

RESOLUTION NO. 20120524-086

WHEREAS, H.B. No. 216 of the 81st Texas Legislature relating to local regulation of certain establishments that provide housing and at least one additional qualifying service for elderly or disabled persons was signed into law by Governor Perry on June 19, 2009, and is presently codified in state law as Chapter 260 of the Texas Health and Safety Code; and

WHEREAS, City Council by Resolution 20091022-043 directed the City Manager to promptly assess state-adopted model standards for local regulation of such homes and to recommend a potential local or interlocal program for Austin to permit, inspect, and monitor qualifying establishments, their owner/operators, facilities, and occupants, including informing council of the anticipated fiscal impact of such a program; and

WHEREAS, to date, no Texas jurisdiction is known to have locally adopted a program applicable solely to H.B. 216 defined homes; and

WHEREAS, for the last two years, staff from the Austin/Travis County Health and Human Services Department has actively sought input from and coordinated frequent and ongoing discussions with a variety of internal and external stakeholders and has provided periodic briefings and updates to the Public Health and Human Services Council subcommittee as concerns a variety of issues and options related to local adoption of potential regulations pursuant to H.B. 216; and

WHEREAS, despite significant staff and stakeholder discussions and efforts to establish consensus on a unified recommendation for a local program, none has yet been achieved; and

WHEREAS, local regulation of such establishments furthers an important public purpose of promoting the health, safety, and welfare of the City of Austin and its inhabitants, including elderly and disabled members of the community, and of supporting equal opportunity for access to safe and affordable housing and housing choice; and

WHEREAS, because the majority of the homes of this type in current operation are believed to be unlicensed, the City lacks adequate specific data for program planning and cost projection purposes relating to the actual housing, welfare, and service needs and concerns of elderly and disabled residents of such homes; the business, operational, and financial challenges of the owner/operators; and the likely extent of critical compliance issues associated with the properties from which the homes operate including the average cost and time to secure compliance of an existing home with applicable regulations and the potential number of resident displacements likely to be encountered and emergency funding needs for possible relocations following local or interlocal adoption and implementation of a regulatory program of any scope; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to develop and implement a pilot program utilizing existing resources to identify and assess relevant data for a random City-wide sample of currently operating homes of the type defined in H.B. 216.

1. The City Manager should commence the pilot on June 1, 2012, and should take up to 60 days to identify and assess the homes.

2. To the extent practicable, the sample data set may include some number randomly distributed across the jurisdiction from those homes identified through any of the following methods: (A) by internet search engine results when key terms relevant to H.B. 216 are provided; (B) by the City from among complaints received about this type of housing in the preceding twelve months; and (C) by information provided to the City by other government entities or agencies, by residents of such homes, advocates for the elderly or disabled, housing providers, and/or by housing advocates.

3. The pilot may include collection and assessment of data obtained through research, interviews, surveys, and/or site observations and inspections of the sample homes, residents or their representatives, partner organizations, housing owner/operators/advocates, and other persons, associations, or entities as applicable.

4. The City Manager should take up to 30 days following completion of the data collection phase of this pilot to evaluate and analyze the results to determine whether a separate program is needed specifically to locally regulate the type of homes for which H.B. 216 was envisioned.

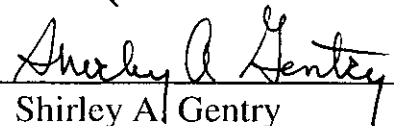
5. The City Manager should use data collected through this pilot study, as well as work with relevant boards and commissions and stakeholders, to make a recommendation on a policy.

6. In working toward a policy, the City Manager should consider the specific needs and constraints of home residents and their representatives, home staff/owners/operators, the communities in which

these homes operate, the City and its budget, and available internal, external, and interlocal resources.

7. This pilot program is to be in place until September 30, 2012, by which time the City Manager should present to City Council recommendations that may include the key components of and costs for implementation and maintenance of an ordinance regulating operation of homes of the type studied in the pilot. If at any time before September 30, 2012 the City Manager determines that regulation of such homes pursuant to H. B. 216 will be infeasible or unworkable for local adoption at this time, the City Manager may adjust or terminate the pilot, and shall promptly report the changes to Council.

ADOPTED: May 24, 2012 ATTEST:


Shirley A. Gentry
City Clerk