

SUBJECT: Restrictions on location of community homes

COMMITTEE: Human Services — favorable, without amendment

VOTE: 5 ayes — Hilderbran, Naishtat, Davila, McReynolds, Wohlgemuth
2 nays — Christian, Maxey
2 absent — Chavez, Krusee

SENATE VOTE: On final passage, February 26 — 31-0

WITNESSES: (*On House companion, HB 280*)
For — Marie Wisdom, Advocates for Nursing Home Reform; Scott Forbes, City of Houston; Alan Hardy, American Association for Retired Persons
Against — None

BACKGROUND : The Human Resources Code provides that a community home for disabled persons may not be established within one-half mile of an existing community home.

DIGEST: SB 316 would rephrase the statute to provide that establishment of a community home within one-half mile of an existing community home would be prohibited.

The bill would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

SUPPORTERS SAY: SB 316 is necessary to clarify the legislative intent of the statute. A federal court recently interpreted the provision as being permissive in nature, although the intent of the Legislature was to prohibit the establishment of a new community home within one-half mile of an existing community home. The purpose of this restriction was to integrate the disabled into community neighborhoods; having more than one community home within a half mile radius would defeat this intent. Furthermore, it is unlikely that very small rural towns would need more than one community home.

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OPPONENTS
SAY:

There are rural towns in Texas that are less than a mile in diameter that should not be under this restriction in case they needed more than one community home.