

**BOARDING HOME REGULATIONS FOR
FORT BEND COUNTY, TEXAS**



AS

**ADOPTED ON OCTOBER 5, 2021
AMENDED ON FEBRUARY 11, 2025
EFFECTIVE ON FEBRUARY 14, 2025**

FORT BEND COUNTY COMMISSIONERS COURT:

**COUNTY JUDGE, KP GEORGE
COMMISSIONER PCT. 1, VINCENT MORALES
COMMISSIONER PCT. 2, GRADY PRESTAGE
COMMISSIONER PCT. 3, ANDY MEYERS
COMMISSIONER PCT. 4, DEXTER MCCOY**

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**SECTION 1.
GENERAL PROVISIONS.**

1.1 AUTHORITY TO REGULATE.

- (a) The Boarding Home Regulations for Fort Bend County, Texas (the “Regulations”) are promulgated pursuant to and in conformity with Chapter 260 of the Texas Health & Safety Code, as amended, and the current Fort Bend County Boarding Home Standards, attached hereto as Appendix A.
- (b) It is the purpose of the Fort Bend County Commissioners Court to exercise its police power and to establish reasonable and uniform regulations for Boarding Homes to promote and protect the health, safety, and general welfare of the Residents of Fort Bend County, and to protect the Residents of Boarding Homes from abuse, neglect, exploitation, health care fraud, and other criminal or unethical behaviors.
- (c) These Regulations do not legalize anything prohibited under the Texas Penal Code or any other law(s) or regulation(s).
- (d) These Amendments shall apply to all new and existing Boarding Homes.
 - (1) All pre-existing permitted Boarding Home Owners/Operators will be notified of any approved Amendments to these Regulations and will be supplied with a current copy of the newly amended Regulations.
 - (2) The Boarding Home Administrator will inspect all existing homes within fourteen (14) days of receipt of the newly amended Regulations for compliance.

1.2 ADMINISTRATION.

The Fort Bend County Commissioners Court hereby designates the Fort Bend County Fire Marshal, or his/her duly authorized agent, as the Boarding Home Permit Administrator for all unincorporated areas of Fort Bend County. The Boarding Home Permit Administrator shall operate the Boarding Home Permit Office. The Boarding Home Permit Administrator will process, issue, investigate, suspend, revoke and/or deny Boarding Home Facility and Boarding Home Employee Permits in accordance with these Regulations.

1.3 AREAS COVERED BY THESE REGULATIONS.

- (a) Pursuant to Tex. Health & Safety Code § 260.004, these Regulations apply to Boarding Homes located in the unincorporated areas of Fort Bend County. These Regulations may apply to an incorporated area of Fort Bend County if the municipality has entered into an Interlocal Agreement as described in Subsection (b). Under Tex. Health & Safety Code § 260.008, two or more counties or municipalities may cooperate and contract with each other for the purpose of inspecting and permitting boarding home facilities.

- (b) If Fort Bend County enters into an Interlocal Agreement with a municipality in Fort Bend County for the purpose of adopting these Regulations, the municipality must agree to use the Fort Bend County Boarding Home Permit Office and Administrator for the purpose of permitting the Boarding Homes within the municipality’s jurisdiction. The Fort Bend County Boarding Home Administrator shall be the sole provider for all inspections, permits and enforcement required by these Regulations and shall require compliance with the Fire Code approved by the local Authority Having Jurisdiction.

1.4 GENERAL DEFINITIONS.

- (a) **“Applicant”** means an individual, business, company, corporation, or other legal entity that is required to obtain—or has applied for—a Boarding Home Facility Permit and/or a Boarding Home Employee Permit.
- (b) **“Assistance with Self-Administration of Medication”** means assisting a Resident by reminding the Resident to take medication, opening and removing medications from a container, placing medication in a Resident’s hand or in/on a clean surface such as a pill cup or a medication reminder box, or reminding the Resident when a prescription medication needs to be refilled.
- (c) **“Authorized Services”**- means:
 - (1) providing:
 - (i) community meals,
 - (ii) performing light housework,
 - (iii) meal preparation,
 - (iv) providing transportation to Residents,
 - (v) grocery shopping,
 - (vi) money management,
 - (vii) laundry services, and/or
 - (viii) Assistance with Self-Administration of Medication
 - (2) Authorized Services do not include providing “personal care services” as defined by Tex. Health & Safety Code § 247.002 to Residents;
- (d) **“Boarding Home” or “Boarding Home Facility”** means an establishment that:
 - (1) furnishes, in one or more buildings, lodging to three or more persons with disabilities and/or elderly persons who are unrelated to the Boarding Home Owner/Operator by blood or marriage; and
 - (2) provides Residents with “Authorized Services” as defined above in Subsection (c) which include community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication but does not provide personal care services as defined by Tex. Health & Safety Code § 247.002 to those persons. The term Boarding Home or Boarding Home Facility does not include

those exemptions, as listed in the Tex. Health & Safety Code §260.002.

- (3) A Boarding Home is also a Group Home as defined by Tex. Health and Safety Code § 769.001¹.
- (e) **“Boarding Home Employee”** means any person who does not meet the definition of a Resident, as defined by these Regulations, and who provides Authorized Services to Residents of a Boarding Home and is paid as a full or part-time employee, temporary employee, contractor, consultant, or any other designation, whether compensation is monetary or in some other form, or anyone paid as a 1099 independent contractor under federal tax law. A Boarding Home Employee includes the Boarding Home Owner/Operator or the natural person authorized to be the designated agent to represent the Boarding Home Owner/Operator if the Boarding Home Owner/Operator is a legal entity.
- (f) **“Boarding Home Owner/Operator”** means an individual, business, company, corporation, or other legal entity that:
- (1) has an ownership interest in, or receives profits from, a Boarding Home;
 - (2) is a partner, director, designated agent, or officer of a business, company, corporation, or other legal entity that has an ownership interest in a Boarding Home;
 - (3) is a shareholder that holds more than ten (10) percent of the outstanding shares of a business, company, corporation, or other legal entity that has an ownership interest in a Boarding Home;
 - (4) has been issued, by a county clerk, an assumed name certificate for a business that owns a Boarding Home;
 - (5) signs a lease or owns the real property for a Boarding Home;
 - (6) receives a Certificate of Occupancy or Certificate of Compliance from Fort Bend County or the Authority Having Jurisdiction for a Boarding Home;
 - (7) signs an alarm permit for a Boarding Home;
 - (8) opens an account for utilities for a Boarding Home;
 - (9) signs for, or applies for, a Food Establishment Permit issued by the Fort Bend County Environmental Health Department for a Boarding Home; or,
 - (10) applies for a Boarding Home Facility Permit.
- (g) **“Boarding Home Permit Administrator”** means the Fort Bend County Fire Marshal or his/her designee.
- (h) **“Boarding Home Permit Office”** means the physical location which has been designated by the Boarding Home Permit Administrator where commercial businesses and/or individuals must apply in person, for a Boarding Home Facility Permit or a Boarding Home Employee Permit.
- (i) **“Conviction”** means a criminal conviction under federal law or the law of any state, district, or territory of the United States. A person is considered to have been convicted

¹ See Chapter 769, consisting of Secs. 769.001 to 769.003, added by Acts 2023, 88th Leg. , R.S., Ch. 141 (SB 188), Sec. 1.

in a case if (1) a judgment, a sentence, or both a judgment and a sentence are imposed on a person; or (2) where a dismissal or discharge may be considered a conviction under the law.

- (j) **“Elderly Person”** means a person who is 65 years of age or older.
- (k) **“Fire Marshal Officials”** or **“Fire Safety Official,”** means the Fort Bend County Fire Marshal and employees of the Fort Bend County Fire Marshal’s Office.
- (l) **“Fort Bend County”** means the unincorporated and incorporated areas of Fort Bend County, Texas.
- (m) **“Fort Bend County Development Permit”**- means a Development Permit as required by the Fort Bend County Engineering Department.
- (n) **“Interlocal Agreement”** means a cooperative agreement between Fort Bend County and an incorporated municipality as described in Chapter 260 of the Texas Health and Safety Code and in accordance with Tex. Gov’t Code §§791.001 *et seq.*, as amended.
- (o) **“Person with a Disability”** means a person with a mental physical, or developmental disability that substantially impairs the person’s ability to provide adequately for the person’s care or protection and
 - (1) who is 18 years of age or older or
 - (2) under 18 years of age and who has had the disabilities of minority removed.
- (p) **“Public Health Official”** means the Local Health Authority or his/her designee of the Fort Bend County Health & Human Services.
- (q) **“Regulations”** means the Boarding Home Regulations for Fort Bend County, Texas.
- (r) **“Resident”** means a person who is residing in a Boarding Home Facility and receives Authorized Services provided by the Facility. A Resident cannot be a Boarding Home Employee or a Boarding Home Volunteer.
- (s) **“Operate”** means to
 - (1) engage in the business of operating a Boarding Home;
 - (2) cause the operation of a Boarding Home;
 - (3) be a part of the operation of a Boarding Home;
 - (4) fund the operation of a Boarding Home;
 - (5) have a financial interest in a Boarding Home;
 - (6) exert control over a Boarding Home;
 - (7) manage a Boarding Home;
 - (8) run a Boarding Home;
 - (9) receive any profit from a Boarding Home; or
 - (10) lease a building or buildings from another person or entity for the housing of a

Boarding Home.

- (t) **“Volunteer”** means a person who provides Authorized Services to Residents or acts as a caretaker to Residents of a Boarding Home. A Volunteer shall not be paid or compensated for providing services and shall not be a Boarding Home Employee or a Boarding Home Resident.

SECTION 2. BOARDING HOME FACILITY PERMIT.

2.1 BOARDING HOME FACILITY PERMIT REQUIRED.

It shall be a violation of these Regulations for a person to own or operate a Boarding Home in Fort Bend County that has not been issued a valid Boarding Home Facility Permit.

2.2 APPLICATION.

- (a) It shall be a violation of these Regulations for any person, individual, business, company, corporation, or other legal entity, to own or operate a Boarding Home in Fort Bend County for any period of time that has not first been issued a Boarding Home Facility Permit or is not in compliance with the requirements of these Regulations. In accordance with Tex. Health & Safety Code § 260.005(b) and § 260.0051(c), if any person, individual, business, company, corporation, or other legal entity operates a Boarding Home in violation of these Regulations, Fort Bend County may impose fines, enforce civil remedies, and/or seek criminal charges for noncompliance.
- (b) **A BOARDING HOME SHALL NOT OPERATE DURING THE PENDENCY OF THEIR APPLICATION AND SHALL NOT OPERATE UNTIL THE BOARDING HOME FACILITY PERMIT APPLICATION HAS BEEN APPROVED AND THE BOARDING HOME FACILITY PERMIT IS ISSUED AND DISPLAYED.**
- (c) Failure to complete the process to obtain a Boarding Home Facility Permit; operating a Boarding Home Facility in violation of these Regulations; or employing a Boarding Home Employee or allowing a Boarding Home Volunteer to provide Authorized Services without securing a Boarding Home Employee Permit for each Employee or Volunteer is a violation of these Regulations and may result in an Order of the Fire Marshal to immediately cease operations of the Boarding Home. The Boarding Home Permit Administrator is authorized to approve up to one (1) extension of no more than one hundred eighty (180) days for a Boarding Home Owner/Operator to complete the permit process.
- (d) A complete application, including all supportive documents, must be filed with the Boarding Home Permit Administrator before the permitting process shall begin.
- (e) Applications for Boarding Home Facility Permits must be completed in person using forms provided by the Boarding Home Permit Administrator.

- (f) The Boarding Home Permit Administrator shall establish the hours of operation, location and procedures for the Boarding Home Permit Office.
- (g) The Applicant must be the Boarding Home Owner/Operator.
- (h) Reasonable fees will be assessed and used to administer the Fort Bend County permitting program or for other purposes directly related to providing boarding home facility services to elderly persons and persons with disabilities in accordance with Tex. Health & Safety Code § 260.005(b). Fees shall be based on the cost of processing Applications and program administration.
- (i) Failure to provide any information required by this Section or a determination by the Boarding Home Permit Administrator that inaccurate, erroneous, or incomplete information has been submitted, shall be grounds for denial of the application. Permit application fees, including inspection and re-inspection fees, are non-refundable.
- (j) Each complete Boarding Home Facility Permit application shall be accompanied by:
 - (1) a non-refundable application fee as set by the Fort Bend County Commissioners Court, and as amended, attached hereto as Appendix B (“Adopted Fee Schedule”);
 - (2) a current annual fire inspection report, a valid Certificate of Compliance issued by the Fort Bend County Fire Marshal or other certification from the local Authority Having Jurisdiction showing compliance with all adopted fire code requirements, completed within ninety (90) days prior to making application for a permit, showing compliance with all applicable fire and life and safety codes. Boarding Homes are commercial establishments and shall meet all requirements for the operation of a commercial establishment;
 - (3) a current maximum occupancy load certificate when required by the Authority Having Jurisdiction within ninety (90) days prior to making application for a permit;
 - (4) a Development Permit, when required by the Fort Bend County Engineering Department, a Construction Permit, when required by the Fort Bend County Fire Marshal, and/or other applicable permit requirements issued by the Authority Having Jurisdiction.
 - (5) a true and correct copy of the assumed name certificate filed in the office of the Fort Bend County Clerk or other County Clerk located in the State of Texas, bearing the file mark or stamp that evidences its filing, if the Boarding Home will be operating under an assumed name;
 - (6) a copy of the formative legal documents for the applicable legal entity(s) (e.g., the Articles of Incorporation), if applicable;
 - (7) a color photocopy of the Applicant(s)’s driver’s license or government-issued photo identification. If the Applicant is a legal entity, the driver’s license or government-issued photo identification shall be from a natural person that the Boarding Home Owner/Operator authorizes to be its designated agent;
 - (8) a complete and accurate list of all Boarding Home Employees along with color

- photocopies of the individual(s) driver's license or government-issued identification papers;
- (9) proof that all Boarding Home Owners/Operators and/or Employees of the Proposed Boarding Home have applied for a valid Boarding Home Employee Permit pursuant to these Regulations;
 - (10) copy of the current and valid lease agreement between the Applicant and the owner of the real property where the proposed Boarding Home shall be located, with the Applicant listed as the owner of a proposed Boarding Home, or legal proof that the Applicant owns the real property on which the proposed Boarding Home shall be located;
 - (11) a list of all Boarding Home Owner(s)/Operator(s), employee(s), agent(s), and any other individual(s), proprietorship(s), corporation(s), association(s), or other legal entity(s) acting for, or acting on behalf of, the Boarding Home along with a photocopy of their driver's license or government-issued identification and incorporation papers as applicable;
 - (12) the Applicant's Federal Employer Identification Number (EIN) or Social Security number;
 - (13) a certification that none of the Boarding Home Owner(s)/Operator(s), Employee(s), agent(s), Volunteers and/or any other individual(s) acting for, or acting on behalf of the Boarding Home have been convicted of any offenses listed in Section 4 of these Regulations;
 - (14) a certification that all of the contents of the application, and the materials presented above, are true and correct under the penalty of Perjury as defined by Tex. Penal Code § 37.02. Additionally, any misrepresentation by the Applicant(s) on his/her application may result in criminal charges up to a second-degree felony offense as defined by Tex. Penal Code § 37.10; and
 - (15) a signed statement by the Boarding Home Owner/Operator that all Boarding Home Employees understand the requirements of Tex. Health & Safety Code § 260.009 and that a failure to report abuse, neglect, or exploitation may result in personal criminal liability under Tex. Hum. Resources Code § 48.052 and § 38.172 of the Texas Penal Code.
- (k) A Boarding Home Facility Permit is NOT TRANSFERABLE, ASSIGNABLE, OR DIVISIBLE. Transferring, assigning, dividing, or any attempt to transfer, assign, or divide an issued Boarding Home Facility Permit is a violation of these Regulations. Prior to the purchase, merger, transfer, takeover, or any other legal process that would change ownership of the Boarding Home Facility, the new Boarding Home Owner/Operator must apply and receive a Boarding Home Facility Permit.

2.3 INSPECTIONS REQUIRED FOR A BOARDING HOME FACILITY PERMIT APPLICATION.

- (a) Once a complete application has been received, the Boarding Home Permit Administrator will coordinate up to two (2) inspections of the Applicant(s)' proposed Boarding Home Facility to ensure compliance with these Regulations. The Applicant(s) must be present in person during any inspection.

- (1) If after the initial inspection, the Applicant(s) does not pass the inspection, the Applicant(s) will be informed in writing of what corrections must be made to the proposed Boarding Home Facility in order to comply with these Regulations and a second inspection will be required.
 - (2) If after the second inspection the Applicant's proposed Boarding Home fails to comply with these Regulations, the Boarding Home Permit Administrator shall deny the application and provide reasons for the denial in writing.
 - (3) If the proposed Boarding Home passes inspection, all criminal background checks are passed, and all required documents have been submitted, the Boarding Home Permit Administrator will approve the application.
- (b) It is the obligation of the Applicant to ensure the inspection process is completed within ninety (90) days from the date of the initial inspection. If after ninety (90) days the Applicant has not passed inspection and the Applicant wishes to continue with the application, the Applicant shall reapply for the Permit and repay the appropriate Permit fees which shall reset the ninety (90) day inspection period.
- (c) Failure to pass inspection shall result in denial of the application.

2.4 CONTENTS OF A BOARDING HOME FACILITY PERMIT.

- (a) A Boarding Home Facility Permit is valid for three hundred and sixty-five (365) days from the date of issuance.
- (b) When the application process is complete and the proposed Boarding Home has met all the requirements set forth in these Regulations, the Boarding Home Permit Administrator shall issue the proposed Boarding Home a Boarding Home Facility Permit.
- (c) The Boarding Home Facility Permit shall contain the following:
- (1) the date the Permit was issued;
 - (2) the date the Permit expires;
 - (3) the name of the Boarding Home;
 - (4) the physical address of the Boarding Home;
 - (5) the name of the Boarding Home Owner(s)/Operator(s);
 - (6) type of ownership, i.e. a sole proprietorship, Texas or foreign corporation, partnership, limited liability company, etc.
 - (7) a 24/7 contact for the Boarding Home in case of emergency;
 - (8) the number of Residents allowed to live at the Boarding Home Facility; and,
 - (9) the signature of the Boarding Home Permit Administrator.
 - (10) a statement that the Boarding Home Facility Permit is not transferable, assignable, or divisible, and it is a violation of these Regulations for any Boarding Home permit holder to attempt to do so.
- (d) The Boarding Home Permit Administrator shall keep a signed copy of the Boarding Home Facility Permit for the Boarding Home Permit Administrator's records.

SECTION 3.
BOARDING HOME EMPLOYEE PERMITS.

3.1 BOARDING HOME EMPLOYEE PERMIT REQUIRED.

It shall be a violation of these Regulations for a person to own or operate a boarding home in Fort Bend County without a valid Boarding Home Employee Permit, or to serve as an employee or Volunteer in a Boarding Home without a valid Boarding Home Employee Permit.

3.2 APPLICATION.

- (a) It shall be a violation of these Regulations for any person, individual, business, company, corporation or other legal entity to provide Authorized Services or operate a Boarding Home in Fort Bend County for any period of time who has not first been issued a Boarding Home Employee Permit. A Boarding Home Employee Permit is required regardless of whether that Boarding Home has been issued a Boarding Home Facility Permit pursuant to these Regulations. In accordance with Tex. Health & Safety Code § 260.005(b) and § 260.0051(c) and § 769.003(c), if a person, individual, business, company, corporation or other legal entity operates a Boarding Home in violation of these Regulations, Fort Bend County may impose fines for noncompliance.
- (b) **A BOARDING HOME OWNER/OPERATOR AND/OR EMPLOYEE OR VOLUNTEER SHALL NOT WORK AT A BOARDING HOME DURING THE PENDENCY OF THEIR APPLICATION. A BOARDING HOME OWNER/OPERATOR SHALL NOT WORK UNTIL THEIR BOARDING HOME EMPLOYEE PERMIT APPLICATION HAS BEEN APPROVED AND THE BOARDING HOME EMPLOYEE PERMIT IS ISSUED AND IS PROPERLY DISPLAYED.**
- (c) A Boarding Home Resident shall not be employed, act as a Volunteer, or receive a Boarding Home Employee Permit to provide Authorized Services to other Residents in the Boarding Home.
- (d) Failure to complete the process to obtain a Boarding Home Employee Permit or operating a Boarding Home Facility in violation of these Regulations; or employing a Boarding Home Employee without securing a Boarding Home Employee Permit for each Employee or Volunteer may result in an Order of the Fire Marshal to immediately cease operations of the Boarding Home.
- (e) A complete application including all supportive documents must be filed with the Boarding Home Permit Administrator before the permitting process shall begin.
- (f) Applications for a Boarding Home Employee Permit must be completed in person using forms provided by the Boarding Home Permit Administrator.

- (g) The Boarding Home Permit Administrator shall establish the hours of operation, location and procedures for the Boarding Home Permit Office.
- (h) The Applicant must be the Boarding Home Employee.
- (i) Reasonable fees will be assessed and used to administer the Fort Bend County permitting program or for other purposes directly related to providing boarding home facility services to elderly persons and persons with disabilities in accordance with Tex. Health and Safety Code §260.005(b). Fees shall be based on the cost of processing Applications, and program administration.
- (j) Each complete Boarding Home Employee Permit Application shall be accompanied by:
 - (1) a non-refundable application fee as set by the Fort Bend County Commissioners Court, and as amended, attached hereto as Appendix B (“Adopted Fee Schedule”);
 - (2) a color copy of the Applicant’s driver’s license or government-issued photo identification;
 - (3) a color copy of the Applicant’s social security card;
 - (4) a certification stating the Applicant has not violated, or been convicted of, any offense listed in Section 4; and,
 - (5) a valid mailing address, e-mail address and phone number that is answered during business hours and after hours, including holidays, with no exceptions.
 - (6) a certification that all of the contents of the application, and the materials presented above, are true and correct under the penalty of Perjury as defined by Tex. Penal Code § 37.02. Additionally, any misrepresentation by the Applicant(s) on his/her application may result in charges up to a second-degree felony offense as defined by Tex. Penal Code § 37.10; and
 - (7) a signed statement that the Employee understands the requirements of Tex. Health & Safety Code § 260.009 and that a failure to report abuse, neglect, or exploitation may result in personal criminal liability under Tex. Hum. Resources Code § 48.052 and § 38.172 of the Texas Penal Code.
- (k) A Boarding Home Employee Permit is NOT TRANSFERABLE, ASSIGNABLE, OR DIVISIBLE. Transferring, assigning, dividing, or any attempt to transfer, assign, or divide an issued Boarding Home Employee Permit is a violation of these Regulations. Changes in ownership of a Boarding Home will require a new Boarding Home Permit for each Employee or Volunteer.
- (l) A SEPARATE EMPLOYEE PERMIT MUST BE OBTAINED FOR EACH BOARDING HOME LOCATION IN WHICH THE EMPLOYEE PROVIDES SERVICES. Boarding Home Employee Permits are not transferable across separate Boarding Home Facilities even if owned by the same Boarding Home Owner/Operator.
- (m) Failure to provide any information required by this Section or a determination by the Boarding Home Permit Administrator that inaccurate, erroneous, or incomplete information has been submitted, shall be grounds for denial of the application. Permit fees are non-refundable.

3.3 CONTENTS OF A BOARDING HOME EMPLOYEE PERMIT.

- (a) A Boarding Home Employee Permit is valid for three hundred and sixty-five (365) days.
- (b) When the application process is complete and the Applicant has met all the requirements set forth in these Regulations, the Boarding Home Permit Administrator shall issue the Applicant a Boarding Home Employee Permit.
- (c) A Boarding Home Employee Permit shall contain the following:
 - (1) the name of the Boarding Home Employee;
 - (2) the date the Permit was issued;
 - (3) the date the Permit expires;
 - (4) the name of the Boarding Home Owner/Operator;
 - (5) a color photo of the Boarding Home Employee;
 - (6) the name and physical address of the Boarding Home(s) the Boarding Home Owner/Operator or Employee is permitted to work at;
 - (7) a 24/7 contact for the Boarding Home in case of emergency; and
 - (8) the signature of the Boarding Home Permit Administrator.
 - (9) a statement that the Boarding Home Employee Permit is not transferable, assignable, or divisible, and it is a violation of these Regulations for any Boarding Home permit holder to attempt to do so.
- (d) The Boarding Home Permit Administrator shall keep a signed copy of the Boarding Home Facility and the Boarding Home Employee Permit for the Boarding Home Permit Administrator's records.

SECTION 4. CRIMINAL BACKGROUND HISTORY CHECKS.

4.1 LIST OF CRIMINAL OFFENSES PURSUANT TO CHAPTER 769 OF THE TEXAS HEALTH AND SAFETY CODE.

A Boarding Home Facility Permit or a Boarding Home Employee Permit may be revoked, suspended, or denied for renewal if a Boarding Home Owner/Operator, Employee or Volunteer has been convicted of a criminal offense listed in this Section:

- (a) an offense under Chapter 19, Texas Penal Code (criminal homicide);
- (b) an offense under Chapter 20, Texas Penal Code (kidnapping, unlawful restraint, and smuggling of persons);
- (c) an offense under Chapter 20A, Texas Penal Code (trafficking)
- (d) an offense under Chapter 21, Texas Penal Code (sexual offenses)

- (e) an offense under Chapter 22, Texas Penal Code (assaultive offenses)
- (f) an offense under Chapter 25, Texas Penal Code (offenses against the family)
- (g) an offense under Chapter 28, Texas Penal Code (arson, criminal mischief, and other property damage or destruction)
- (h) an offense under Chapter 29, Texas Penal Code (robbery)
- (i) an offense under Chapter 30, Texas Penal Code (burglary and criminal trespass)
- (j) an offense under Chapter 31, Texas Penal Code (theft)
- (k) an offense under Chapter 32, Texas Penal Code (fraud)
- (l) an offense under Chapter 33, Texas Penal Code (computer crimes)
- (m) an offense under Chapter 33A, Texas Penal Code (telecommunications crimes)
- (n) an offense under Chapter 34, Texas Penal Code (money laundering)
- (o) an offense under Chapter 35, Texas Penal Code (insurance fraud)
- (p) an offense under Chapter 35A, Texas Penal Code (health care fraud)
- (q) an offense under Chapter 71, Texas Penal Code (organized crime)
- (r) an offense under Tex. Penal Code § 48.015 (prohibitions related to certain cigarettes)
- (s) an offense under Tex. Penal Code § 48.02 (prohibition of the purchase and sale of human organs)
- (t) an offense under Tex. Penal Code § 48.03 (prohibition of the purchase and sale of human fetal tissue)
- (u) an offense under Tex. Penal Code § 48.04 (prohibition of the purchase and sale of adult stem cells for certain investigational treatments)
- (v) an offense under Texas Health and Safety Code § 260.0051(c) (operating a boarding home without a permit);
- (w) ANY OTHER OFFENSE PUNISHABLE AS A CLASS A MISDEMEANOR OR FELONY; or
- (x) a conviction under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements

of an offense listed in this Subsection.

4.2 BACKGROUND CHECKS REQUIRED.

PURSUANT TO TEX. HEALTH AND SAFETY CODE § 769.003(c), AN OWNER/OPERATOR OF A GROUP HOME COMMITS AN OFFENSE IF THE OWNER/OPERATOR HIRES OR CONTINUES TO EMPLOY AN INDIVIDUAL WHO HAS NOT MET THE CRIMINAL BACKGROUND REQUIREMENTS LISTED IN THIS SECTION. AN OFFENSE UNDER THIS SECTION IS A CLASS A MISDEMEANOR. A BOARDING HOME IS A GROUP HOME.

4.3 PROHIBITED CONDUCT.

- a) A PERSON MAY NOT BE EMPLOYED IN A POSITION OF WHICH THE DUTIES INVOLVE DIRECT CONTACT WITH A RESIDENT IN A BOARDING HOME WHILE THE PERSON IS A REGISTERED SEX OFFENDER.
- b) The Boarding Home Owner/Operator must ensure that all Employees, including Volunteers, have had a background check of conviction records, pending charges and disciplinary board decisions completed within the past two years preceding their application for a Boarding Home Employee Permit, and that this background check is repeated every year thereafter, and that the individual is not disqualified under the provisions of this Section. The Boarding Home Owner/Operator will immediately discharge any Employee or Volunteer whose criminal history check reveals conviction of a crime that bars employment or volunteer service.
- c) Upon a finding that an Owner/Operator, a Boarding Home Employee or any person employed by the Owner/Operator in a position of which the duties involve direct contact with a Resident in a Boarding Home has been convicted of a criminal offense listed in Section 4.1, the Boarding Home Administrator shall deny for renewal, revoke, or suspend a Boarding Home Facility Permit or a Boarding Home Facility Employee Permit.

SECTION 5. OPERATIONS OF BOARDING HOME.

5.1 BOARDING HOME OWNER/OPERATOR RESPONSIBILITIES TO RESIDENTS.

- (a) The Owner/Operator of a Boarding Home Facility shall be available twenty-four (24) hours a day to provide Authorized Services to the Residents. If the Owner/Operator is not available, there shall be an Employee with a valid Boarding Home Employee Permit, available at all times to serve the Residents and answer calls from the Boarding Home Permit Administrator.
- (b) Residents who pay for Authorized Services shall not be evicted by the Boarding Home Owner/Operator without 30 days' notice.
- (c) If a Boarding Home chooses to cease operations or is required to cease operations

because of a violation of these Regulations, then the Boarding Home Owner/Operator must work with Adult Protective Services or another authorized individual or entity to make arrangements for all Residents to be transferred to another permitted facility.

- (d) Thirty (30) days' notice is not required if there is an immediate need for a Resident to be removed from the care of a Boarding Home Facility or if the Resident or their appointed guardian chooses to move from the Boarding Home Facility because of a violation of these Regulations.
- (e) When a Boarding Home ceases operation, fees shall be prorated to reflect the actual number of days a Resident occupied the Boarding Home Facility.
- (f) Any previously collected fees for days not spent in the Boarding Home shall be returned to the Resident within seventy-two (72) hours, unless the Owner/Operator can show good cause.
- (g) The Boarding Home Owner/Operator shall inform the Boarding Home Administrator of any transfers of Residents to other locations.

5.2 COMPLIANCE WITH THE FORT BEND COUNTY BOARDING HOME STANDARDS.

- (a) **COMPLIANCE WITH THE FORT BEND COUNTY BOARDING HOME STANDARDS ("THE STANDARDS") IS MANDATORY (See Appendix A).**
 - (1) In addition to complying with all requirements found in these Regulations, a Boarding Home Facility must operate in full compliance with the Standards attached hereto as Appendix A.
 - (2) Failure to comply with any standard shall be a violation of these Regulations where noncompliance with each standard shall constitute a separate violation where each day of a continuing violation shall constitute a separate violation.
 - (3) Failure to comply with any of the Standards may result in revocation or suspension of the Boarding Home Permit or fines or both.
 - (4) Where there is a conflict between the requirements of these Regulations, and other local, state, or federal rules or regulations or Appendix A, the more stringent rule or regulation shall prevail.

5.3 DISPLAY OF BOARDING HOME FACILITY PERMIT AND OTHER REQUIRED DOCUMENTS.

- (a) The following documents must be displayed by a Boarding Home Facility in plain sight in a common area accessible to the public, Employees and Residents:
 - (1) a current valid Boarding Home Permit for each Boarding Home Facility;
 - (2) a sign prescribed by the County and issued by the Boarding Home Permit Administrator, that specifies how complaints may be registered with the County; and
 - (3) a notice prescribed by the County that states that inspection and related reports are available at the Boarding Home Facility for public inspection. The Notice shall include contact information and telephone number for the Boarding Home

Facility Owner/Operator or other individual who can provide information concerning the Boarding Home Facility.

- (b) A concise summary of the most recent inspection report relating to the Boarding Home Facility shall be posted in a common area accessible to the public and patron.
- (c) A notice in a form prescribed by the county, shall be posted in a common area accessible to the public and patron that lists the name, location, and contact information for:
 - (1) the closest local public health services agency in the proximity to the Boarding Home Facility; and
 - (2) a local organization or entity that represents, advocates, or serves elderly persons or persons with disabilities, including any related toll-free contact information for reporting emergencies to the organization or entity.
- (d) A violation of this Subsection may be grounds for denial, revocation, or suspension of a Boarding Home's Boarding Home Permit.

5.4 RECORDKEEPING.

- (a) It shall be the duty of any Boarding Home Owner/Operator to ensure compliance with this Subsection.
- (b) A Boarding Home shall maintain onsite, and produce to any Peace Officer, Fire Safety Official, and/or designated County Employee for inspection:
 - (1) A concise summary for each Resident of the Boarding Home, including but not limited to the following: name, personal identifiers (height, weight, gender, race, driver's license number, social security number, date of birth), known allergies, current prescriptions, date and time when medication was last taken, mental health and/or medical diagnosis, photograph of Resident, and name and phone number for Resident's emergency contact. This summary shall be provided to Peace Officers, Fire Safety Officials, Fire Marshal Officials, and Public Health Officials upon demand.
- (c) Any violation of this Subsection is grounds for denial, revocation, or suspension of a Boarding Home Facility or Boarding Home Employee Permit.

SECTION 6.

INSPECTION BY LAW ENFORCEMENT AND OTHER PUBLIC OFFICIALS.

- 6.1 In accordance with Tex. Health & Safety Code § 260.007(a), Peace Officers, Fire Safety Officials, Fire Marshal Officials, and Public Health Officials may conduct any inspection, survey, or investigation that they consider necessary and may enter the premises of a Boarding Home Facility at reasonable times to make an inspection, survey, or investigation. Fort Bend County is entitled to access books, records, and other documents maintained by or on behalf of a Boarding Home Facility to the extent necessary to enforce the Standards adopted by Fort Bend

County.

- 6.2 It shall be a violation of these regulations for a Boarding Home to exclude, prohibit, or prevent any Peace Officers, Fire Safety Officials, Fire Marshal Officials, or Public Health Officials from conducting an inspection, survey, or investigation.

SECTION 7. FAILURE TO REPORT ABUSE, NEGLECT, OR EXPLOITATION.

7.1 REPORTING REQUIREMENTS.

In accordance with Tex. Health & Safety Code § 260.009(a), a person, including an Owner/Operator or Employee, or Volunteer, who has cause to believe that a Resident is being or has been abused, neglected, or exploited shall report the abuse, neglect, or exploitation to the Department of Family and Protective Services for investigation by that agency.

7.2 RETALIATION PROHIBITED.

In accordance with Tex. Health & Safety Code § 260.009(c), an Owner/Operator or Employee of a Boarding Home Facility may not retaliate against an Employee of the Boarding Home Facility who in good faith makes a complaint to the office of the inspector general of the Health and Human Services Commission, cooperates with the office of the inspector general in an investigation, or reports abuse, neglect, or exploitation of a Resident to the Department of Family and Protective Services.

7.3 CRIMINAL LIABILITY FOR FAILURE TO REPORT.

- a) A failure to report abuse, neglect, or exploitation may result in personal criminal liability under Tex. Hum. Resources Code § 48.052 and § 38.172 of the Texas Penal Code.
- b) In addition and in accordance with Texas Health and Safety Code § 260.0091, a person has committed an offense if the person: (1) owns the building that is leased to another person who operates a boarding home in that building; (2) has actual knowledge of abuse, neglect, or exploitation; and (3) fails to report that abuse, neglect, or exploitation to the Department of Family and Protective Services. A violation of this Subsection may be a Class A misdemeanor.

SECTION 8. DENIAL, REVOCATION OR SUSPENSION OF A BOARDING HOME FACILITY OR BOARDING HOME EMPLOYEE PERMIT.

8.1 Denial, Revocation or Suspension

- (a) The Boarding Home Permit Administrator may deny, revoke, or suspend a permit for a violation of these Regulations, including but not limited to the following reasons:

- (1) a Boarding Home Owner/Operator or Employee made a misleading statement, provided false, fraudulent, or untruthful information, and/or withheld pertinent information in the application for a Boarding Home Employee Permit or in the application for a Boarding Home Facility Permit;
 - (2) a Boarding Home Owner/Operator or Employee has violated, or is not in compliance with, any Section or Subsection of these Regulations;
 - (3) the Applicant is under eighteen (18) years of age;
 - (4) a Boarding Home Employee failed to display on his/her person at all times while on the premises of a Boarding Home, a current valid Boarding Home Employee Permit issued pursuant to these Regulations;
 - (5) a Boarding Home Owner/Operator or Employee has been convicted of a criminal offense listed in Section 4 of these Regulations. A Boarding Home Employee Permit shall be suspended during the pendency of any case involving a charge of any the listed criminal offenses. If the ultimate disposition of the case results in a Conviction, as described in Section 1, the Boarding Home Employee Permit shall be revoked;
 - (6) the Applicant has had a Boarding Home Facility or a Boarding Home Employee Permit revoked within the one hundred and eighty (180) day period immediately preceding the date the application was filed;
 - (7) a Boarding Home Owner/Operator has any outstanding unpaid fines or fees as required by these Regulations or any local or state rule or regulation including the Fort Bend County Floodplain Management Rules and the Fort Bend County Fire Code;
 - (8) the Boarding Home Employee Permit should not have been issued pursuant to these Regulations;
 - (9) the Certificate of Compliance, Developmental Permit, and/or a Construction Permit when required by the Fort Bend County Engineering Department or the Fort Bend County Fire Marshal, and/or other applicable permit requirement issued by the Authority Having Jurisdiction is revoked by the issuing agency; or
 - (10) the Boarding Home Employee or Boarding Home Volunteer is found to be providing "personal care services", as defined by Section 247.002 of the Texas Health and Safety Code, including but not limited to: feeding (assisting a Resident with feeding involves physically placing food in their mouth or utilizing other methods to provide nourishment to those who are unable to perform this task independently), dressing which includes assisting with changing clothing (including changing of incontinence briefs), bathing, administering medications, changing or maintenance of any medical devices (including catheters, intravenous therapy lines, etc.) to any Resident without the proper and required state licenses, as further described in Appendix A, as amended, Texas Boarding House Model Standards.
- (b) An application may be denied if it is determined that an Applicant has been denied a Permit two or more times in the preceding two years.
- (c) If any of the above stated events or conditions providing a basis for a denial, revocation or suspension of a Boarding Home Facility or Boarding Home Employee Permit have

occurred, the Boarding Home Permit Administrator shall document the violation in a revocation or suspension letter, and provide notice to the Boarding Home Owner/Operator or the Boarding Home Employee via certified mail, e-mail, or delivered to the address supplied on the application.

- (d) The denial, revocation or suspension letter shall provide the reason(s) for the action. A suspension of a Boarding Home Facility Permit or a Boarding Home Employee Permit by the Boarding Home Permit Administrator shall become final on the seventh (7th) day after the suspension letter is mailed via certified mail.
- (e) A suspension or revocation of a Boarding Home Employee Permit is grounds for immediate removal of a Boarding Home Employee or Volunteer from the Boarding Home Facility pending the outcome of any pending criminal charges.

SECTION 9.

BOARDING HOME FACILITY AND BOARDING HOME PERMIT APPEALS.

9.1 OPPORTUNITY FOR APPEAL.

If the Boarding Home Permit Administrator denies the issuance of, revokes, or suspends an issued Boarding Home Employee Permit, the Applicant(s), Boarding Home Owner(s) /Operator(s) or Employee(s) shall have the opportunity to make a written request for a hearing before a hearing examiner appointed by the Fort Bend County Commissioners Court. The hearing examiner shall not have participated in any investigation of the alleged grounds for denial, revocation, or suspension of the Boarding Home Employee Permit.

9.2 APPEAL PROCEDURES.

- (a) All requests for hearings shall be in writing and delivered to the Boarding Home Permit Administrator no later than seven (7) days after the date when the denial, revocation, or suspension became final. The Applicant, Boarding Home Owner/Operator, or Boarding Home Employee waives the right to an appeal hearing if the request is not timely received by the Boarding Home Permit Administrator.
- (b) The hearing shall be held within twenty-one (21) days of the receipt of a request for a hearing.
- (c) The Applicant, Boarding Home Owner/Operator or Boarding Home Employee shall be provided an opportunity to present evidence, cross-examine witnesses, and be represented by legal counsel. The formal rules of evidence do not apply.
- (d) It shall be the responsibility of the Applicant, Boarding Home Owner/Operator or Boarding Home Employee to provide a court reporter if necessary for the permit appeal hearings before the hearing examiner.
- (e) The Applicant, Boarding Home Owner/Operator or Boarding Home Employee must be

present in person at the appeal hearings. If the Applicant or Boarding Home Owner/Operator or Employee is not present in person at the appeal hearing, the denial, revocation or suspension shall be automatically upheld.

- (f) The hearing examiner may uphold or reverse the denial, suspension or revocation of a Boarding Home Facility Permit or a Boarding Home Employee Permit.
- (g) If the hearing examiner determines, based upon the nature of the violations, that a suspension in lieu of revocation is appropriate, operation of the Boarding Home shall be suspended for a period not to exceed one hundred and eighty (180) days. The hearing examiner shall issue a written order suspending the Boarding Home Facility Permit and attaching conditions, if applicable, and the suspension shall become effective on the date the hearing examiner issues his or her order.
- (h) The hearing examiner shall issue a written order detailing his/her decision within five (5) business days from the date of a Boarding Home Employee Permit appeal hearing. The written order shall be distributed to the Applicant, Boarding Home Owner/Operator or Boarding Home Employee, and the Boarding Home Permit Administrator via certified mail.
- (i) The decision of the hearing examiner shall be final. On final decision of the hearing examiner, the losing party may appeal the decision by filing a petition in a district court in Fort Bend County within thirty (30) days after the date of the issuance of the written order. Appeals to the district court shall be governed by the substantial evidence rule described in § 2001.174 of the Texas Local Government Code.

9.3 OPERATION PENDING APPEAL.

- a) **A BOARDING HOME SHALL NOT OPERATE DURING THE PENDENCY OF AN APPEAL TO THE HEARING EXAMINER.**
- b) **A BOARDING HOME EMPLOYEE SHALL NOT WORK AT A BOARDING HOME DURING THE PENDENCY OF AN APPEAL TO THE HEARING EXAMINER.**
- c) **THE BOARDING HOME SHALL NOT OPERATE DURING THE PENDENCY OF THE APPEAL TO THE DISTRICT COURT.**

SECTION 10. REAPPLICATION.

- 10.1 After the hearing examiner's final ruling of denial, revocation or suspension of a Boarding Home Facility Permit or a Boarding Home Employee Permit, an Applicant(s) may reapply for a Boarding Home Facility or a Boarding Home Employee Permit after the expiration of one hundred eighty (180) days from the date of the hearing examiner's ruling.

- 10.2 The application will be considered a new application in regard to the timelines and fee established in Section 2 and 3.
- 10.3 The Boarding Home Permit Administrator may bar future eligibility for a Boarding Home Facility Permit or a Boarding Home Employee Permit where records indicate repeated violations or repeated permit revocations.

SECTION 11. PERMIT RENEWALS.

- 11.1 A Boarding Home Facility Permit or a Boarding Home Employee Permit may be renewed for the following year starting ninety (90) days before expiration of the current permit before the expiration of the current permit by filing a complete application of a Boarding Home Facility Permit or a Boarding Home Employee Permit and paying the applicable fee set forth in these Regulations.
- 11.2 A renewal application shall be subject to the same requirements in these Regulations as are required for a new permit application.
- 11.3 Upon proper submittal of a renewal application in accordance with this Section, the previous Boarding Home Facility Permit or Boarding Home Employee Permit will remain in effect until the Boarding Home Permit Administrator makes a determination in accordance with these Regulations as to whether the permit will be renewed.

SECTION 12. VIOLATIONS AND PENALTIES.

12.1 CIVIL REMEDIES.

- (a) Pursuant to Texas Health and Safety Code § 260.005, the County may impose fines for any noncompliance with these Regulations.
- (b) Violations of these Regulations will result in a fine of up to a \$1,000 per violation. Each day that a violation continues is considered a separate violation for the purpose of assessing fines.
- (c) Injunctive Relief. Pursuant to Texas Local Government Code § 233.066 of the Texas Code, in the unincorporated areas of Fort Bend County, the County Attorney is authorized to file suit in a court of competent jurisdiction for an injunction to prohibit the violation or threatened violation of the Fire Code. In addition, pursuant to Texas Health & Safety Code § 343.013, the County Attorney is authorized to file suit in a court of competent jurisdiction for an injunction to prohibit the violation or threatened violation of a public nuisance as defined in Texas Health & Safety Code § 343.011(c).
- (d) Where allowed by law, the County Attorney may recover all reasonable expenses

incurred in obtaining injunctive relief, civil penalties, or both, including reasonable attorney's fees, court costs, mediation fees and investigatory costs.

- (e) A violation of these Regulations may result in revocation or suspension of a Boarding Home's Boarding Home Permit in addition to any fines that may be imposed.
- (f) These civil remedies are cumulative of all other remedies available to Fort Bend County.

12.2 CRIMINAL REMEDIES.

- (a) Pursuant to Tex. Health and Safety Code §260.0051, a person commits an offense if the person operates a Boarding Home Facility without a permit in Fort Bend County and/or any municipality that has entered into an Interlocal Agreement with Fort Bend County for the purpose of adopting these Regulations. An offense under this Section is a Class B misdemeanor.
- (b) Pursuant to Tex. Health and Safety Code § 769.003(c), an Owner/Operator of a Boarding Home commits an offense if the Owner/Operator hires or continues to employ an individual who has not met the Criminal Background Requirements listed in Section 4 of these Regulations. An offense under this Section is a Class A misdemeanor.

SECTION 13. ADDITIONAL PROVISIONS.

13.1 SEVERANCE CLAUSE.

The Commissioners Court hereby declares the adoption of these Regulations and each separate part hereof. Any part of these Regulations held to be invalid shall not affect the validity of the remaining portions.

13.2 CUMULATIVE EFFECT.

Authority under these Regulations is cumulative of other authority that Fort Bend County and its incorporated municipalities have to regulate Boarding Homes and does not limit that authority.

13.3 ADDITIONAL REGULATIONS.

In addition to the Regulations herein, the Boarding Home Owner/Operator or Applicant must also comply with all state, federal and local law including all other Regulations of Fort Bend County.

APPENDIX A.
FORT BEND COUNTY BOARDING HOME STANDARDS

APPENDIX A

Fort Bend County Boarding Home Standards

The following standards have been approved by Commissioners Court and shall apply to Boarding Home Facilities in Fort Bend County. Where there is a conflict between the standards or definitions defined in these Standards and the Boarding Home Regulations for Fort Bend County, the more stringent rule shall apply.

SECTION 1. ADDITIONAL DEFINITIONS

(a) ***“Injury, incident or unusual accident”*** means an event that resulted in a change in the Resident’s physical or mental status that occurred in the Boarding Home Facility or on the grounds of the Boarding Home Facility that requires intervention by a private or public entity responsible for physical or mental health services, or an event that requires the Boarding Home Facility taking Resident safety and protection measures including:

1. an allegation of abuse, neglect, or exploitation;
2. death;
3. a Resident’s absence from the Boarding Home Facility when circumstances place the Resident’s health, safety or welfare at risk;
4. fire;
5. criminal acts; and
6. altercations between Residents.

(b) ***“Abuse, neglect and exploitation”*** is defined in the Texas Human Resource Code and §48.002, or as amended, as the following:

1. ***“Abuse”*** means:
 - a. the negligent or willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical or emotional harm or pain to an elderly or disabled person by the person’s caretaker, family member, or other individual who has an ongoing relationship with the person; or
 - b. sexual abuse of an elderly or disabled person, including any involuntary or nonconsensual sexual conduct that would constitute an offense under §21.08, Penal Code (indecent exposure) or Chapter 22, Penal Code (assaultive offenses), committed by the person’s caretaker, family member, or other individual who has an ongoing relationship with the person.
2. ***“Exploitation”*** means the illegal or improper act or process of a caretaker, family member, or other individual who has an ongoing relationship with the elderly or disabled person using the resources of an elderly or disabled person for monetary or personal benefit, profit, or gain without the informed consent

of the elderly or disabled person.

3. **“Neglect”** means the failure to provide for one’s self the goods or services, including medical services, which are necessary to avoid physical or emotional harm or pain or the failure of a caretaker to provide such goods or services.

(c) **“Manufactured Home of Housing”** means A structure as defined under Chapter 1201.003 (12), (18), and (20) of the Texas Occupation Code – Manufactured Housing – including a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

SECTION 2. STANDARDS.

Standard 1. Construction/Remodeling

- A. Each Boarding Home Owner/Operator must ensure the Resident’s health, safety, comfort and protection through the following standards that address the construction or remodeling of a Boarding Home Facility, including plumbing, heating, lighting, ventilation and other housing conditions.
- B. Each Boarding Home Facility must meet the following applicable codes and regulations:
 1. local zoning and building codes;
 2. federal, state and local fire codes;
 3. federal, state and local health & safety codes; and
 4. federal and state accessibility regulations.
- C. Mobile homes shall not be permitted for use as Boarding Home Facilities or additions to existing Boarding Home Facilities.
- D. Interior doors to living spaces, bedrooms, bathrooms and toilet rooms must fit the openings in which they are hung, be properly equipped with hardware and be maintained in good working condition. Doors with locking devices must be provided where necessary to provide privacy and protection of the Resident.
 1. Every closet door latch will be such that it can be readily opened from the inside in case of an emergency.
 2. Every bathroom door or door lock must permit the opening of the locked door in case of an emergency.
- E. Public pathways and stairways in buildings must maintain a minimum unobstructed width concurrent with adopted Fort Bend County Fire Code, and as amended and must be provided with convenient light switches controlling an adequate lighting system.
- F. Boarding Home Facilities must be supplied with electric service and fixtures that are properly installed and maintained in safe working condition and connected to a source

of electrical power.

- G. Every Boarding Home Facility must have heating and cooling equipment that are properly installed, vented, and maintained in a safe good working condition. The temperature of rooms intended for human occupancy will remain at a temperature between sixty-eight (68) and eighty-two (82) degrees Fahrenheit.
- H. Every Boarding Home Facility must have water heating facilities that are properly installed, vented, in good working condition, and are properly connected with hot and cold water lines. The temperature of water drawn at every required sink, lavatory basin, bathtub or shower will remain at a temperature between one hundred and ten (110) and one hundred and twenty (120) degrees Fahrenheit.
- I. Every habitable room must have at least one window that can be easily opened, or such other device as will ventilate the room. Locks that can be easily opened manually from the inside must be provided on all exterior doors. All windows must be openable without tools. The window opening must meet local codes for emergency egress. The bottom of the window opening must not be more than 44 inches above the floor.
- J. Sleeping rooms must have:
 - 1. at least 70 square feet of floor space in single-occupancy rooms;
 - 2. at least 60 square feet of floor space for each occupant in multi-occupancy rooms;
 - 3. beds spaced at least three feet apart when placed side by side or end-to-end;
 - 4. at least a seven feet, six inches (7'6") ceiling height;
 - 5. required accessibility for non-ambulatory Residents and Residents with conditions that substantially limit ambulation and/or mobility;
 - 6. beds at least six feet (6') long and three feet (3') wide equipped with supportive springs in good condition and a clean supportive mattress in good condition, and a mattress cover that prevents bodily fluids from soiling the mattress;
 - 7. at least one pillow with a clean pillowcase, two (2) clean sheets, and a cover such as a blanket or quilt, in good condition, per bed, cleaned weekly or more often if soiled;
 - 8. extra bed linens, including sheets, pillowcase and blankets must be available to each Resident;
 - 9. at least one chest of drawers or equivalent, in good condition having a sufficient number of drawers or other areas to contain all necessary items of clothing and personal belongings of each Resident that can be locked/secured;
 - 10. at least one chair in good condition in each sleeping room;
 - 11. at least one end table in good condition located adjacent to each bed in each sleeping room;
 - 12. sufficient hanging space to allow clothes not stored in drawers to be hung. Clothing must not be stored on the floor;
 - 13. bath towels, washcloths, soap, individual comb and toothbrush must be available at all times and in quantity sufficient to meet the needs of the Residents; and
 - 14. access to emergency exit without passing through another sleeping room.

- K. All equipment, fixtures, furniture, and furnishings, including windows, draperies, curtains, and carpets, must be kept clean and free of dust, dirt, vermin, and other contaminants, and must be maintained in good order and repair.
- L. Water closets, lavatories, and bathtubs or showers must be:
1. available on each floor when not provided in each individual room;
 2. provided in the ratio of one toilet and one lavatory, and one bathtub or shower for every six Residents, or fraction thereof; and accessible to the Residents without going outside of the building or without going through a sleeping room of another Resident.
- M. A telephone must be available, 24 hours per day, must be easily accessible, and must afford privacy for use by Residents.
1. A listing of emergency telephone numbers, including the numbers of the local police, fire department, ambulance, Fort Bend County Fire Marshal, the Texas Department of Family and Protective Services (DFPS), the Local Mental Health Authority, and the Texas Information and Referral Network must be placed in plain view on or next to the telephone and accessible to persons who are visually or hearing impaired, as needed.
- N. Each Boarding Home Facility must provide:
1. A washer and dryer for every 10 Residents, or fraction thereof that is properly vented to the outside. Washer or dryer must be in a utility room/ area that is not in kitchen area.
 2. A sitting/communal/recreational room for the common use of all Residents. Furniture must include comfortable chairs and tables, and lamps in good repair and appearance.
 3. A dining room located on the same floor as the communal kitchen and must:
 - a. be as nearly adjacent to the communal kitchen as practicable;
 - b. be accessible to the Residents, without going through a sleeping room or sleeping dormitory of another Resident;
 - c. contain not less than 70 square feet of floor area; and
 - d. be supplied with one dining chair and 2 linear feet of dining table space for each Resident of a Boarding Home Facility.
 4. A kitchen that:
 - a. is accessible to the Residents sharing the use without going through a sleeping room of another Resident;
 - b. has a food preparation area with a total of not less than 6 square feet;
 - c. contains a minimum floor space of 60 square feet for dining area or, each kitchen with dining attached must be at least 100 square feet;
 - d. has a minimum two compartment sink for manual dishwashing;

- e. has a cooking stove fueled by gas or electricity;
- f. contains at least one cabinet of adequate size, suitable for storage of food and utensils; and
- g. is properly equipped to allow for the preparation of meals.

O. Fire precautions must include:

- 1. providing suitable fire escapes/exits that must be kept in good repair and accessible at all times;
- 2. having a written fire and evacuation plan that sets forth responsibilities and steps to be taken by staff and Residents in the event of fire or other emergency;
- 3. posting an emergency evacuation plan throughout the Boarding Home Facility; and
- 4. not storing gasoline operated maintenance equipment, lawn care equipment, and flammable supplies inside the Boarding Home Facility.
- 5. Extinguishers shall be accessible, checked monthly by staff, inspected annually by a company licensed in the State of Texas, and shall be mounted in locations compliant with the Fort Bend County Fire Code, and as amended, or the requirements set forth by the Local Authority Having Jurisdiction.
- 6. All fire protection measures must be in accordance with requirements of Fort Bend County Fire Marshal or the Local Authority Having Jurisdiction.
- 7. If a Boarding Home Facility has a Resident who is hearing impaired, a Boarding Home Owner/Operator must install a visual smoke detector that is capable of alerting a person with a hearing impairment of the presence of fire or smoke.
- 8. Carbon monoxide detectors must be working and equipped close to sleeping areas.

P. All Residents must be shown how to use all emergency exits from the Boarding Home Facility within 24 hours of arrival to the Facility. Boarding Home Owner/Operators must keep documentation signed by the Resident demonstrating that Resident has received this information.

Q. The Boarding Home Facility must pass all required inspections and the Boarding Home Owner/Operator must keep a current file of reports and other documentation on-site needed to demonstrate compliance with applicable laws and regulations. The inspections must be signed, dated, and free of any outstanding corrective actions. The following inspections are required:

- 1. annual inspection by the Local Authority Having Jurisdiction or the Fort Bend County Fire Marshal;
- 2. annual inspection of the alarm system by the Local Authority Having Jurisdiction or an inspector authorized to install and inspect such systems;
- 3. annual kitchen inspection by the local health authority;
- 4. gas pipe pressure test once every three years by the local gas company or a licensed plumber;
- 5. annual inspection and maintenance of fire extinguishers by personnel licensed or certified to perform these duties; and
- 6. annual inspection of liquefied petroleum gas systems by an inspector certified

by the Texas Railroad Commission.

Standard 2. Sanitary and Related Conditions

- A. Each Boarding Home Owner/Operator must be responsible for maintaining the dwelling and premises in a clean and sanitary condition.
- B. Every Boarding Home Facility must be kept in good repair, and so maintained as to promote the health, comfort, safety and well-being of Residents.
- C. Interior walls, ceilings and floors must be capable of affording privacy and must be maintained free of holes, cracks, loose or deteriorated material, or any other condition that constitutes a hazard to the Residents or is a harborage for insects, pests or vermin.
- D. Every window, exterior door and basement hatchway must be weather tight, watertight, insect and rodent-proof and must be kept in good working condition.
- E. The water supply must be of safe, sanitary quality, suitable for use, and adequate in quantity and pressure. The water must be obtained from a water supply system approved by the Texas Commission on Environmental Quality (TCEQ).
- F. Every plumbing fixture, water pipe and waste pipe must be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions and properly connected to an approved sewage disposal system.
- G. Every Boarding Home Facility utilizing well water must provide water samples at least annually to the permit issuing entity. If the sample results show coliform present, a sample must be taken within seven (7) days of receipt of the results.
- H. All garbage and refuse must be kept in watertight, covered containers. The garbage and refuse area must be kept in a clean and sanitary condition. A sufficient number of garbage receptacles must be provided by the Boarding Home Facility. All garbage, trash and refuse must be removed from the premises frequently to prevent nuisance and unsightly conditions.
- I. Each Boarding Home Owner/Operator must be responsible for the extermination of any insects, rodents or other pests in the rooms occupied by Residents, storage areas, attics or on the premises and yard.
- J. Water closets, lavatories, and bathtubs or showers must be:
 - 1. kept clean and in good repair and must be well-lighted and ventilated;
 - 2. adequately supplied with toilet paper, soap, and hand towels for each bathroom; and
 - 3. supplied with non-slip surfaces in bathtub or shower, and curtains or other safe enclosures for privacy.
- K. Each kitchen in a Boarding Home Facility must:

1. be kept in a clean and sanitary condition;
 2. have a food preparation area with a surface area that is smooth, impermeable, free of cracks and easily cleanable, that shall not be used for eating; and
 3. have a refrigerator that is equipped with a thermometer and is maintained in an operational, clean and sanitary condition that is adequate to maintain foods at the required temperature.
- L. Each Boarding Home Facility shall meet all applicable state and local sanitary codes.
- M. All linens and laundry shall be:
1. bagged or placed in a hamper before being transported to the laundry area;
 2. properly identified to prevent loss; and
 3. not be transported through, sorted, processed, or stored in kitchens, food preparation areas, or food storage areas, if soiled.
- N. Poisonous, toxic, and flammable materials shall
1. be stored and maintained away from bed linens, towels, or kitchen equipment;
 2. be prominently and distinctly labeled for easy identification of contents; and
 3. not be used in a way that contaminates food equipment or utensils, or in a way that constitutes a hazard to Boarding Home Employees or Residents.
- O. After each usage, all eating and drinking utensils shall be thoroughly washed and sanitized in hot water containing a suitable soap or synthetic detergent and rinsed in clean hot water. In the event a mechanical dishwasher is used, dish detergent is required.
- P. All food and drink shall be:
1. clean, free from spoilage, pathogenic organisms, toxic chemicals, and other harmful substances;
 2. prepared, stored, handled, and served so as to be safe for human consumption;
 3. maintained at a temperature of 41 degrees Fahrenheit or below for foods subject to spoilage;
 4. maintained at 140 degrees Fahrenheit or above at all times for hot foods ready to serve;
 5. maintained in the freezer at a temperature of 0 degrees Fahrenheit or below for foods stored as frozen; and
 6. stored in food containers that are appropriately labeled, dated, and protected from flies, insects, rodents, dust, and moisture.
- Q. Meals provided by the Boarding Home Facility shall be nutritionally balanced and shall provide the USDA recommended daily allowances of vitamins, minerals and calories.
- R. With the exception of service animals for persons with disabilities, birds, cats, dogs or other animals are not permitted in areas in which food is prepared, stored or where

utensils are washed or stored.

- S. Meals shall be served:
 - 1. at least three (3) times per day;
 - 2. in sufficient quantity and quality to meet the nutritional needs of the Residents;
 - 3. daily at regular hours, with at least one hot meal per day;
 - 4. with no more than 14 hours between the beginning of the evening meal and the beginning of the morning meal; and
 - 5. with alternative selections for Residents on medically prescribed diets.
- T. A time schedule of meals shall be posted daily.
- U. Boarding Home Employees or Residents engaged in food handling shall
 - 1. observe sanitary methods, including hand washing as appropriate; and
 - 2. not be assigned to preparing foods for others at the Boarding Home Facility if carrying a disease that can be transmitted to others.
- V. Regardless of the number of Residents, each Boarding Home Facility shall hold a valid food handling permit issued by the applicable local or state regulatory authority in the name of the Boarding Home Owner/Operator and for the specific Boarding Home Facility.
- W. If preparing meals for Residents, staff must have a food-handler's permit or certification issued by the Local Authority Having Jurisdiction.
- X. Each Boarding Home Facility shall maintain a minimum food and water supply sufficient for all Residents as recommended by the American Red Cross.
- Y. Each Boarding Home Facility shall be equipped with a first aid kit as recommended by the American Red Cross.

Standard 3. Reporting and Investigation of Injuries, Incidents and Unusual Accidents and the Establishment of Other Policies and Procedures to Ensure Resident Health and Safety

- A. Each Boarding Home Owner/Operator must develop and implement policies and procedures for investigating and documenting injuries, incidents and unusual accidents that involve Residents. Owners/Operators must also establish policies and procedures necessary to ensure Resident health and safety.
 - 1. Minimum requirements for the documentation of injuries, incidents or unusual accidents should include, but are not limited to:
 - a. Date and time of the injury, incident or unusual accident occurred;
 - b. Description of the injury, incident or unusual accident;
 - c. Description of any medical or mental health treatment the Resident received;

- d. Steps taken by the Boarding Home Owner/Operator to prevent future injuries, incidents or unusual accidents if a problem at the Boarding Home Facility resulted in the injury, incident or unusual accident.
 - e. When the Resident's legal guardian or legally authorized representative was notified about the injury, incident or unusual accident.
 2. Residents, the Resident's guardian, or legally authorized representatives should be given access to the inspection records as described in Section A(1) within 48 hours of requesting the records from the Boarding Home Owner/Operator.
- B. In addition to investigating and documenting injuries, incidents or unusual accidents, a Boarding Home Owner/Operator must report any allegations of abuse, neglect or exploitation of an adult age 65 or older or an adult with a disability to the Texas Department of Family and Protective Services. Failure to report suspected abuse, neglect or exploitation of an elderly adult or adult with a disability is a Class A misdemeanor.
 1. Each Boarding Home Owner/Operator should ensure that each Resident has access to a telephone 24 hours per day that is easily accessible and affords privacy for use by Residents.
 2. The Boarding Home Owner/Operator shall ensure that no Resident is harassed, retaliated against, threatened or intimidated at anytime for making a report of abuse, neglect or exploitation.
 3. Boarding Home Owner/Operators will provide each Resident with a copy of the definitions of abuse, neglect or exploitation as outlined in Chapter 48 of the Human Resources Code.
 4. Boarding Home Owner/Operators will allow law enforcement personnel, emergency medical and fire personnel access to the Boarding Home Facility when these professionals are responding to a call at the Boarding Home Owner/Operator's Boarding Home Facility.
- C. No Operator or other Boarding Home Employee of a Boarding Home Facility shall provide services or engage in behavior that constitutes a financial conflict of interest including:
 1. borrowing from or loaning money to Residents;
 2. witnessing wills in which the Operator or Boarding Home Employee is a beneficiary;
 3. commingling the Resident's funds with the Boarding Home Owner/Operator's or other Residents' funds; or
 4. becoming the guardian, conservator or power of attorney for a Resident.
- D. If a Boarding Home Owner/Operator becomes the representative payee for a Resident or assists a Resident with general money management, the Boarding Home Owner/Operator shall:
 1. maintain separate financial records for each Resident for which the Boarding Home Owner/Operator is the representative payee for the entire period of time

- the Boarding Home Owner/Operator is the Resident's representative payee and continue to maintain the Resident's records for one year past the last calendar day the Boarding Home Owner/Operator is the Resident's representative payee;
2. include in the records an itemized list of expenditures that the Boarding Home Owner/Operator has made on behalf of the Resident, including the charges that are assessed by the Boarding Home Owner/Operator;
 3. maintain receipts for all expenditures in addition to the itemized documentation;
 4. develop a budget with the Resident outlining routine expenditures and ensure that expenditures that are not routine are discussed with the Resident before the Resident's funds are expended; and
 5. the Boarding Home Owner/Operator will allow the Resident, the Resident's guardian, or legally authorized representative access to the Resident's financial records that are maintained by the Boarding Home Owner/Operator within 48 hours of receiving a request.
- E. A Boarding Home Owner/Operators shall develop a service agreement with each Resident and maintain a copy of the agreement signed by the Resident.

Standard 4. Assistance with Self-Administration of Medication

- A. Assistance with self-administration of medication may be provided to adult Residents who can identify their medication and know when their medication should be taken but require assistance with self-administration. Assistance with self-administration of medication may not be provided to minors.
- B. Assistance with self-administration of medication is limited to:
1. reminding the Resident to take medication;
 2. opening a container, removing medication from a container, and placing medication in a Resident's hand or in/on a clean surface, such as a pill cup or medication reminder box, for the Resident's self-administration; and
 3. reminding the Resident when a prescription needs to be refilled.
- C. All Residents' medication must be stored in a locked area. The Boarding Home Facility must provide a central locked storage or individual locked storage areas for each Resident's medication.
1. If the Boarding Home Facility uses a central medication storage area, a Boarding Home Employees must be available to provide access at all times and each Resident's medication must be stored separately from other Residents' medications within the storage area.
 2. If a Resident's medication requires refrigeration, the Boarding Home Facility must provide a refrigerator with a designated and locked storage area or a refrigerator inside a locked medication room.
 3. Medications labeled for "external use only" must be stored separately within the locked area.
 4. Poisonous substances must be labeled, stored safely, and stored separately from medications within a locked area.

5. If a Boarding Home Facility stores controlled drugs, the Facility must adopt and enforce a written policy for preventing the diversion of the controlled drugs.
- D. Medication that remains in the Boarding Home Facility after a Resident is no longer lodging in the Boarding Home Facility must be properly disposed of by the Owner or Boarding Home Owner/Operator in accordance with applicable Fort Bend County or local municipality requirements.

Standard 5. Requirements for in-service education of Boarding Home Facility staff

- A. Each Boarding Home Owner/Operator Boarding Home Employee is subject to the following initial training requirements prior to contact with Residents:
 1. employer rules and policies;
 2. recognizing and reporting abuse, neglect and exploitation;
 3. Resident's rights, including all applicable rights from the following:
 - a. Texas Human Resource Code, Chapter 102, Rights of the Elderly;
 - b. Texas Human Resource Code, Chapter 112, Developmental Disabilities;
 - c. Texas Property Code, Chapter 301, Fair Housing Practices; and
 - d. Texas Property Code, Chapter 92, Residential Tenancies.
 4. policies and procedures for contacting emergency personnel when a Resident's health or safety is at risk;
 5. complaint process specific to the Local Authority Having Jurisdiction;
 6. assistance with self-administration of medication;
 7. prevention of injuries, incidents and unusual accidents;
 8. emergency, evacuation and disaster plan; and
 9. service specific orientation that includes, but is not limited to: a. nutrition, including meal preparation and dietary needs; b. sanitation; c. laundry; and d. housework.
- B. Each Boarding Home Owner/Operator and Boarding Home Employee is subject to the following ongoing training requirements:
 1. Updates and changes in any policies and procedures within 10 days of the Owner/Operator or Boarding Home Employee becoming aware of the change.
 2. Orientation specific to the needs of each new Resident within one day of the Resident moving into the Boarding Home Facility.
 3. Orientation specific to the needs of a Resident whose needs have changed due to injury, illness, hospitalization or other circumstances which affect the Resident's needs within one day of the Owner/Operator, or Boarding Home Employee becoming aware of the change.

Standard 6. Assessment and periodic monitoring of Residents

- A. Boarding Home Owners/Operators or their designee will complete and document an annual assessment and conduct periodic monitoring to ensure that a Resident is capable

of self-administering medication and completing basic elements of personal care as listed in Subsection B & C. The assessment will be used as a tool to determine if the needs of the Resident can be addressed in a Boarding Home Facility or if the Resident needs personal care services and/or medication administration that cannot be provided by the Boarding Home Facility.

- B. Elements of the self-administration of medication to be assessed by the Boarding Home Owner/Operator or designee include the ability to perform each of the following tasks with little assistance:
 - 1. identifying the name of the medication;
 - 2. providing a reason for the medication (the Boarding Home Owner/Operator cannot force the Resident to disclose a health condition that is the basis for the medication if the Resident refuses);
 - 3. distinguishing color or shape;
 - 4. preparing correct number of pills (dosage);
 - 5. confirming the time to take medication(s); and
 - 6. reading labels.
- C. Elements of personal care to be assessed by the Boarding Home Owner/Operator include the Resident's ability to:
 - 1. eat independently;
 - 2. bathe without assistance;
 - 3. dress without assistance; and
 - 4. move and transfer independently.
- D. As a result of an assessment, if an Boarding Home Owner/Operator finds that a Resident is in a state of possible self-neglect due to no longer being able to perform basic elements of personal care as listed in Subsection C and believes that a higher level of care is needed, the Boarding Home Owner/Operator is responsible for the following:
 - 1. Contacting DFPS by phoning the Statewide Intake division at 1-800-252-5400;
 - 2. Notifying the Resident's guardian or legally authorized representative; and
 - 3. Contacting the appropriate health or human services authority and the office of the Fort Bend County Boarding Home Permit Administrator to advise that the Resident requires services beyond what can be provided by the Boarding Home Facility.
- E. A state of self-neglect does not exist if the Resident receives outside professional services that meet the Resident's need for personal care or self-administration of medication. In these cases, the Resident can remain in the Boarding Home Facility provided that all needs for personal care and self-administration of medication are met.

APPENDIX B.
FORT BEND COUNTY ADOPTED FEE SCHEDULE

FEE SCHEDULE

Boarding Home Facility Permit Fee.....	\$500.00
Boarding Home Facility Re-Inspection Fee.....	\$150.00
Boarding Home Employee Permit Fee.....	\$50.00