

# Boarding Home Regulation Ordinance

## Community Meetings, Claude Black and Lopez Senior Centers, November 13

### Summary of Community Questions & Concerns

#### Questions:

1. Will background checks be local, state or federal searches? What type of background check will be conducted?

The background checks will be conducted at the local, state, and federal level. They will be processed through the City of San Antonio Police Department.

2. If a facility has a grandfathered Certificate of Occupancy and a new owner takes control of the property, will the grandfathered regulations or new regulations apply?

The grandfathered requirements will apply to the structure, as long as nothing has changed. However, the new owner will have to obtain a new permit and cannot begin operations until this is completed.

3. How long will owner trainings be? Hours, days or weeks?

The curriculum has not been finalized, but will likely take half a day.

4. How will the city ensure that the assessments are being done correctly?

There are multiple ways the City will ensure that assessments are being done correctly. The City of San Antonio will keep records of all the assessments completed by the owner, which will be reviewed by the team. City inspections will include a thorough search of the premises by a team from the City's Fire, Health, Human Services, and Development Services Departments to check for specific code compliance, as well as a general review for safety, health and well-being issues that stand out and may endanger residents but might not necessarily be locally codified. These issues will be reported to the appropriate government agency.

5. Will there be scheduled inspections or random inspections?

Staff will conduct both scheduled inspections and random inspections throughout the year.

6. What does 24-hour supervision mean? Is it a 24-hour presence between both the owner and a supervisor? Does someone have to be at home when residents are scheduled to be out of the home?

The owner, the owner's employee, or a representative of the owner must be present anytime there are three or more residents at home.

7. How does the concentration limitation work with the Fair Housing Act? How would the variance process work with this?

It is wholly consistent with the Fair Housing Act to be concerned with the setting for a group home. The over-concentration of group homes in any one area can be considered in this context. It is essential to maintain the original character and environment of a neighborhood to ensure that the objective of integrating persons with disabilities into the community is accomplished. The variance process will keep in line with this objective, by providing a process to consider allowing exceptions in unique cases where homes may be less than a ½ mile apart but are determined to be in keeping with the greater purpose of the City Code and Fair Housing Act.

8. What is the contingency plan and fiscal impact for the City if too many homes are shut down?

The City's goal is to do as much as possible to prevent closure. The City will have compliance agreements that will allow flexibility and discretion to work with owners to help them remain open, as long as the owner is making progress towards full compliance and the structure presents no immediate danger to residents. We do not anticipate closing boarding

homes, however, in the case of a closing, the City will have partnership agreements with government entities and non-profits to assist with relocation.

9. What type of homes will be regulated?

Homes that are **not** regulated by the State of Texas or the Federal Government and are not included in the following list of exemptions:

- (1) Home and community support services licensed under Chapter 142 of the Texas Health and Safety Code, as amended.
- (2) Convalescent and nursing homes and related institutions licensed under Chapter 242 of the Texas Health and Safety Code, as amended.
- (3) Continuing care facilities licensed under Chapter 246 of the Texas Health and Safety Code, as amended.
- (4) Assisted living facilities licensed under Chapter 247 of the Texas Health and Safety Code, as amended.
- (5) Intermediate care facilities for the mentally retarded licensed under Chapter 252 of the Texas Health and Safety Code, as amended.
- (6) A person that provides from home health, hospice, or personal assistance services only to persons enrolled in a program funded wholly or partly by a state agency with jurisdiction over mental health and mental disability and monitored by that state agency or its designated local authority in accordance with standards set by that agency.
- (7) An establishment conducted by or for persons who have a sincere religious belief in providing facilities to care and treat the sick by depending exclusively on prayer or spiritual means for healing, without the use of any drug or materia remedy, if the establishment complies with safety, sanitary, and quarantine laws and rules.
- (8) a hotel as defined by Section 156.001 of the Texas Tax Code, as amended.
- (9) a retirement community as defined by Section 11.18 of the Texas Tax Code, as amended.
- (10) A monastery or convent.
- (11) A childcare facility as defined by Section 42.002 of the Texas Human Resources Code as amended.
- (12) A family violence shelter center as defined by section 51.002 of the Texas Human Resources Code, as amended.
- (13) A fraternity or sorority house, or other dormitory, associated with an institution of higher education.

10. What is the City doing to ensure that sprinkler systems and other costly improvements are going to put current owners out of business or be too cost-prohibitive for potential new boarding home businesses.

Putting safety first is the City's number one goal. The fire safety requirements attempt to balance basic safety systems and cost. For instance, National Fire Protection Agency 13D sprinkler systems are required (the least costly option for sprinkler systems) and Arc-fault circuit interrupters (AFCI) may be used in-lieu of the City's current code requirement for commercial wiring.

11. Different code officers tell owners different requirements, not consistent.

In order to establish consistent inspections and processes, the City will dedicate a team of inspectors and establish clear standard operating procedures.