

HEALTH AND SAFETY CODE

TITLE 9. SAFETY

SUBTITLE A. PUBLIC SAFETY

CHAPTER 767. REGULATION OF CERTAIN GROUP HOMES

Sec. 767.001. DEFINITION. In this chapter, "group home" means an establishment that:

(1) provides, in one or more buildings, lodging to three or more residents who are unrelated by blood or marriage to the owner of the establishment; and

(2) provides those residents with 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 Section 247.002.

Added by Acts 2023, 88th Leg., R.S., Ch. 141 (S.B. 188), Sec. 1, eff. September 1, 2023.

Redesignated from Health and Safety Code, Chapter 769 by Acts 2025, 89th Leg., R.S., Ch. 204 (H.B. 1620), Sec. 22.001(23), eff. September 1, 2025.

Redesignated and amended from Health and Safety Code, Chapter 769 by Acts 2025, 89th Leg., R.S., Ch. 799 (S.B. 1137), Sec. 1, eff. September 1, 2025.

Sec. 767.002. EXEMPTIONS. This chapter does not apply to:

(1) a person who holds a license issued under Chapter 142, 242, 246, 247, or 252;

(2) a person, establishment, or facility exempt from licensing under Section 142.003(a)(19), 242.003(3), or 247.004(4);

(3) a hotel as defined by Section 156.001, Tax Code;

(4) a retirement community;

(5) a monastery or convent;

(6) a child-care facility as defined by Section 42.002, Human Resources Code;

(7) a family violence shelter center as defined by Section 51.002, Human Resources Code; or

(8) a sorority or fraternity house or other dormitory

associated with an institution of higher education.

Added by Acts 2023, 88th Leg., R.S., Ch. 141 (S.B. 188), Sec. 1, eff. September 1, 2023.

Redesignated from Health and Safety Code, Chapter 769 by Acts 2025, 89th Leg., R.S., Ch. 204 (H.B. 1620), Sec. 22.001(23), eff. September 1, 2025.

Redesignated and amended from Health and Safety Code, Chapter 769 by Acts 2025, 89th Leg., R.S., Ch. 799 (S.B. 1137), Sec. 1, eff. September 1, 2025.

Sec. 767.003. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR APPLICANTS AND EMPLOYEES; CRIMINAL PENALTY. (a) An owner or operator of a group home shall obtain criminal history record information maintained by the Department of Public Safety of the State of Texas on each individual who is an applicant for employment with or an employee of the group home.

(b) An owner or operator of a group home may not hire or continue to employ an individual for whom the owner or operator obtains criminal history record information on the applicant's or employee's conviction of an offense under Chapter 19, 20, 20A, 21, 22, 25, 28, 29, 30, 31, 32, 33, 33A, 34, 35, 35A, or 71, Penal Code, or Section 48.015, 48.02, 48.03, or 48.04, Penal Code, or any other offense punishable as a Class A misdemeanor or a felony.

(c) An owner or operator of a group home who violates Subsection (b) commits an offense. An offense under this section is a Class A misdemeanor.

Added by Acts 2023, 88th Leg., R.S., Ch. 141 (S.B. 188), Sec. 1, eff. September 1, 2023.

Redesignated from Health and Safety Code, Chapter 769 by Acts 2025, 89th Leg., R.S., Ch. 204 (H.B. 1620), Sec. 22.001(23), eff. September 1, 2025.

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Sec. 767.004. GROUP HOME CONSULTANT REFERRALS; CRIMINAL PENALTY. (a) In this section, "group home consultant" means a

person with knowledge of group homes who:

(1) refers potential residents of a group home to specific group homes; and

(2) collects compensation for the referral.

(b) Except as provided by Subsection (c) and subject to Subsection (d), a group home consultant may not refer a potential resident to a group home operated by a person who does not hold a license or permit for the group home issued in accordance with applicable state laws or local regulations.

(c) Subject to Subsection (d), a group home consultant may refer a potential resident to an unlicensed or unpermitted group home only if:

(1) no group home is licensed or permitted to operate in the geographic region where the potential resident desires to reside; or

(2) the potential resident or potential resident's family cannot afford the cost of residing in a licensed or permitted group home referred by the group home consultant in the region where the potential resident desires to reside.

(d) Before referring a potential resident to an unlicensed or unpermitted group home, a group home consultant must inform the potential resident of any complaints against the group home of which the consultant has actual knowledge.

(e) A group home consultant who violates this section commits an offense. An offense under this section is a Class B misdemeanor.

Redesignated from Health and Safety Code, Chapter 769 by Acts 2025, 89th Leg., R.S., Ch. 204 (H.B. 1620), Sec. 22.001(23), eff. September 1, 2025.

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