

SUBJECT: Creating the criminal offense of operating unpermitted boarding facility

COMMITTEE: Human Services — favorable, without amendment

VOTE: 6 ayes — Frank, Hull, Klick, Noble, Rose, Shaheen

0 nays

3 absent — Hinojosa, Meza, Neave

SENATE VOTE: On final passage, April 29 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — Mary McFaden, Harris County District Attorney’s Office
(*Registered, but did not testify*: Amanda Fredriksen, AARP; Guadalupe Cuellar, City of El Paso; Jamaal Smith, City of Houston, Office of the Mayor Sylvester Turner; Dennis Borel, Coalition of Texans with Disabilities; Tammy Narvaez, Harris County Commissioners Court; Greg Hansch and Matthew Lovitt, National Alliance on Mental Illness Texas; Patricia Ducayet, Office of the State Long-Term Care Ombudsman; Julie Wheeler, Travis County Commissioners Court; Thomas Parkinson)

Against — None

BACKGROUND: Concerns have been raised that it is difficult to enforce local permitting requirements regarding boarding home facilities due to the reluctance of some judges to issue warrants for what is often deemed a low-level offense. There have been calls to establish a clear criminal offense in statute for the operation of an unpermitted boarding home facility.

DIGEST: SB 500 would establish that a person committed a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000) if the person operated a boarding home facility without a permit in a county or municipality that required such a permit.

The bill would take effect September 1, 2021.