td>$750,000 (200,000 Relocation fund)</td>
<td>$1,000,000 +</td>
<td>according to inspection rates for each</td>
<td></td>
</tr>
<tr>
<td>Funded through General Fund.</td>
<td>$200,000 Revenues from Fees</td>
<td></td>
<td></td>
</tr>
</tbody>
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<thead>
<tr>
<th>Requirements</th>
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<tbody>
<tr>
<td><strong>Annual inspection</strong></td>
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<td><strong>Annual Registration</strong></td>
</tr>
<tr>
<td><strong>Arc-Fault circuit interrupts to prevent fire</strong></td>
<td><strong>Follow HB 216 Model Standards</strong></td>
<td><strong>Does not follow HB 216</strong></td>
<td><strong>Criminal Background Check $42.00</strong></td>
</tr>
<tr>
<td><strong>Sprinklers- (Cost upward 5000.00)</strong></td>
<td><strong>Criminal Background Check - $42.00</strong></td>
<td><strong>Done through Building Inspection Department.</strong></td>
<td><strong>Enforcement of current Code of City Ordinances</strong></td>
</tr>
<tr>
<td><strong>Carbon Monoxide Detectors</strong></td>
<td><strong>Criminal Background Check - $42.00</strong></td>
<td><strong>Done through Building Inspection Department.</strong></td>
<td><strong>Reporting of deaths and crime</strong></td>
</tr>
<tr>
<td><strong>Fire Safeguards</strong></td>
<td><strong>Criminal Background Check - $42.00</strong></td>
<td><strong>Done through Building Inspection Department.</strong></td>
<td><strong>Keeping of records</strong></td>
</tr>
<tr>
<td><strong>$25 Food Handlers Permit</strong></td>
<td><strong>Criminal Background Check - $42.00</strong></td>
<td><strong>Done through Building Inspection Department.</strong></td>
<td><strong>Administrative fee $26.42</strong></td>
</tr>
<tr>
<td><strong>Rules to prevent overcrowding</strong></td>
<td><strong>Done through Building Inspection Department.</strong></td>
<td><strong>Done through Building Inspection Department.</strong></td>
<td><strong>Done through Building Inspection Department.</strong></td>
</tr>
<tr>
<td><strong>Adherence to property Maintenance Code</strong></td>
<td><strong>Done through Building Inspection Department.</strong></td>
<td><strong>Done through Building Inspection Department.</strong></td>
<td><strong>Done through Building Inspection Department.</strong></td>
</tr>
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<td><strong>Staff Training</strong></td>
<td><strong>Done through Building Inspection Department.</strong></td>
<td><strong>Done through Building Inspection Department.</strong></td>
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<td><strong>Criminal Background Checks $42.00</strong></td>
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<tr>
<th>Fee- $1000.00</th>
<th>Fee- $500.00</th>
<th>Fee- $350 - $500.00</th>
<th>Fee- $125.00</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>City has Zoning</strong></td>
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<td><strong>City has Zoning</strong></td>
<td><strong>No Zoning</strong></td>
</tr>
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<td><strong>Permitting Inspection</strong></td>
<td><strong>Permit</strong></td>
<td><strong>Annual Fire Inspection</strong></td>
<td><strong>No Inspection at this time - reactive investigations</strong></td>
</tr>
<tr>
<td><strong>Annual Renewal Inspection</strong></td>
<td><strong>Annual Renewal Inspection</strong></td>
<td><strong>Annual Kitchen Inspection</strong></td>
<td><strong>Annual inspection of liquefied petroleum gas systems</strong></td>
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<td><strong>Annual inspection of liquefied petroleum gas systems</strong></td>
<td><strong>Annual inspection to determine compliance with</strong></td>
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<td><strong>Annual Kitchen inspection</strong></td>
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<td><strong>Annual inspection to determine compliance with</strong></td>
<td><strong>property maintenance code and zoning code</strong></td>
</tr>
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<td><strong>Reinspection fee $51.50 per hour per inspector.</strong></td>
<td><strong>Gas Pipe Pressure test every 3 years</strong></td>
<td><strong>Annual inspection to determine compliance with</strong></td>
<td><strong>property maintenance code and zoning code</strong></td>
</tr>
</tbody>
</table>
PROPOSED ORDINANCE REQUIREMENTS

• Registration – specific information will be submitted to the Administration and Regulatory Affairs Department annually.

• Principle Information Requirements:
  • Name, address, Texas Drivers License for owner and operator
  • Name of Boarding Home
  • General description of Services
  • Bed capacity and anticipated use
  • Security and residential monitoring plans
PROPOSED ORDINANCE REQUIREMENTS

• Principle Information Requirements Cont’d:
  • Telephone number for Boarding Home
  • Dates for acquisition of facility and start of operation or anticipated start date
  • Owner, operator, employees subject to criminal history checks (private vendor – D.P.S. approved)
  • Statement by operator the Boarding Home is in full compliance with Chapter 325 of the Texas Health and Safety Code
PROPOSED ORDINANCE REQUIREMENTS

• Principle Information Requirements Cont’d:
  • Keep records for review, inclusive of:
    • Staffing, shift assignments, resident service agreements signed by each resident or their legal representative, cost of services, name of each resident, personal identifier information, contact information for resident’s legal representative, if any – all maintained for a period of 5 years
  • Requirement to report criminal activity and deaths
• Principle Information Requirements Cont’d:

• Monitoring and enforcement- HPD Mental Health Division

• Subject to inspections, surveys, or investigation to assure compliance with ordinance and to protect the health, safety, or welfare of the residents of a Boarding Home

• May be assisted by representatives from Fire, Public Works and Engineering, Health and Human Services, and Neighborhood Departments or

• Other city agencies or entities with appropriate jurisdiction over matters affecting the health, safety, or welfare of Boarding Home residents
PROPOSED ORDINANCE REQUIREMENTS

• Principle Information Requirements Cont’d:

  • During the course of any inspection, the owner, operator, and any employee of the Boarding Home facility shall be required to identify themselves and provide documentation of their identify upon request.
Boarding Home Investigations
Senior Police Officer D.J. Anders
Houston Police Department Mental Health Division
150 Chenevert Suite 200, Houston, Texas 77002  832. 394. 4200