**Chapter 28 MISCELLANEOUS OFFENSES AND PROVISIONS**

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### ARTICLE XIV. BOARDING HOMES

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#### DIVISION 2. PERMITS

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Sec. 28-463. Application for permit.

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(c) *~~Request for inspection.~~* ~~At the time of submission of the application, the owner or operator of a lodging facility shall submit a request to the building official for the lodging facility inspection described in section 28-467 of this Code.~~ *Certificate of occupancy and inspection*. The application shall be accompanied by the following:

(1) A copy of the facility certificate of occupancy;

(2) Proof that the facility has passed an inspection described in section 28-467 of this Code.

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Sec. 28-466. Operating requirements.

(a) *Certificate of occupancy*. The owner or operator of a facility shall maintain a certificate of occupancy for every building of the facility except as otherwise allowed under the Building Code.

(b) *Posting.* The owner or operator of a boarding home facility shall prominently and conspicuously post for display in a public area of the boarding home facility that is readily available to residents and visitors:

(1) The permit issued by the city under this article;

(2) In a font of sufficient size to be easily read, the provisions of Section 102.003 of the Texas Human Resources Code; and

(3) A phone number for the Texas Department of Family and Protective Services for reporting abuse, neglect and exploitation.

(~~b~~c) *Employee statement.* The operator of a boarding home facility permitted under this article shall require each employee of the boarding home facility, as a condition of employment with the boarding home facility, to sign a statement in a form acceptable to the director that the employee acknowledges that the employee may be criminally liable under Section 48.052, Texas Human Resources Code, for failure to report abuse, neglect, or exploitation of any resident. The operator of a boarding home facility shall provide copies of the statement for a new employee to the director within ten business days of hire.

(~~c~~d) *Framed beds.* The owner or operator of a boarding home facility shall, if providing a bed, provide a separate framed bed at least six feet long and three feet wide equipped with supportive springs and a clean supportive mattress 24 hours a day.

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Sec. 28-467. Inspections.

(a) Upon receipt of a request by the owner or operator of a boarding home for an inspection to confirm that the boarding home is in compliance with this Code, including the Fire Code and the Construction Code, the building official shall meet with the owner or operator to determine whether the boarding home will require either a new or amended certificate of occupancy.

(1) If the building official determines that the owner or operator possesses a certificate of occupancy for the boarding home that is appropriate for the proposed use, the building official shall schedule the boarding home for a boarding home inspection, upon receipt of payment of the fee stated in the city fee schedule;

(2) If the building official determines that the owner or operator possesses a certificate of occupancy for the boarding home that is not appropriate for the proposed use, the building official shall schedule the boarding home for a certificate of occupancy inspection, upon payment of any fee required therefor in the Construction Code; or

(3) If the building official determines that the owner or operator does not possess a certificate of occupancy for the boarding home ~~and a certificate of occupancy will be required for the proposed use~~, the building official shall schedule the boarding home for a certificate of occupancy inspection, upon payment of any fee required therefor in the Construction Code~~; or~~

~~(4) If the building official determines that a certificate of occupancy will not be required for the proposed use of the boarding home, the building official shall schedule the boarding home for a boarding home inspection, upon payment of any fee required therefor in the Construction Code~~.

 The building official shall notify the boarding home operator of the date and time scheduled for the inspection.

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