



## Frequently Asked Questions (FAQs) Boarding Home Facility, Lodging Facility, and Correctional/Alternate Housing Facility Ordinances

### 1. Why did the City create these permits?

After two fires resulted in three deaths and many public safety complaints, the City identified enforcement gaps in certain types of residential facilities. The City created these permits to improve life safety for residents living in these facilities and to hold operators accountable for compliance with existing City ordinances.

### 2. How will the permits improve public safety?

The permits help the City keep track of facilities and make sure the building is safe for residents. Permitted facilities must meet building code standards, pass an annual inspection, and are subject to investigation at any time if a complaint is filed with 3-1-1. If the facility operator does not comply with City ordinances or building code, then the City can assess fines or prohibit a facility from operating.

### 3. What is a Boarding Home Facility?

A Boarding Home Facility is a Residential Facility that provides housing and personal care services to three or more unrelated persons with disabilities or elderly people, as established by Texas Health and Safety Code. The definition does not include nursing homes, assisted living facilities, or other types of facilities regulated by the State of Texas.

### 4. What is a Lodging Facility?

A Lodging Facility is a facility that provides housing to three or more unrelated people for compensation. Lodging facilities are commonly known as boarding houses, rooming houses, tenement houses, bunk houses, and flop houses. The definition does not include apartments, hotels, condos, vacation/rental homes, or short-term rentals.

### 5. What is a Correctional Facility?

A Correctional Facility is a Residential Facility that provides housing and rehabilitation services to three or more unrelated persons on administrative release from a penal institution.

### 6. What is an Alternate Housing Facility?

An Alternate Housing Facility is a Residential Facility that provides housing to three or more unrelated persons on administrative release from a penal institution.

### 7. What is the difference between a Boarding Home and a Boarding House?

A Boarding Home is defined by the State of Texas as a facility that houses and provides personal care service to the elderly and/or disabled. This type of facility requires the owner to complete an annual background check by the City of Houston and could be identified as a senior living facility, but NOT an Assisted Living Facility.

A Boarding House, on the other hand, is actually a Lodging Facility that provides nothing more than a place to sleep for compensation in a residential environment. The residents of these facilities do not require any supervision and were not officially sent there because of any addictions.

**8. What is the difference between a Correctional Facility and an Alternate Housing Facility?**

Officially, a Correctional Facility is for the housing of adults on parole, early or pre-release, or any other form of executive, judicial or administrative release from a penal institution. Whereas, an Alternate Housing Facility is for the housing of 3 or more unrelated parolees but is owned by an individual, private legal entity, non-profit or faith-based organization which is not owned by, operated by, established by or contracted with the Texas Department of Criminal Justice (TDCJ).

**9. What is the difference between Personal Care Services and Custodial Care?**

Out of the three categories of care, personal care service is the least involved. It includes responsibility for the safety of the residents, as well as helping with some daily activities such as cooking or reminding when to take medications. This type of care is the same care offered for children in schools. Custodial care can include 24-hour supervision for those in rehab or those needing assistance with all aspects of daily living. However, custodial care does not involve medical care, which includes skilled nursing and care for those individuals who are not capable of recognizing an emergency and/or not able to respond to it without the aid of staff members.

**10. Will my facility be required to install a fire sprinkler system?**

Possibly. The answer to this question is based on a number of factors including size of the building, maximum number of residents allowed, and the code year assigned to the building. Depending on the history of the property, the code year assigned is based on the year the building was constructed, remodeled, or the predominant usage has changed to a more hazardous classification.

The majority of facilities requiring sprinkler systems will be allowed to install a 13D system, which uses the building's current water supply, can be installed by a licensed plumber instead of a sprinkler company, and may not have to be a monitored system.

**11. Who is legally responsible for obtaining the required permits?**

The designated owner/operator of the facility or business entity will be held responsible for obtaining the required permits, which may be different from the owner of the actual property.

**12. How many facilities are currently operating in Houston?**

As of March 7, 2018, there are 117 boarding homes, 99 alternate housing facilities, 0 permitted correctional facilities, and an unknown number of lodging facilities operating in Houston.

**13. Where can I find where these facilities are located or specific information on a facility in my area?**

The City will publish an up-to-date list of all permitted Boarding Home Facilities, Lodging Facilities, and Correctional and Alternate Housing Facilities on the Houston Permitting Center's website [www.houstonpermittingcenter.com/residentialfacilities](http://www.houstonpermittingcenter.com/residentialfacilities).

**14. When does the ordinance go into effect?**

The ordinance took effect immediately upon City Council approval on March 21, 2018. However, facilities will have 18 months from the ordinance effective date to come into compliance with all code requirements. Houston Public Works currently allows 6 months to make corrections to comply with building codes. Based on recommendations from Houston Public Works, the compliance period has been expanded to accommodate for anticipated delays from Harvey recovery efforts.

**15. Does this ordinance include the temporary or short-term rental of my home?**

No, the new ordinance does not affect vacation home rentals, hostels, couch surfing, or services like Airbnb. However, facilities that are used for profit and not primarily as a single-family residence, for instance a bed & breakfast, may still require a Certificate of Occupancy be obtained from the Building Code Enforcement at the Houston Permitting Center even though they would not require an Annual Residential Facility Permit.

**16. What are the permit requirements?**

- a. An applicant must submit a completed application
- b. An applicant must submit an unsworn declaration stating that the applicant's intended use of the property is in compliance with applicable deed restrictions (unless they have lapsed);
- c. The proposed facility must pass an occupancy inspection (or life safety inspection if renewing); and,
- d. The applicant must pay all permit fees.

In addition to obtaining a permit, facilities must pass an annual building inspection and life safety inspection, maintain framed beds (no air mattresses or cots), post and practice fire evacuation plans, and provide easily accessible fire extinguishers and first aid supplies, and have operable smoke and carbon monoxide detectors.

**17. Which departments are responsible for issuing the permits?**

Houston Public Works is responsible for issuing boarding home and lodging facility permits. The Administration and Regulatory Affairs Department is responsible for issuing correctional facility and alternate housing facility permits.

**18. What are the permit fees?**

Boarding Home Permit	\$81.00
Boarding Home Inspection	\$192.00
Lodging Facility Permit	\$81.00
Lodging Facility Inspection	\$192.00
Correctional Facility Permit	\$130.00
Correctional Facility Inspection	\$192.00
Alternate Housing Facility Permit	\$130.00
Alternate Housing Facility Inspection	\$192.00

**19. How often will facilities be inspected and by whom?**

Facilities are required to pass a one-time Certificate of Occupancy inspection when applying for a permit. Facilities will also be required to pass an annual inspection prior to renewing a permit. The annual renewal inspections will be conducted by Houston Public Works Occupancy inspectors who hold State Fire Inspector certifications, are trained in the local amendments to the International Fire Code, and are delegated specific authority by the Fire Chief. In the event of a fire code violation, the Fire Marshal Office will be contacted for enforcement. Facilities may also be inspected by Houston Public Works and the Fire Marshal at any time in response to a 3-1-1 complaint.

**20. What is a Certificate of Occupancy and why do some facilities need a C/O and others not?**

A Certificate of Occupancy (C/O) is a document that certifies a building is in compliance with the City's building code. The building code specifies the electrical, mechanical, plumbing, and structural standards to which a building must be constructed. If a building does not meet these standards, then it is deemed unsafe to occupy and the City can issue citations or ultimately close facilities for failure to comply. Once a facility receives a Certificate of Occupancy, the certificate is valid unless the building's use or structure is modified.

Building code is based on a building's size, use, and age. Although some smaller, older facilities may not require a C/O, they are still required to comply with building code and maintain their posted occupancy limit. To ensure resident safety, these facilities will still receive a full building code inspection and annual life safety inspection. Any changes to the building's structure or number of occupants will trigger a new occupancy inspection and likely require a C/O to be issued.

**21. How many people can live in a facility?**

The exact number of people that can safely live in a facility will be determined by the building code occupancy inspection. Most residential facilities set the calculation at 1 person for every 200 square feet. This number can change depending on type of building and when it was built.

**22. What are the parking requirements for a facility?**

The parking requirements for all facilities are 0.3 parking spaces per sleeping room. Parking requirements are regulated separately by the City's Planning & Development Department.

**23. What are the distance or density requirements?**

There are no distance requirements for Boarding Home Facilities or Lodging Facilities. Correctional Facilities and Alternate Housing Facilities are required to be at least 1,000 feet from schools, day cares, public parks, and other correctional facilities and alternate housing facilities.

**24. What does it mean for an Alternate Housing Facility to be approved or denied by Texas Department of Criminal Justice (TDCJ)?**

TDCJ maintains a list of private facilities approved by TDCJ to house parolees within the community. Following the passage of this ordinance, TDCJ will require alternate housing

applicants to obtain a permit from the City before receiving approval to house parolees.

**25. Why are some facilities “grandfathered” from distance requirements?**

Alternate housing facilities that are approved by TDCJ at the time of ordinance passage will be “grandfathered” or exempt from distance requirements. Forcing these facilities to move could result in the reduction of available and affordable housing for a vulnerable population.

**26. How long will the “grandfather” apply?**

The exemption from the distance requirements will remain as long as the facility is in compliance with the ordinance and the facility ownership doesn’t change. Permits are nontransferable, which means that any change in ownership will require the new permit applicant to comply with all provisions of the ordinance, including the distance requirement.

**27. How can I report an unpermitted facility or file a complaint?**

Residents can submit a complaint by visiting [www.houstontx.gov/311](http://www.houstontx.gov/311), calling 3-1-1 or 713-837-0311, or using 3-1-1’s mobile app. For best results, 311 recommends using the website to make a report.

**28. What if a facility does not obtain a permit, or violates the ordinance?**

Fines for violating permit requirements are up to \$500 for each day of violation. Fines for violating the certificate of occupancy are up to \$2,000 for each violation, each day.

**29. What actions can be taken for facilities with repeat violations?**

If a facility is found to have more than five violations, then their permit may be revoked.

**30. How can I report a facility that I believe to be in violation of my neighborhood’s deed restrictions?**

There is no one-size-fits-all rule for enforcement of deed restrictions. Each neighborhood’s deed restrictions are different and must be handled on a case by case basis. The best way to enforce deed restrictions is to contact the Legal Department’s Deed Restriction Enforcement Team via the Deed Restriction Hotline at 832-393-6333 or website at <http://www.houstontx.gov/legal/deed.html>. Citizens can also call 3-1-1 to report code violations.

**31. How long will it take to complete the permitting process?**

It depends on how well the facility has been maintained and the resources available to the owner. The first year is expected to take the longest due to the backlog of expected applicants and their obtainment of a Certificate of Occupancy if a building does not currently have one for the current usage. Six months is immediately allowed to obtain the Certificate following application with the possibility of extensions due to the extent of work required as well documented effort to comply by the owner. Maintained properties will NOT have to renew the Certificate of Occupancy, except for additions or significant remodels to the building through the Plan Review Department. Once the first-year permitting is complete, the subsequent annual inspection and permitting by the same owner should realistically take 1 to 4 weeks to complete.

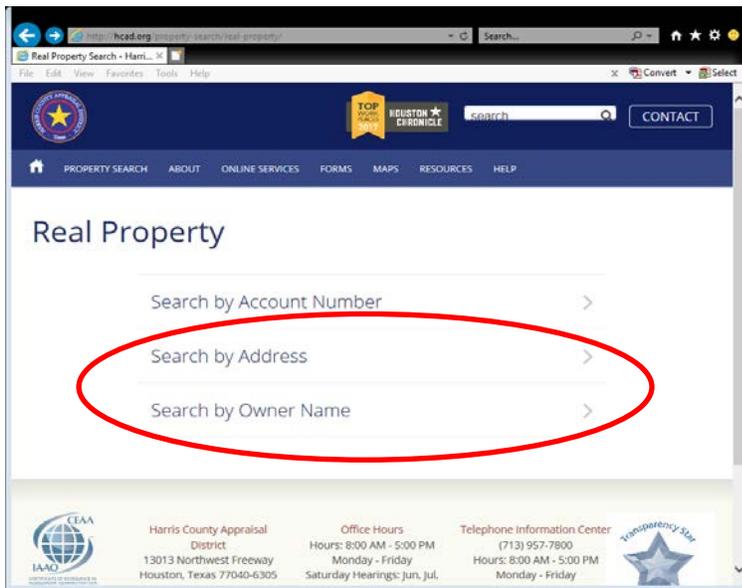
Renewal permitting can be accomplished up to 3 months prior to the anniversary date, but the owner is subject to citations if not completed by that date.

**32. Where do I go to start the process?**

The link provided at [www.houstonpermittingcenter.org/residentialfacilities](http://www.houstonpermittingcenter.org/residentialfacilities) is the best place to start. There, you will find additional information, step-by-step processes, Pre-Application Questionnaires, fillable online applications, and the latest updates. For questions or concerns, the Residential Facilities Division of the Occupancy Section can be reached at [residential.facilities@houstontx.gov](mailto:residential.facilities@houstontx.gov). Emails will be returned in the order they were received. To speak with a Residential Facilities representative, call 832-394-8880. Your patience with the implementation of this new ordinance is greatly appreciated!

**33. How do I locate my Harris County Appraisal District (HCAD) Account Number and Legal Description?**

Step 1: go to [www.hcad.org/property-search/real-property/](http://www.hcad.org/property-search/real-property/) and click on one of the search options.

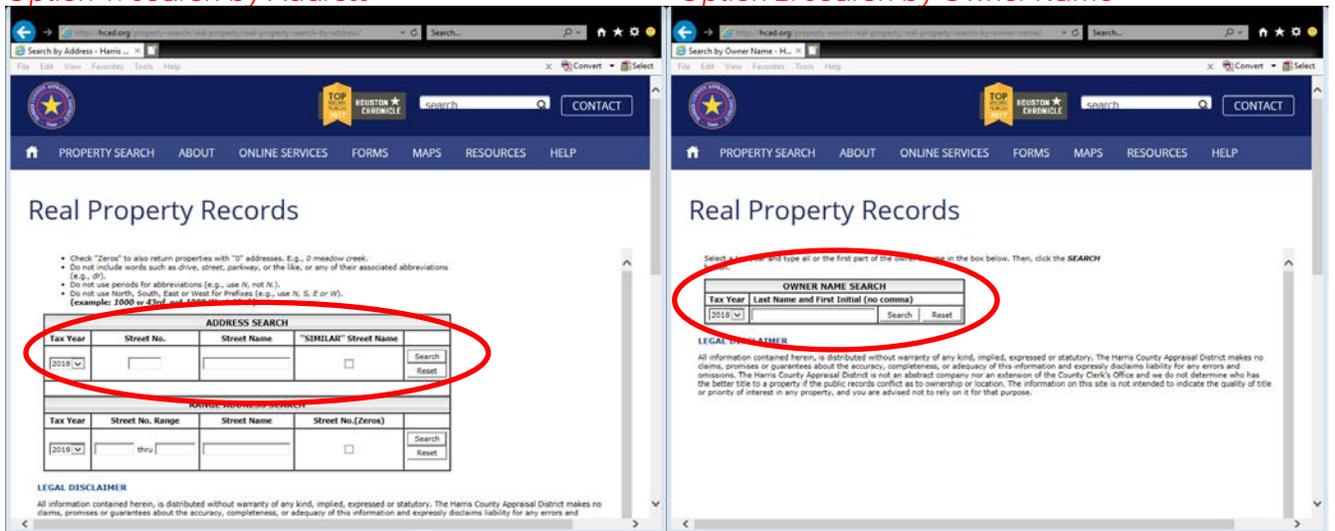


*\*\* Step 2 & 3 continue on page 7 \*\**

Step 2: Enter the appropriate information depending on your type of search.

*Option 1: Search by Address*

*Option 2: Search by Owner Name*



Step 3: The HCAD number will be located in the red circle and the legal description will be located in the green circle.

