

- SUBJECT:** Requiring certain assisted living facilities to comply with fire regulations
- COMMITTEE:** Human Services — committee substitute recommended
- VOTE:** 5 ayes — Uresti, Naishtat, Wohlgemuth, Christian, Olivo
0 nays
4 absent — McCall, Miller, Reyna, Villarreal
- WITNESSES:** For — Narda Holland and Richard Ogrin, Methodist Retirement Communities
Against — None
- BACKGROUND:** Nursing homes and assisted living facilities are residences for people who cannot live in their own homes. Both types of facilities offer help with daily living activities, but nursing homes also offer more extensive medical care. Both types of facilities are licensed and regulated by the Texas Department of Human Services (DHS). Health and Safety Code, ch. 242 regulates nursing homes, and ch. 247 regulates assisted living facilities.
- Sec. 247.030 requires DHS to classify assisted living facilities. Type A and Type B facilities are classified according to the capability of residents to evacuate in an emergency. Type B facilities are classified as small if they house 16 or fewer residents and large if they house 17 or more. Assisted living facilities must comply with the National Fire Protection Association (NFPA) 101 construction code. DHS rules require large Type B facilities to meet additional construction standards specified in NFPA, ch. 12.
- DIGEST:** CSHB 2429 would require an existing building that was converted to a large Type B assisted living facility to conform to the edition of NFPA 101 that is designated by DHS.
- The bill would take effect September 1, 2003. An assisted living facility would not have to comply with its requirements before September 1, 2004.

SUPPORTERS SAY: CSHB 2429 would clarify that any existing building converted to a large Type B assisted living facility must comply with fire codes adopted by DHS. Currently, it is not clear that a converted facility must comply with the NFPA code the department has adopted. The NFPA code ensures that buildings are built in a manner that reduces fire hazards and other risks. Clarifying that converted facilities must comply with the code would help to ensure the safety of assisted living facility residents.

OPPONENTS SAY: Although requiring converted facilities to comply with fire codes is important, the filed version of HB 2429 would have done much more to protect elderly low-income Texans. In 2002, the U.S. Department of Housing and Urban Development announced the availability of \$50 million in grants to pay to convert existing public housing units into assisted living facilities. Most public housing units are wooden multistory buildings, housing elderly residents who would benefit from assisted living services. However, attempts to secure the federal money to convert these facilities in Texas have been stymied by DHS fire code regulations. Because of their size, the public housing units would be converted to large Type B facilities. Unfortunately, large Type B facilities must comply with NFPA, ch. 12, which prohibits multistory wooden buildings. Thus, efforts to use the federal money to convert public housing units have been stopped. The bill as introduced would have specified that Type A and Type B facilities only had to comply with NFPA, ch. 21, which allows multistory wooden buildings. This would have enabled the facilities to use the free federal grant funds. It is unlikely that CSHB 2429 would enable the facilities to take advantage of the federal money.

NOTES: As filed, HB 2429 would have required that Type A and Type B assisted living facilities conform to Chapter 21 of the 1988 edition of NFPA 101.