



Agenda Item 4

Discussion and action on a progress report on the development of regulations pertaining to boarding home facilities as allowed under the 2009 Texas legislative changes.



Summary, Current Code

Supplemental Standards, Section 20.10.450, Personal Care Facilities:

- Allowed in a residential home for no more than 4 persons. License required by City.
- Allowed in a commercial facility such as convalescent, nursing or rest home under the direction and supervision of licensed medical personnel for 4 or more unrelated recipients.



Definitions, Section 20.02.704 Personal care facility (residential or commercial):

"Personal care facility (residential or commercial)" means a facility which is not a family home, where room, board and personal care services are furnished for twenty-four hours a day to any personal care recipient who is unable to provide for his own personal needs without such assistance, whether or not the facility charges for the services it provides.



Definitions, Section 20.02.706 Personal care services:

"Personal care services" means services of a protective nature that are in excess of room and board. These services include, but are not limited to:

1. Assistance with meals, dressing, movement, bathing, or other personal needs or maintenance;
2. The administration of medication by a person licensed to administer medication or the assistance with or supervision of medication; or
3. General supervision or oversight of the physical and mental well-being of a person who needs assistance to maintain a private and independent residence in an assisted living facility or who needs assistance to manage the person's personal life, regardless of whether a guardian has been appointed for the person.



The Texas Legislature required the Health and Human Services Commission (HHSC) to develop model standards for the operation of boarding home facilities, with such standards to be adopted by September 1, 2010. A draft of the model standards was distributed to municipalities in December 2009 for review. Counties and municipalities that choose to require permits for boarding homes would be required to adopt these standards. The standards address:

- Construction and remodeling
- Sanitary and related conditions
- Reporting and investigation of accidents, injuries
- Establishment of procedures to ensure health and safety
- Self-administration of medication
- In-service education
- Criminal history record checks
- Monitoring of residents to ensure they do not require personal care services.

On February 1, 2010, Planning staff members met with staff from BP&I, Health, Fire and City Attorney's office to review the draft of the model standards. Staff had many issues with the proposed standards, and also a concern with the cost of enforcement of standards for which the City is not currently responsible. Lupe Cuellar prepared a response to the State based on staff comments.



Proposed Texas Boarding Home Model Standards

Definitions:

- Boarding home facility is an establishment that provides lodging to 3 or more persons with disabilities or elderly who are unrelated to the owner and provides meals, housekeeping, laundry and assistance with medication but does not provide personal care services.
- Personal care services are assistance with eating, dressing, lifting or transferring, bathing or other personal needs or maintenance.
- *Boarding home facility* not listed as a permitted use in the City Code



Proposed changes to El Paso Zoning Code, pending State action on Model Standards:

- Add boarding home facility definition to coincide with State definition.
- Change supplemental standards under Personal Care Facilities to only include commercial facilities that provide medical supervision.
- Add supplemental standards for a *boarding home facility* as an establishment providing care to 3 or more persons that does not provide personal care services, subject to operational standards as set by the State and the City, and requiring a Special Permit to operate in Residential zones.
- Develop new permitted use that consolidates boarding, rooming, lodging house uses to try to eliminate possible confusion between *boarding house* and *boarding home facility*.



Proposed changes, continued

Develop hierarchy of facilities:

- Home occupation, up to 2 persons, permitted in R districts
- Boarding home facility, 3 or more persons, permitted by Special Permit in R districts
- Commercial facilities--convalescent, nursing, rest home, permitted by Special Permit in R districts
- Adult day care, permitted by Special Permit in A districts
- Review uses of “family home” and “congregate home” as these may no longer be used by the State



- Currently 107 businesses are licensed by the City as “Adult Care Facilities.”

