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## Recent boarding home deaths show how Houston grapples with complex housing issue

By Julian Gill

Labwana Jackson said she simply wanted to help people stay off the street when she opened her boarding home about five months ago in south Houston.

She operated a second boarding home close by, authorities say, but didn't get the required permits to run such facilities for people who need mental health or physical care.

The deaths of two residents — one from an overdose and one after a fight — in the past six months have prompted intense scrutiny from authorities of two boarding houses that Jackson is connected to. Houston police issued more than 30 Class C misdemeanor citations to Jackson for lacking permits, and investigators are looking into whether Jackson operates any additional boarding homes in Houston.

"I'm not a troublemaker," Jackson said. "I try to take care of people ... Some of these (residents) don't even have families. I spend Thanksgiving with these people."

Jackson is one of an unknown number of boarding home owners who had been operating without local oversight, even after Houston city leaders approved stricter permitting and inspection requirements last year. The new ordinance followed several fatal fires in unregulated and unsafe multi-residential housing facilities in 2017. A [Houston Chronicle investigation](#) found that the city provided little scrutiny, spotty inspections and inadequate enforcement of regulations at the facilities.

### Local ordinance

Previously, homeowners had to register with the city and keep basic safety equipment on hand, such as fire extinguishers, first aid supplies and working smoke alarms. Boarding home owners also had to undergo a criminal background check. The new ordinance also requires they keep a roster with resident names, medical history and prescribed medication. It also requires first-year building code inspections, a certificate of occupancy, framed beds and annual life safety inspections.

Jackson's case shows progress in implementing the ordinance, as she could be required to close the homes and pay hefty fines for not meeting new requirements. It also reflects the complexities in regulating facilities that house vulnerable populations in the city.

The Public Safety and Homeland Security Committee is scheduled to discuss the progress of the ordinance April 18 at City Hall.

"I do think this is a good example of why it's so important that we have this ordinance in place, and that what the city said would happen in response to the ordinance is taking place," said Lara Cottingham, the chief of staff for the city's Administration & Regulatory Affairs office.

### **The new law**

Boarding homes are defined as facilities that provide lodging and personal care services to three or more people who are elderly or have disabilities.

The city ordinance, approved in March 2018, added teeth to existing regulations for boarding homes and other multi-residential facilities.

Previously, a local ordinance only required homeowners to register with the city and keep basic safety equipment on hand, such as fire extinguishers, first aid supplies and working smoke alarms. Boarding home owners also had to undergo a criminal background check.

The new ordinance adds several requirements. Owners are now supposed to keep a roster with resident names, medical history and prescribed medication. It also requires first-year building code inspections, a certificate of occupancy, framed beds and annual life safety inspections.

If home operators meet these requirements, they receive the necessary permit. If they continually refuse to comply, police can issue citations or the city can shut them down, Cottingham said.

"That was the big push—to have a permit," Cottingham said. "Because there were folks who failed fire inspections, didn't have appropriate building code requirements, and there was nothing the city could do (under the old law)."

### **Two deaths**

Police said Jackson leased both of her boarding homes within 2 miles of each other— one at 4633 Knoxville and the other at 5943 Southville.

Jackson said she doesn't operate the boarding home on Southville, but simply lives there with her husband and daughter.

An accidental death on November 18 brought police to the boarding home, however. Medical examiner records show Laurel Lee Nagle overdosed from a mixture of multiple drugs, including fentanyl and alprazolam, also known as Xanax.

Four residents lived there at one point, including people with disabilities, police said.

The following month, Houston police mental health officers visited the home and issued 17 citations for various building and fire code violations, as well as operating without a permit.

At Jackson's Knoxville home, resident Franklin Earl Thompson died March 2 after a fight with another resident. Houston police said they started investigating the death, but the Harris County Institute of Forensic Sciences has yet to determine the cause.

Police have declined to release information about the other man in the fight, citing the investigation.

At the time of the incident, police had already received a report that Jackson was operating the Knoxville home without permits. A nearby resident called the city's 311 number on Jan. 18 to report a "possible boarding home," Houston police spokesman Kese Smith said.

That day, officers went to the home and gave Jackson another 17 citations for operating the boarding home without a permit and without the requisite inspections. If she's found guilty, she could owe fines of up to \$2,000 each for some citations, particularly those involving building code violations, police said.

Smith said five people were living there at the time, including people with mental and physical disabilities.

### **Working with the owners**

Houston Police Officer Jason Llorente who works for the department's boarding home investigation division, said police didn't shut down the Knoxville home at the time because they wanted to work with Jackson to get the home up to code — a common practice under the new ordinance.

"There is a need for this type of care for people in the city of Houston," Llorente said. "Writing citations typically does work with the majority of the boarding homeowners ... It takes longer with others."

It's not clear whether adherence to the new law would have prevented the deaths.

The ordinance doesn't require Jackson to be on site at all times, and residents are free to come and go as they please, Llorente said. Jackson said she wasn't at the home when Thompson died. Most of the residents can take care of their own medical needs, she said.

The law was devised in response to deadly fires, but compliance creates an overall safer environment for residents who could be dealing with addiction or mental or physical disabilities, he said.

“When the clients are in the boarding home, provided with a nice and safe space, they’re generally happy, and you have less incidents that occur at the homes that are following the law and permitted,” he said.

### **A complex case**

In addition to stricter safety requirements, the city council also clarified the difference between boarding homes, lodging facilities, alternate housing and correctional facilities.

While boarding homes provide lodging for people with disabilities, lodging facilities simply house three or more unrelated people for compensation.

The difference between alternate housing facilities and correctional facilities is more specific.

Both provide housing for adults on some form of administrative release from a penal institution. Correctional facilities provide rehabilitation or training for residents, while alternate housing facilities only provide a living space for three or more adults on administrative release, according to the definition on the city website.

Each facility comes with its own set of requirements under the new ordinance.

Thompson, the man who died at Jackson’s boarding home on Knoxville, was on mandatory supervision with the Texas Department Criminal Justice at the time of his death, TDCJ spokesman Jeremy Desel said.

He had been reporting to his parole officer since May 2011 after serving time on a charge of aggravated sexual assault with a deadly weapon, according to TDCJ. He previously faced numerous assault and robbery charges in Harris County in the 1980s, records show. He was a lifetime registered sex offender, records show.

Thompson’s son, Michael Brown, and Cottingham questioned how he ended up in a facility without permits.

“I was wondering how he was even there,” Brown said, after learning that the home wasn’t permitted. “His parole officer accepted that, because she knew where he was.”

Desel confirmed that Thompson’s parole officer knew he was in the home and visited the location. However, the parole officer wasn’t checking to see whether the building met city requirements. Parole officers only check whether the home “fits the needs of the offenders,” Desel said.

“Various city permitting issues, with so many cities in Texas, aren’t something that we’re necessarily tasked with staying on top of,” he said. “Because every city has different rules and restrictions.”

If two other people on administrative release from TDCJ were living at the home, Jackson would need a permit to operate as an alternate housing facility, police said.

### **Unintended consequences**

Jackson said she first met Thompson at a hospital but couldn't remember who referred him to her home on Knoxville, and it's unclear how he ended up at the house following his release. Desel said there was no indication he violated the terms of his mandatory supervision.

Jackson said Thompson's death was a shock. They spoke often, and she occasionally took him to the hospital when he needed it, she said.

"Mr. Franklin was a good person," she said. "I never meant for him to get hurt."

Jackson said she also cared for Nagle, who had a long history of drug abuse before her death, according to Nagle's daughter, Jenifer Martin.

Martin said she only spoke to Jackson briefly on one occasion. Jackson appeared to take a genuine liking to her mother, and she told Martin she was trying to help with her drug addiction, Martin said.

"I have compassion because I know how difficult my mom was," Martin said. "She was maddening and caused so much trouble... and I could tell Labwana was upset. My mom was very difficult. Whatever she did while my mom was there, I completely believe she worked her tail off."

Martin said she couldn't speak to any of Jackson's violations. She believes Jackson's intentions were genuine.

"But you have to be responsible," Martin said.

<https://www.houstonchronicle.com/news/houston-texas/houston/article/Recent-boarding-home-deaths-show-how-Houston-13748531.php>