

5-27-15

ORDINANCE NO. 29753

An ordinance amending Chapter 8A, "Boarding Home Facilities," and Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code by amending Sections 8A-2, 8A-4, 8A-5, 8A-6, 8A-7, 8A-8, 8A-9, 8A-10, 8A-11, 8A-12, 8A-13, 8A-15, 8A-16, 8A-19, 8A-22, 8A-23, 8A-24, 8A-33, 8A-34, 8A-35, 8A-36, 8A-37, 8A-38, 8A-39, 8A-40, and 27-31; providing amended definitions, amended licensing and inspection requirements, amended structure and maintenance requirements, amended resident health and safety requirements, amended penalties, amended multi-tenant registration requirements, and amended requirements for owners, operators, volunteers, and residents; creating a new Section 8A-21.1; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council believes it is in the interest of the public health, safety, and welfare to prohibit persons convicted of certain crimes from owning, operating, being employed by, or volunteering at a boarding home facility in the city of Dallas; and

WHEREAS, the city council, in accordance with Chapter 53 of the Texas Occupations Code, has considered the following criteria:

- (1) the nature and seriousness of the crimes;
- (2) the relationship of the crimes to the purposes for requiring a license to operate a boarding home facility;
- (3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously has been involved; and

(4) the relationship of the crimes to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of operating a boarding home facility; and has determined that the crimes listed in Section 8A-37 of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code, as set forth in this ordinance, are serious crimes that are directly related to the duties and responsibilities of the owners, operators, employees, and volunteers of a boarding home facility, whose job is to provide lodging and certain services for three or more people who are not related to the owner of the boarding home facility; and

WHEREAS, the city council has determined that the very nature of owning, operating, being employed by, or volunteering at a boarding home facility brings such a person into constant contact with the public, which gives the person repeated opportunities to participate in crimes of violence or dishonesty, or crimes against the public health, safety, or morals, should the person be so inclined, and, thus, it is the finding of the city council that the crimes listed in Section 8A-37 of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code, as set forth in this ordinance, render a person unable, incompetent, and unfit to perform the duties and responsibilities of the owner, operator, employee, or volunteer of a boarding home facility in a manner that would promote the public safety and trust; and

WHEREAS, the city council has determined that no person who has been convicted of a crime listed in Section 8A-37 of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code, as set forth in this ordinance, is presently fit to engage in the ownership or operation of a boarding home facility, or be employed by or volunteer at a boarding home facility, in the city until the respective time periods designated in that section have expired, and, thus, should be disqualified from being issued a license to own or operate a boarding home facility until the expiration of those time periods; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Paragraph (4) of Section 8A-2, "Definitions," of Article I, "General Provisions," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"(4) BOARDING HOME FACILITY means an establishment that:

(A) furnishes, in one or more buildings, lodging to three or more persons who are unrelated to the owner of the establishment by blood or marriage; and

(B) provides 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 to those persons[~~;~~~~and~~

(C) ~~is not listed in Section 8A-5 of this chapter]."~~

SECTION 2. That Paragraph (6) of Section 8A-2, "Definitions," of Article I, "General Provisions," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"(6) CONVICTION means a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned. "Conviction" includes disposition of charges against a person by probation or deferred adjudication."

SECTION 3. That Paragraph (8) of Section 8A-2, "Definitions," of Article I, "General Provisions," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"(8) DIRECT THREAT means a significant risk to the health or safety of one or more individuals [~~others~~] that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or service."

SECTION 4. That Paragraph (12) of Section 8A-2, "Definitions," of Article I, "General Provisions," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

“(12) EMPLOYEE means any individual [~~a person~~] who performs caretaking duties or regularly works in a boarding home facility for any form of compensation or consideration.”

SECTION 5. That Paragraph (13) of Section 8A-2, “Definitions,” of Article I, “General Provisions,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(13) EXPLOITATION means the illegal or improper act or process of an owner, operator, employee, caretaker, family member, or other individual who has an on-going relationship with the resident using the resources of a resident for monetary or personal benefit, profit, or gain without the informed voluntary consent of the resident.”

SECTION 6. That Paragraph (15) of Section 8A-2, “Definitions,” of Article I, “General Provisions,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(15) INJURY, INCIDENT, OR UNUSUAL ACCIDENT means an event that occurred in the boarding home facility, on the grounds of the boarding home facility, or under the licensee’s supervision and resulted in a change in a resident’s physical or mental status that requires intervention by a private or public entity responsible for medical or mental health services or an event that requires the facility to take safety and protection measures for the resident or others. This term includes, but is not limited to, the following:

- (A) An allegation of abuse, neglect, or exploitation.
- (B) Death.
- (C) A resident’s unexplained absence from the boarding home facility.
- (D) Fire.
- (E) Criminal acts.
- (F) Fights between residents.”

SECTION 7. That Paragraph (16) of Section 8A-2, “Definitions,” of Article I, “General Provisions,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(16) LICENSEE means:

(A) a person in whose name a boarding home facility license has been issued;

(B) each individual listed as an owner or operator of the boarding home facility on a pending or approved ~~the~~ application for a boarding home facility license;

(C) each individual who has a 20 percent or greater ~~an~~ ownership interest in the corporation or other legal entity owning or operating the boarding home facility, regardless of whether the individual's name or signature appears on the pending or approved boarding home facility license application; ~~and~~

(D) each officer, director, and board member of the corporation or other legal entity owning or operating a boarding home facility, regardless of whether the individual's name or signature appears on the pending or approved boarding home facility license application; and

(E) each individual that exercises substantial de facto control over a boarding home facility regardless of whether the individual's name or signature appears on the pending or approved boarding home facility license application.”

SECTION 8. That Section 8A-2, “Definitions,” of Article I, “General Provisions,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended by adding a new Paragraph (17.1) to read as follows:

“(17.1) OPERATE means to manage, run, or be in control of a boarding home facility.”

SECTION 9. That Paragraph (18) of Section 8A-2, “Definitions,” of Article I, “General Provisions,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(18) OPERATOR means any ~~the~~ person exerting ~~in~~ control over ~~of~~ a boarding home facility, including, any sole proprietor, his or her agent, and any officer, director, board member, staff member, or agent of a corporation or other legal entity who has managerial control of the on-site, day-to-day operations of a boarding home facility, regardless of whether that person is listed as an operator on the boarding home facility license application.”

SECTION 10. That Section 8A-2, "Definitions," of Article I, "General Provisions," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to add a new Paragraph (18.1) to read as follows:

"(18.1) OWN means a right by law to possess, manage, sell, or donate property."

SECTION 11. That Paragraph (19) of Section 8A-2, "Definitions," of Article I, "General Provisions," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is to read as follows:

"(19) OWNER means an individual who owns a boarding home facility as a sole proprietorship, an individual who has 20 percent or greater [an] ownership interest in a corporation or other legal entity that owns or operates [operating] a boarding home facility, a non-profit entity that owns or operates a boarding home facility, or the owner of the real property where a boarding home facility is located."

SECTION 12. Section 8A-2, "Definitions," of Article I, "General Provisions," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended by adding a new Paragraph (22) to read as follows:

"(22) VOLUNTEER means a person who is not an employee and works at or for a boarding home facility without any expectation of or entitlement to any form of compensation."

SECTION 13. That Subsection (b) of Section 8A-4, "License Required," of Article II, "Administrative," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"(b) It is a defense to prosecution under this section [~~chapter~~] if a person operates a boarding home facility while an application under Section 8A-6 is pending."

SECTION 14. That Section 8A-5, "Exemptions," of Article II, "Administrative," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"SEC. 8A-5. EXEMPTIONS.

(a) This chapter does not apply to the following:

- (1) Home and community support services licensed under Chapter 142 of the Texas Health and Safety Code, as amended.
- (2) Convalescent and nursing homes and related institutions licensed under Chapter 242 of the Texas Health and Safety Code, as amended.
- (3) Continuing care facilities licensed under Chapter 246 of the Texas Health and Safety Code, as amended.
- (4) Assisted living facilities licensed under Chapter 247 of the Texas Health and Safety Code, as amended.
- (5) Intermediate care facilities for the mentally retarded licensed under Chapter 252 of the Texas Health and Safety Code, as amended.
- (6) A person that provides home health, hospice, or personal assistance services only to persons enrolled in a program funded wholly or partly by a state agency with jurisdiction over mental health and mental disability and monitored by that state agency or its designated local authority in accordance with standards set by that agency.
- (7) An establishment conducted by or for persons who have a sincere religious belief in providing facilities to care and treat the sick by depending exclusively on prayer or spiritual means for healing, without the use of any drug or material remedy, if the establishment complies with safety, sanitary, and quarantine laws and rules including Sections 8A-22, 8A-23, 8A-24, 8A-27(h), 8A-29, 8A-30, 8A-31, 8A-32, 8A-33, and 8A-34 of this chapter.
- (8) A hotel as defined by Section 156.001 of the Texas Tax Code, as amended.
- (9) A retirement community as defined by Section 11.18 of the Texas Tax Code, as amended.
- (10) A monastery or convent as defined by Section 51A-4.204 of the Dallas Development Code, as amended.
- (11) A child-care facility as defined by Section 42.002 of the Texas Human Resources Code, as amended.
- (12) A family violence shelter center as defined by Section 51.002 of the Texas Human Resources Code, as amended.
- (13) A college dormitory, fraternity, or sorority house as defined by Section 51A-4.209 of the Dallas Development Code, as amended.

(14) A facility listed in this section with a pending application for a state license falling within one of the above-listed exemption categories.

(b) The director may inspect an establishment described in Subsection (a)(7) for the purpose of ascertaining whether any violations of any safety, sanitary, and quarantine laws and rules, including Sections 8A-22, 8A-23, 8A-24, 8A-27(h), 8A-29, 8A-30, 8A-31, 8A-32, 8A-33, and 8A-34 of this chapter exist. If the director identifies any violation or if the owner, occupant, or person in control of the establishment denies permission to search any part of the interior or exterior of the structure or the surrounding premises, the establishment is not exempt from the application of Sections 8A-4(a), 8A-40, or any other provisions of this chapter.”

SECTION 15. That Section 8A-6, “License Application,” of Article II, “Administrative,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“SEC. 8A-6. LICENSE APPLICATION.

(a) To obtain a license to operate a boarding home facility, a person must submit an application to the director on a form provided for that purpose. The applicant must be the owner or operator of the boarding home facility. If the owner or operator is not an individual, an authorized officer or agent of the owner or operator must file the form. The application must contain the following information and be accompanied by the fee, if any, required under Section 8A-8 of this chapter before it is considered to be complete:

(1) The name, street address, mailing address, e-mail address, telephone number, a legible copy of the driver's license or other official state or federal identification card, and date of birth of the applicant. The street address may not be the address of the boarding home facility unless the applicant actually resides full-time at the boarding home facility.

(2) The name, street address, mailing address, e-mail address, telephone number, a legible copy of the driver's license or other official state or federal identification card, and position of the authorized officer or agent filing the form on behalf of the applicant, if the applicant is not an individual. The street address may not be the address of the boarding home facility unless the authorized officer or agent actually resides full-time at the boarding home facility.

(3) The form of business of the applicant; the name, street address, mailing address, e-mail address, telephone number, a legible copy of the driver's license or other official state or federal identification card, and date of birth of a high managerial agent of the business; and, if the business is a legal entity, such as a corporation or association, a copy of the documents establishing the business.

(4) The street address and telephone number of the boarding home facility.

(5) The name, street address, mailing address, e-mail address, and telephone number of a person or persons to contact in an emergency as required by Section 8A-17 of this chapter.

(6) Documentary evidence of payment of ad valorem taxes, fees, fines, and penalties owed to the city in connection with the boarding home facility.

(7) The names, street addresses, mailing addresses, e-mail addresses, telephone numbers, legible copies of the drivers' licenses or other official state or federal identification cards, and dates of birth of any owners, operators, ~~or~~ employees, and volunteers of the boarding home facility other than the applicant. The street address may not be the address of the boarding home facility, unless the owner, operator, or employee actually resides full-time at the boarding home facility.

(8) If the owner or operator of the boarding home facility is not also the owner of the property on which the boarding home facility is located, a letter signed by the owner of the property stating that the applicant has permission to operate a boarding home facility on the property and acknowledging the requirements for the property to be used as a boarding home facility as set forth in this chapter. If the owner of the property is an entity, the letter must be on official letterhead and signed by an officer of the entity or other person with the authority to make binding representations on the entity's behalf regarding the use of the property.

(9) ~~[Completed state or federal request and release forms authorizing the city to obtain a]~~ C[er]iminal history reports for ~~on~~ each owner, ~~and~~ operator, employee, and volunteer of the boarding home facility showing that they are not disqualified to own, operate, or work at a boarding home facility under Section 8A-37 of this chapter. Such reports must include a current official Texas criminal history report with a fingerprint card (issued within the preceding 12 months) for each owner, operator, employee, and volunteer of the boarding home facility as well as an official criminal history report issued within the preceding 12 months from all other states in which an owner, operator, employee, or volunteer has resided within the past 10 years.

(10[9]) The maximum number of residents that will reside at the boarding home facility.

(11[10]) The services to be offered or provided to the residents of the boarding home facility.

(12[11]) Proof [A zoning verification letter stating] that the proposed use of the property complies with the Dallas Development Code.

(13[12]) If the boarding home facility has one or more residents with a disability, a list of the categories of disabilities of the residents (vision impairment, hearing impairment, mobility impairment, dementia, and other).

(14[13]) A sworn certification from the applicant, owner, or operator that [~~H~~] the boarding home facility does not have, and will not have, any residents with [~~has one or more residents who are recovering from~~] an addiction to alcohol or a controlled substance, or alternatively [~~but are not currently using alcohol or the controlled substance~~], a document that describes the applicant's, owner's, or operator's plan for ensuring that the residents who are addicted to alcohol or a controlled substance, or who are recovering from such an addiction, [~~continue to~~] refrain from using alcohol or the controlled substance, including all rules by which residents must abide, as required by Section 8A-34 of this chapter.

(15[14]) A statement that, by filing the application, the applicant swears or affirms under penalty of perjury that, to the best of the applicant's knowledge, all information contained in the application is true and correct and that the application is complete and includes all information required to be disclosed under this section.

(16[15]) Such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested license should be granted.

(b) If the applicant failed to provide all of the information required by Subsection (a) or to pay the fee required by Section 8A-8 of this chapter, the director shall give the applicant notice in writing by certified mail, return receipt requested, of the application's deficiencies.

(c) The application will automatically expire if either the fee or the information requested in Subsection (b) is not provided to the director within 30 days of the date written notice was sent to applicant by the director.

(d) The director, at his sole discretion, may extend the 30-day deadline to provide the fee or information requested in Subsection (b)."

SECTION 16. That Section 8A-7, "Notification of Change of Information," of Article II, "Administrative," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"SEC. 8A-7. NOTIFICATION OF CHANGE OF INFORMATION.

The licensee shall notify the director within 10 days after any material change in the information contained in the application for a license to operate a boarding home facility, including any change in ownership or operation of the property, [~~and~~] any new criminal convictions or charges brought against a boarding home facility's owners, operators, employees, or volunteers and any new categories of disabilities served by the boarding home facility."

SECTION 17. That Section 8A-8, "Fees," of Article II, "Administrative," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"SEC. 8A-8. FEES.

- (a) The fee for a license to operate a boarding home facility is \$500.
- (b) No refund of a license fee will be made.
- (c) An applicant for a license may file an application with the director seeking a waiver or reduction of the annual license fee if the boarding home facility serves one or more persons with a disability and payment of the fee would result in substantial financial hardship to the applicant. The application must include the following information before it will be considered complete:
 - (1) The name, street address, mailing address, e-mail address, telephone number, a legible copy of the driver's license or other official state or federal identification card, and date of birth of the applicant.
 - (2) The number of residents of the boarding home facility with a disability.
 - (3) A list of the categories of disabilities of the residents (vision impairment, hearing impairment, mobility impairment, dementia, and other) and the number of residents with each type of disability.
 - (4) The services provided by the boarding home facility to the residents.
 - (5) An explanation of the nature and severity of the financial hardship to the applicant if the fee were to be paid.
 - (6) A copy of the balance sheets and income statements for the boarding home facility, or equivalent documents, establishing the applicant's financial condition for the last three years in accordance with generally accepted accounting principles, unless the boarding home facility has been open for less than three years, in which case it must provide a copy of those documents during the time the facility has been in operation.
 - (7) A statement that, by filing the application, the applicant swears or affirms under penalty of perjury that, to the best of the applicant's knowledge, all information contained in the application is true and correct and that the application is complete and includes all information required to be disclosed under this chapter.
 - (8) Such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested waiver or reduction should be granted.

(d) The director may waive or reduce the annual license fee if the director, after reviewing the complete application, finds that the applicant provides services to one or more persons with a disability and payment of the fee would result in substantial financial hardship to the applicant.

(e) If the director determines that an applicant should be denied a fee waiver or reduction, the director shall notify the applicant in writing by certified mail, return receipt requested, that the fee waiver or reduction is denied and include in the notice the reason for denial and a statement informing the applicant of the right to appeal.

(f) An applicant may appeal a decision of the director under this section to the permit and license appeal board in accordance with Section 2-96 as if it were a permit. The permit and license appeal board shall consider the facts as they existed at the time of the director's decision. The applicant has the burden of proof to establish the necessary facts to warrant favorable action [by filing a written notice with the director within 10 days after the date of the decision of the director. The permit and license appeal board shall hear and decide the appeal at its next available meeting. The permit and license appeal board shall use the same standard required for the director. The permit and license appeal board may affirm, reverse, or modify the decision of the director. Appeal to the permit and license appeal board constitutes the final administrative remedy].

SECTION 18. That Section 8A-9, "Issuance and Denial of License," of Article II, "Administrative," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"SEC. 8A-9. ISSUANCE AND DENIAL OF LICENSE.

(a) Upon ~~[payment of all required fees and]~~ the submission of a complete application, the director shall issue a license to operate a boarding home facility to the applicant if the director determines:

(1) the applicant has complied with all requirements for issuance of the license;

(2) the applicant, owners, operators, ~~[and]~~ employees, and volunteers of the boarding home facility meet the criminal history qualifications of Section 8A-37 of this chapter;

(3) the applicant, owners, operators, or employees of the boarding home facility do not own or operate another licensed boarding home facility in the city for which the license is currently suspended or has been revoked within the past 12 months;

(4) the applicant has not made a false statement as to a material matter in the application for a license;

(5) the condition and use of the boarding home facility comply with the zoning regulations in the Dallas Development Code, the minimum housing standards in Chapter 27, and the standards in this chapter applicable to the property; ~~and~~

(6) the applicant, owners, and operators are ~~do~~ not delinquent in ~~owe the city~~ any ad valorem taxes, fees, fines, or penalties owed to the city in relation to the property where the boarding home facility is located; and

(7) the applicant, owners, and operators of the boarding home facility have not had a license for that boarding home facility revoked within the past 12 months.

(b) If the director determines that the requirements of Subsection (a) have not been met, the director shall deny the license.

(c) If the director determines that an applicant should be denied a license, the director shall notify the applicant in writing by certified mail, return receipt requested, that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right to appeal.”

SECTION 19. That Subsection (a) of Section 8A-10, “Prohibition of New Residents; Suspension of License,” of Article II, “Administrative,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(a) The director may suspend a boarding home facility license for a period not to exceed 90 days if the director finds that ~~[the licensee or an employee of the boarding home facility has]~~:

(1) the licensee or employee of the boarding home facility failed to comply with any provision of this chapter, any other ordinance, or any state or federal law applicable to the operation of a boarding home facility; ~~or~~

(2) the licensee or employee of the boarding home facility intentionally or knowingly impeded or refused to allow an inspection by the director authorized under this chapter; or

(3) the possession, use, or sale of a controlled substance occurs at a boarding home facility.”

SECTION 20. That Subsection (b) of Section 8A-10, “Prohibition of New Residents; Suspension of License,” of Article II, “Administrative,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(b) A boarding home facility for which the license has been suspended must provide a list of current residents to the director on the first day of the suspension and may not admit new residents during the time the license is suspended.”

SECTION 21. That Subsection (c) of Section 8A-10, “Prohibition of New Residents; Suspension of License,” of Article II, “Administrative,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(c) [~~In lieu of suspending a license for a boarding home facility,~~] T[t]he director, at his sole discretion, may enter into a good neighbor agreement with a licensee if the director determines that the good neighbor agreement would eliminate the noncompliance that would otherwise justify a suspension, result in prompt future inspections, and elevate one or more conditions at the boarding home facility to a standard above the requirements of this chapter.”

SECTION 22. That Section 8A-11, “Revocation of License,” of Article II, “Administrative,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“SEC. 8A-11. REVOCATION OF LICENSE.

(a) Except as provided in Subsection (b), the director shall revoke any license issued to operate a boarding home facility if the director determines that:

(1) the licensee fails to meet the criminal history qualifications of Section 8A-37 of this chapter or allows an employee or volunteer to work [~~employs a person~~] at the facility who fails to meet the criminal history qualifications.

(2) the licensee intentionally made a false statement as to a material matter in the application or in a hearing concerning the license;

(3) the licensee failed to pay a fee required by this chapter at the time it was due; or

(4) a cause for suspension under Section 8A-10 has occurred and the license has already been suspended at least once within the preceding 12 months.

(b) [~~In lieu of revoking a license for a boarding home facility,~~] T[t]he director, at his sole discretion, may enter into a good neighbor agreement with a licensee if the director determines that the good neighbor agreement would eliminate the noncompliance that would otherwise justify a revocation, result in prompt future inspections, and elevate one or more conditions at the boarding home facility to a standard above the requirements of this chapter.

(c) Before revoking a license under Subsection (a), the director shall notify the licensee in writing by certified mail, return receipt requested, that the license is being considered for revocation. The notice must include the reason for the proposed revocation, action the licensee must take, if any, to prevent the revocation, and a statement that the licensee has 10 days to comply with the notice.

(d) If, after 10 days from the date of the notice required in Subsection (c) was sent or delivered, the licensee has not complied with required actions listed in the notice, the director shall revoke the license and notify the licensee in writing of the revocation by certified mail, return receipt requested. The notice must include the reason for the revocation, and a statement informing the licensee of the right of appeal.

(e) If a boarding home facility license has been revoked, the licensee may not apply for a new license for 12 months from the date of revocation.

(f) If a boarding home facility license has been revoked, the licensee has 10 days to relocate residents of the facility and cease operations.

(g) If a licensee does not relocate residents of the facility within 10 days of revocation of a boarding home facility license, the director may relocate residents and seek to recover relocation costs from the licensee [An appeal of the revocation does not suspend or toll the deadline].

SECTION 23. That Section 8A-12, "Appeals," of Article II, "Administrative," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is retitled as Section 8A-12, "Appeals of Denials, Suspensions, and Revocations," and amended to read as follows:

"SEC. 8A-12. APPEALS OF DENIALS, SUSPENSIONS, AND REVOCATIONS.

(a) If the director denies issuance or renewal of a license or suspends or revokes a license issued under this chapter, the action is final unless the licensee files an appeal with the permit and license appeal board in accordance with Section 2-96 of this code.

(b) The filing of an appeal stays the action of the director in suspending or revoking a license, or in denying renewal of a license that was valid on the date the application for renewal was submitted, until the permit and license appeal board makes a final decision.

(c) A good neighbor agreement may not be appealed.

(d) The permit and license appeal board may not impose a good neighbor agreement in connection with an appeal of a suspension or revocation.

(e) The permit and license appeal board shall consider the facts as they existed at the time of the license denial, suspension, or revocation in making its decision.

(f) The applicant or licensee has the burden of proof on appeal.

SECTION 24. That Section 8A-13, "Expiration and Renewal of License," of Article II, "Administrative," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"SEC. 8A-13. EXPIRATION AND RENEWAL OF LICENSE.

(a) A license to operate a boarding home facility expires one year after the date of issuance. A pending application for renewal does not extend the expiration date of a previously issued license.

(b) A licensee shall apply for renewal at least 30 days before the expiration of the license on a form provided by the director. The licensee shall submit the fee, if any, prescribed by Section 8A-8 of this chapter, supply updated criminal background checks for all owners, operators, employees, and volunteers in accordance with Sections 8A-6(a)(9) and 8A-37 of this chapter, and [The licensee shall] update information contained in the original license application required under Section 8A-6 of this chapter, or any subsequent renewals under this section, if any of the information has changed. The licensee shall also sign a statement under penalty of perjury affirming that there is either no change in the information contained on the original license application and any subsequent renewal applications, or that the information that has been updated is accurate and complete.

(c) The director shall follow the procedures set forth in Section 8A-9 when determining whether to renew a license."

SECTION 25. That Subsection (b) of Section 8A-15, "Records," of Article II, "Administrative," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"(b) Records that must be maintained by the licensee include, but are not limited to:

(1) current records of ownership of the property where the boarding home facility is located;

(2) a copy of any current good neighbor agreement as described in Sections 8A-10 and 8A-11;

(3) a copy of the boarding home facility's privacy policy, as required by
~~[records documenting any reasonable accommodation granted under]~~ Section 8-34 ~~[8A-19]~~;

(4) records demonstrating compliance with applicable laws and regulations, as required by Section 8A-20;

(5) records documenting that each resident has received training on the emergency evacuation plan of the boarding home facility at least two times per calendar year, as required by Section 8A-29;

(6) records documenting that each resident was shown how to use all emergency exits from the facility within 24 hours of arrival at the facility, as required by Section 8A-30;

(7) records documenting the results of water sample testing if the boarding home facility obtains drinking water from a water well, as required by Section 8A-30;

(8) records documenting the initial screening of potential residents and the ~~[quarterly]~~ individualized assessments of residents, as required by Section 8A-34;

(9) records documenting whether residents have taken, or been reminded to take, their medication, as required by Section 8A-34;

(10) records documenting injuries, incidents, and unusual accidents that involve residents, as required by Section 8A-34;

(11) records documenting any allegations of abuse, neglect, or exploitation of a resident, as required by Section 8A-34;

(12) financial records for each resident for which the licensee is the representative payee or assists the resident with general money management, as required by Section 8A-34;

(13) a copy of the service agreement signed by each current resident, as required by Section 8A-34;

(14) records documenting required in-service education of boarding home facility staff;

(15) records documenting annual assessment and periodic monitoring of current residents to determine if residents are capable of self-administering medication and completing basic elements of personal care, as required by Section 8A-39;

(16) a roll of current residents, including their date of arrival, assigned room, and the name, address, and telephone number of the person or entity that referred them to the facility;

(17) a roll of former residents, including their date of departure, and the name, address, and telephone number of the person or entity in control of the residence to which they moved (if known); [~~and~~]

(18) records documenting any work-related compensation received by each resident, as required by Section 8A-34 of this chapter; and

(19) any other records deemed necessary by the director for the administration and enforcement of this chapter.”

SECTION 26. That Section 8A-16, “Posting Requirements,” of Article II, “Administrative,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“SEC. 8A-16. POSTING REQUIREMENTS.

The licensee shall prominently and conspicuously post for display in a public area inside the boarding home facility that is readily available to residents, the operator, employees, and visitors the following:

(1) The license issued under this chapter to operate the boarding home facility. The license must be presented upon request to the director or to a peace officer for examination.

(2) A sign prescribed by the director specifying how complaints may be registered with the city.

(3) A notice in a form prescribed by the director stating that inspection [~~and related~~] reports are available at the facility for public inspection and providing a telephone number that may be used to obtain information concerning the facility. The licensee shall redact inspection reports where necessary to protect residents’ privacy.

(4) A copy of the most recent inspection report relating to the facility by the city or a concise and accurate summary of that inspection report. The licensee shall redact inspection reports where necessary to protect residents’ privacy.

(5) A notice in a form prescribed by the director that lists the name, location, and contact information for:

(A) the North Texas Behavioral Health Authority and the closest local public health services agency in the proximity of the facility; and

(B) 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.”

SECTION 27. That Paragraph (3) of Subsection (b), “Method of Submitting A Request For A Reasonable Accommodation; Fees; Confidentiality,” of Section 8A-19, “Reasonable Accommodations,” of Article II, “Administrative,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(3) A request for a reasonable accommodation should [~~must~~] be submitted in writing to the director on a form provided by the department, or in the form of a letter.”

SECTION 28. That Subsection (c), “Application,” of Section 8A-19, “Reasonable Accommodations,” of Article II, “Administrative,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(c) Application. An applicant shall submit the following information before an application for a reasonable accommodation is considered to be complete:

- (1) The applicant's name, mailing address, street address, telephone number, and e-mail address.
- (2) The applicant's relation to the individual or individuals with a disability, if applicable.
- (3) The address of the property to which the requested reasonable accommodation would apply.
- (4) If the disability is not obvious, i[~~F~~]nformation substantiating that the individual who would obtain the benefit of the reasonable accommodation is disabled.
- (5) The section or sections of this chapter from which a reasonable accommodation is being requested.
- (6) If the need for the accommodation is not readily apparent, a[~~A~~] brief explanation of why the requested accommodation is necessary for the individual or individuals with disabilities to have equal access to housing.”

SECTION 29. That Paragraph (2) of Subsection (d), "Review of Application by the Director; Required Findings; Appeals," of Section 8A-19, "Reasonable Accommodations," of Article II, "Administrative," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"(2) Before making a decision, the director may request an inspection of the boarding home facility, its records, and the land on which it is located. If the director makes such a request[~~:-~~

~~(A) the director has no obligation to make a decision until 10 days after the date the inspection occurs; and~~

~~(B)] the applicant must make the property, the facility, and its records available for the inspection within 20 days after the date of the request or the application [request] is automatically denied. If the director deems it necessary to request additional information from the applicant consistent with federal and state law, the director shall contact the applicant in writing and specify the additional information that is required. If the director makes such a request, the applicant shall provide the additional information to the director within 20 days after the date of the request or the application is automatically denied."~~

SECTION 30. That Paragraph (6) of Subsection (d), "Review of Application by the Director; Required Findings; Appeals," of Section 8A-19, "Reasonable Accommodations," of Article II, "Administrative," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"(6) The director shall issue a written decision within 30 [20-business] days of the later of receipt of a completed application, provided that the director is able to issue a decision based on the information provided in the original request; the completed inspection of the property, facility, and its records, as requested by the director; or the director's receipt of all additional information requested. [~~If the director deems it necessary to request additional information from the applicant consistent with federal law, the director shall contact the applicant in writing and specify the additional information that is required. In the event that a request for additional information made, the 20-day period to issue a decision is stayed until the applicant responds to the request.]~~"

SECTION 31. That Paragraph (7) of Subsection (d), "Review of Application by the Director; Required Findings; Appeals," of Section 8A-19, "Reasonable Accommodations," of Article II, "Administrative," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"(7) All written decisions must be sent by certified mail, return receipt requested, and explain in detail the basis of the decision and notify the applicant of the right to appeal the director's decision to the permit and license appeal board."

SECTION 32. That Paragraph (8) of Subsection (d), "Review of Application by the Director; Required Findings; Appeals," of Section 8A-19, "Reasonable Accommodations," of Article II, "Administrative," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"(8) If the director denies an application for a reasonable accommodation, the action is final unless the applicant files an appeal with the permit and license appeal board in accordance with Section 2-96 of this code as if it were a permit. The permit and license appeal board shall consider the facts as they existed at the time of the director's decision. The applicant or licensee has the burden of proof on appeal."

SECTION 33. That Article II, "Administrative," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended by adding a new Section 8A-21.1, "When Written Notice is Deemed Delivered," to read as follows:

"SEC. 8A-21.1. WHEN WRITTEN NOTICE IS DEEMED DELIVERED.

(a) For purposes of this chapter, written notice is deemed to be delivered:

(1) on the date the notice is hand delivered to the applicant or licensee; or

(2) three days after the date the notice is placed in the United States mail with proper postage and properly addressed to the applicant or licensee at the address provided for the applicant or licensee in the most recent license application.

(b) The fact that the notice is returned undelivered or that the return receipt is not signed by the addressee shall not affect the validity of the notice."

SECTION 34. That Subsection (b), “Applicable Regulations,” of Section 8A-22, “Construction, Remodeling, and Maintenance,” of Article III, “Structure and Maintenance,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(b) Applicable regulations. Each boarding home facility must comply with the following codes and regulations:

(1) The Dallas Development Code. [NOTE: A boarding home facility is not a zoning use and is separate from and unrelated to the lodging or boarding house use defined in Chapter 51A.]

(2) The Dallas Building Code, the Dallas One- and Two-Family Dwelling Code, or the Dallas Existing Building Code, as applicable.

(3) The Dallas Fire Code and any other applicable federal, state, or local fire codes and standards, as amended.

(4) Articles III and IV of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code.

(5) Federal, state, and local health and safety codes.

(6[5]) Federal and state accessibility regulations.”

SECTION 35. That Subsection (e), “Windows and Exterior Doors,” of Section 8A-22, “Construction, Remodeling, and Maintenance,” of Article III, “Structure and Maintenance,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended by adding a new Paragraph (5) to read as follows:

“(5) A door, window, or emergency escape and rescue opening may be maintained that does not meet the requirements of this subsection upon the written approval of the fire code official.”

SECTION 36. That Subsection (b), “Bed Spacing,” of Section 8A-23, “Sleeping Rooms,” of Article III, “Structure and Maintenance,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(b) Bed spacing. If a boarding home facility has a resident with an ambulatory [a-mobility] impairment, beds must be spaced at least three feet apart when placed side-by-side or end-to-end.”

SECTION 37. That Paragraph (1) of Subsection (e), “Beds,” of Section 8A-23, “Sleeping Rooms,” of Article III, “Structure and Maintenance,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(1) The licensee shall provide one bed for every resident. It is presumed that the boarding home facility has one resident for every bed present in the facility, but an inspector may consider other factors and circumstances in determining the number of residents.”

SECTION 38. That Paragraph (4) of Subsection (e), “Beds,” of Section 8A-23, “Sleeping Rooms,” of Article III, “Structure and Maintenance,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(4) The licensee shall equip all beds provided for non-ambulatory residents or residents with an ambulatory [a-mobility] impairment or reduced bladder or bowel function with mattress covers that prevent bodily fluids from soiling the mattress.”

SECTION 39. That Subsection (a) of Section 8A-24, “Bathroom Facilities,” of Article III, “Structure and Maintenance,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(a) If a boarding home facility has a resident who is non-ambulatory or has an ambulatory [a-mobility] impairment:

(1) the licensee shall provide a toilet, lavatory, and bathtub or shower on each floor when not provided in an individual room; and

(2) a bathroom door must have a minimum opening of 32 inches with the door open 90 degrees, measured between the face of the door and the opposite stop.”

SECTION 40. That Subsection (a), “General,” of Section 8A-33, “Food and Drink; Meals,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(a) General. If a boarding home facility serves meals to one or more residents, the licensee shall ensure the following:

(1) All food and drink is clean and free from spoilage, pathogenic organisms, toxic chemicals, and other harmful substances.

(2) All food and drink is prepared, stored, handled, and served so as to be safe for human consumption.

(3) All food or drink subject to spoilage is maintained at a temperature of 41 degrees Fahrenheit or below.

(4) Hot foods that are ready to be served are maintained at 135 degrees Fahrenheit or above at all times.

(5) All food or drink stored in the freezer is maintained at a temperature of no higher than 0 degrees Fahrenheit.

(6) Alternative food selections are provided for residents who choose to disclose their ~~[en]~~ medically prescribed diets to the licensee.

(7) A time schedule for meals is posted daily.

(8) Meals are:

(A) nutritionally balanced and provide the U.S. Department of Agriculture recommended daily allowance of vitamins, minerals, and calories;

(B) of sufficient quantity and quality to meet the nutritional needs of residents; and

(C) served with not more than 14 hours between the beginning of the evening meal and the beginning of the morning meal.

(9) A valid food handler's certificate issued under Section 17-2.2 of this code has been issued in the name of the licensee.

(10) After each usage, all eating and drinking utensils are thoroughly washed and sanitized in hot water containing a suitable soap or synthetic detergent and rinsed in clean hot water. If a mechanical dishwasher is used, dish detergent is required.”

SECTION 41. That Paragraph (1) of Subsection (c), “Food Handling,” of Section 8A-33, “Food and Drink; Meals,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(1) An owner, operator, employee, or resident engaged in food handling shall:

(A) observe sanitary methods, including hand washing; and

(B) not be assigned to preparing foods for others at the facility if carrying a disease that can be transmitted to others in the normal course of food preparation.”

SECTION 42. That Subsection (b), “Individualized Assessment,” of Section 8A-34, “Policies and Procedures to Ensure Resident Health and Safety,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(b) Individualized assessment.

(1) Before allowing an individual to reside at a boarding home facility, the licensee shall conduct an individualized assessment of that individual to determine if the individual would constitute a direct threat. The assessment must consider:

(A) any prior criminal or violent acts of the person;

(B) the amount of time that has elapsed since the commission of any such acts; and

(C) any actions taken [~~treatment or medication received~~] by the person or other circumstances that may have eliminated the direct threat.

(2) In the case of any male resident or potential male resident who has been convicted of an offense requiring registration with any sex offender registry, the individualized assessment must include an assessment [~~a psycho-sexual evaluation~~] of risk [~~such person~~] performed by a [~~duty~~] L[ic]ensed Sex Offender Treatment Provider (“LSOTP”) licensed under the Texas Occupations Code Title 3.110, Subchapters A and G, as amended. The assessment of risk must be obtained from the resident’s or potential resident’s current or former LSOTP. If there is no current LSOTP, or if the former LSOTP’s assessment of risk is more than three years old, a new psycho-sexual evaluation and assessment of risk must be obtained to evaluate the resident’s or potential resident’s risk in the boarding home facility setting. A letter from the LSOTP summarizing his or her assessment of risk is sufficient documentation for the purposes of verifying compliance with the requirements of this paragraph [~~psychiatrist or an individual having a Ph.D. in psychology~~].

(3) The licensee shall ensure that [~~be responsible for determining whether~~] any resident that [~~or potential resident~~] has been convicted of an offense requiring registration with any sex offender registry is registered with the proper authorities.

(4[3]) Prior to the occupancy of any boarding home facility and at least quarterly thereafter, the licensee shall certify in a sworn affidavit to the director that, based on the individualized assessment performed for each resident, no person will or does reside in the boarding home facility whose tenancy would likely constitute a direct threat to the health or safety of that person or other individuals or whose tenancy would result in substantial physical damage to the property of others.”

SECTION 43. That Subsection (c), “Persons Who May Not Reside In A Boarding Home Facility,” of Section 8A-34, “Policies and Procedures to Ensure Resident Health and Safety,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(c) Persons who may not reside in a boarding home facility. The licensee shall not allow the following individuals to reside at a boarding home facility:

(1) An individual convicted within the last 10 years of the illegal manufacture or distribution of a controlled substance.

(2) An individual who, based upon an individualized assessment, is likely to constitute a direct threat to the health or safety of the individual or other individuals or whose tenancy would likely result in substantial damage to the property of others.

(3) An individual who requires the provision of personal care services unless the personal care services are provided by outside professionals [~~or other services that state law requires a license to provide~~].”

SECTION 44. That Subsection (d), “Illegal Drug Use,” of Section 8A-34, “Policies and Procedures to Ensure Resident Health and Safety,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(d) Illegal drug use.

(1) All residents in a boarding home facility shall completely abstain from using controlled substances. The licensee shall [~~immediately~~] expel as promptly as possible under state law any resident who uses a controlled substance, whether on or off the premises, and shall not readmit the resident to any boarding home facility under the control of the licensee for a period of at least 60 days following the violation. However, nothing contained in this subsection may be construed to prohibit a resident from taking a prescription drug for which that resident has a valid and current prescription.

(2) If the boarding home facility has one or more residents who are recovering from an addiction to alcohol or a controlled substance, the licensee must develop a written plan for ensuring that the residents continue to refrain from using alcohol or controlled substances, including any and all rules by which residents must abide, and must provide such plan to the director at his request.”

SECTION 45. That Subsection (f), “Log,” of Section 8A-34, “Policies and Procedures to Ensure Resident Health and Safety,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(f) Log. If a resident with dementia is currently taking a prescription medication, or if a resident is taking a controlled substance or a psychotropic medication pursuant to a current and valid prescription, the licensee shall note in a written log whether the resident has taken, or been reminded to take, his or her medication. The log must provide the resident’s name, the name of the medication, and the date and time that the resident took the medication or was reminded by the licensee to take the medication. Unless prohibited by law, the licensee shall make copies of the log available to the director for inspection upon request.”

SECTION 46. That Paragraph (2) of Subsection (g), “Injuries, Incidents, and Unusual Accidents,” of Section 8A-34, “Policies and Procedures to Ensure Resident Health and Safety,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(2) The licensee shall investigate and document on a form provided by the director any injuries, incidents, or unusual accidents to a resident by providing the following information:

- (A) The resident's name.
- (B) The date and time the injury, incident, or unusual accident occurred.
- (C) Description of the injury, incident, or unusual accident.
- (D) Description of any medical or mental health treatment the licensee sought for the resident [~~received~~].
- (E) Steps taken by the owner or 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.

(F) When the resident's legal guardian, resident's legally authorized representative, or a family member designated by the resident, the legal guardian, or the legally authorized representative was notified about the injury, incident, or unusual accident.”

SECTION 47. That Subsection (i), “Abuse, Neglect, and Exploitation,” of Section 8A-34, “Policies and Procedures to Ensure Resident Health and Safety,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(i) Abuse, neglect, and exploitation.

(1) A licensee shall report and document any allegations of abuse, neglect, or exploitation of a minor, 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 a minor, an elderly adult, or an adult with a disability is a Class A misdemeanor under Texas law.

(2) A licensee shall ensure that no resident is harassed, threatened, or intimidated at any time for making a report of abuse, neglect, or exploitation.

(3) A licensee shall provide each resident with a copy of the definitions of abuse, neglect, or exploitation as outlined in Chapter 48 of the Texas Human Resources Code, as amended.

(4) A licensee shall allow law enforcement, emergency medical, and fire personnel access to the boarding home facility when these professionals are responding to a call at the boarding home facility.

(5) An owner, operator, or employee may not refer a person to the boarding home facility with which he is associated or to any other facility if he knows or reasonably should know that the facility or its services are not appropriate for the condition of the person being referred.

(6) If the licensee or an employee has any medical or mental health professional examine, diagnose, treat, or provide any other medical or mental health services to a resident, the licensee or employee must provide the resident with:

(A) the name, business address, and telephone number of the person who examined, diagnosed, treated, or provided any other service to the resident;

(B) a written explanation of the nature and results of the examination, diagnosis, treatment, or other service if provided to the licensee or employee by the medical or mental health professional; and

(C) a copy of any prescription for any medicine if provided to the licensee or employee by the medical or mental health professional.

(7) No licensee or employee may:

(A) use corporal punishment on a resident; [øø]

(B) involuntarily seclude a resident from other residents;

(C) abuse, neglect, or exploit a resident;

(D) receive any referral fees, kickbacks, or other compensation in connection with the placement of residents; or

(E) engage in any coercive practices involving residents' food stamps or disability checks.

(8) Physical and chemical restraints.

(A) No licensee or employee may use a physical restraint or chemical restraint on a resident.

(B) For purposes of Subsection (i)(8)(A), a physical restraint includes a vest, a hand mitt, and a seatbelt, and a chemical restraint includes an anti-psychotic drug and a sedative.

(C) It is a defense to prosecution under Subsection (i)(8)(A) that:

(i) the restraint was authorized by a physician, in writing, for a specified and limited period of time; or

(ii) the licensee or employee is the spouse, legal guardian, or next of kin of the resident or former resident.

(9) Access.

(A) A licensee shall allow a resident's personal physician, nurse, or other health care provider to have immediate access to the resident.

(B) A licensee shall allow the relatives, the guardian, and the legally authorized representative of a resident to have immediate access to the resident during the boarding home facility's visiting hours unless the resident objects.”

SECTION 48. That Subsection (j), “Conflicts of Interests,” of Section 8A-34, “Policies and Procedures to Ensure Resident Health and Safety,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(j) Conflicts of interests. The purposes of this subsection are to ensure both that residents have the right to manage their own affairs or to choose someone they trust to manage their affairs for them and that licensees and employees do not abuse their positions of power and trust for their own private gain.

- (1) A licensee or employee of a boarding home facility shall not:
 - (A) borrow money from or loan money to residents;
 - (B) be a beneficiary of a current or former resident’s will or life insurance;
 - (C) co-mingle a resident’s funds with the funds of the licensee, employee, or another resident;
 - (D) employ a resident;
 - (E) require a resident to perform any kind of work for any person or entity;
 - (F) go into business with a resident;
 - (G[F]) serve as an employee or independent contractor of a resident;
 - (H[G]) have sexual relations with a resident; or
 - (I[H]) have a power of attorney for a resident’s affairs for any purpose.
- (2) It is a defense to prosecution:
 - (A) under Paragraph (1) that the licensee or employee is the spouse, legal guardian, or next of kin of the resident or former resident;
 - (B) under Paragraph (1)(D) that the licensee or employee pays the resident, either as a monetary payment or as an in-kind contribution towards lodging, food, or services provided by the boarding home facility, at least the federal minimum wage for each hour of work performed [~~employed the resident on the property where the boarding home facility is located~~]; [and]

(C) under Paragraph (1)(E) that the licensee or employee does not receive any direct or indirect monetary payment, kickback, or in-kind compensation from any person or entity in connection with the resident's work and ensures that the resident receives, either as a monetary payment or as an in-kind contribution towards lodging, food, or services provided by the boarding home facility, an hourly wage that exceeds the federal minimum wage by at least \$3.00 for each hour of work performed by the resident;

(D) under Paragraph (1)(E) that the work required is limited to chores or other routine housekeeping activities; and

(E) under Paragraph (1)([H]) that the licensee or employee is assisting the resident to establish eligibility for a federal or state program that provides financial assistance for medical services, such as Medicaid, or other services needed by the resident.

(3) No licensee or employee may be a representative payee for a resident or assist a resident with general money management unless the Social Security Administration, the resident, the resident's guardian, the resident's legally authorized representative, or a family member designated by the resident, the legal guardian, or the legally authorized representative authorizes in writing the licensee or employee to be a representative payee or assist the resident with general money management.

(4) If a licensee or employee becomes the representative payee for a resident or assists a resident with general money management, the licensee or employee shall do the following:

(A) Maintain separate financial records for each resident for which the licensee or employee is the representative payee or assists with general money management for the entire period of time the licensee or employee acts in that capacity [~~is the resident's representative payee~~] and continue to maintain the resident's records for one year past the last calendar day the licensee or employee is the resident's representative payee or assists with money management.

(B) Include in the records an itemized list of expenditures that the licensee or employee has made on behalf of the resident, including the charges that are assessed by the licensee or employee.

(C) Maintain receipts for all expenditures in addition to the itemized documentation.

(D) 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.

(E) Within one business day after receiving a request, allow the resident, the resident's guardian, the resident's legally authorized representative, or a family member designated by the resident, the legal guardian, or the legally authorized representative access to the resident's financial records that are maintained by the licensee or employee.

(F) Furnish the director a surety bond.

(i) The bond must be in an amount that is enough to cover the average monthly amount of money the licensee or employee manages or handles for all residents based on the following:

<u>Amount of Resident Money Managed/Handled Per Month</u>	<u>Amount of Bond</u>
<u>\$750 or less</u>	<u>\$1,000</u>
<u>\$751 to \$1,500</u>	<u>\$2,000</u>
<u>\$1,501 to \$2,500</u>	<u>\$3,000</u>
<u>Every additional increment of \$1,000 or fraction thereof</u>	<u>Additional \$1,000</u>

(ii) The bond must be issued by a bank or bonding company authorized to do business in the State of Texas.

(iii) The bond must provide that all residents, residents' guardians, residents' legally authorized representatives, or family members designated by the resident, the legal guardian, or the legally authorized representative have the right to directly sue upon the surety bond until the amount of the bond has been exhausted.

(iv) The bond must cover embezzlement or theft by the licensee or employee.

(G) Immediately cease acting as a representative payee once a resident moves out of a boarding home facility or no longer wants the licensee or employee to be his representative payee.

(H) Document the termination of the licensee's or employee's role as representative payee for a resident or former resident and the actions taken by the licensee or employee to ensure that the Social Security Administration recognizes this termination.

(5) A licensee or employee who employs a resident or requires a resident to perform any kind of work for any person or entity pursuant to Sections 8A-34(j)(2)(B) or (C) must maintain documentation of the dates and hours worked by each resident, the type and amount of compensation received by each resident, and the name, address, and telephone number of the person or entity for whom each resident worked. At least monthly, the licensee or employee must also give a signed copy of this documentation to the resident, the resident's guardian, or the resident's legally authorized representative.

SECTION 49. That Section 8A-34, "Policies and Procedures to Ensure Resident Health and Safety," of Article IV, "Resident Health and Safety," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended by adding a new Subsection (n), "Privacy Policy," to read as follows:

"(n) Privacy policy. Each boarding home facility must adopt a privacy policy to ensure the confidentiality of residents' financial, health, and medical information. The owner, operator, or licensee shall give a copy of the privacy policy to the resident, the resident's guardian, or the resident's legally authorized representative."

SECTION 50. That Subsection (f) of Section 8A-35, "Assistance With Self-Administration of Medication," of Article IV, "Resident Health and Safety," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"(f) If a boarding home facility stores medications [~~controlled substances~~], the licensee shall adopt and enforce a written policy for preventing the diversion of the medications [~~controlled substances~~]."

SECTION 51. That Section 8A-36, "Requirements for In-Service Education of Boarding Home Facility Staff," of Article IV, "Resident Health and Safety," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"SEC. 8A-36. REQUIREMENTS FOR IN-SERVICE EDUCATION OF BOARDING HOME FACILITY STAFF.

(a) Each licensee and employee of a boarding home facility must be trained on the following subjects prior to contact with residents or within five days of beginning work, ownership, or management of the facility, whichever is later:

- (1) Employer rules and policies.

- (2) Preventing, recognizing, and reporting abuse, neglect, and exploitation of residents.
- (3) Residents' rights, including all applicable rights from the following:
- (A) Chapter 102 (Rights of the Elderly) of the Texas Human Resource Code, as amended.
- (B) Chapter 112 (Developmental Disabilities) of the Texas Human Resource Code, as amended.
- (C) Chapter 301 (Fair Housing Practices) of the Texas Property Code, as amended.
- (D) Chapter 92 (Residential Tenancies) of the Texas Property Code, as amended.
- (4) Policies and procedures for contacting emergency personnel when health or safety of a resident or another individual is at risk.
- (5) Complaint process specific to the city and the boarding home facility.
- (6) ~~[Assisting residents with self-administration of medication.]~~
- ~~(7)~~ Prevention, recognition, and reporting of injuries, incidents, and unusual accidents to residents and others in the boarding home facility.
- ~~(7)~~[8] Emergency, evacuation, and disaster plans.
- ~~(8)~~[9] Assisting residents with obtaining health and social services.
- ~~(9)~~[10] Services provided by the boarding home facility, including:
- (A) nutrition, meal preparation, and dietary needs, if the boarding home facility provides meal preparation;
- (B) sanitation;
- (C) laundry, if the boarding home facility provides laundry services;
- [and]
- (D) house work, if the boarding home facility provides house work;
and
- (E) assistance with self-administration of medication, if the boarding home facility provides assistance with self-administration of medication.

(b) Each licensee and employee of a boarding home facility must be trained on the following subjects:

(1) Updates and changes in any policies and procedures within 10 days after the licensee or employee becomes aware of the change.

(2) Orientation specific to the needs of each new resident within three business days of the resident moving into the facility.

(3) Orientation specific to the needs of a resident whose needs have changed due to injury, illness, hospitalization, or other circumstances that affect the resident's needs within one day after licensee or employee becoming aware of the change.”

SECTION 52. That Section 8A-37, “Criminal History,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“SEC. 8A-37. CRIMINAL HISTORY.

(a) A person may not own or operate a boarding home facility or be employed or volunteer in a position the duties of which involve direct contact with a resident in a boarding home facility before the 10th anniversary of the date the person is convicted of any of the following offenses:

(1) Sections 481.112, 481.1121, 481.1122, 481.113, 481.114, 481.122, Texas Health and Safety Code (illegal manufacture or delivery of a controlled substance), as amended.

(2) Section 481.120, Texas Health and Safety Code (delivery of marijuana), as amended, that is punishable as a felony.

(3) Section 481.124, Texas Health and Safety Code (possession or transport of certain chemicals with intent to manufacture controlled substances), as amended, that is punishable as a felony.

(4[2]) Chapter 19, Texas Penal Code (criminal homicide), as amended.

(5[3]) Chapter 20, Texas Penal Code (kidnapping and unlawful restraint), as amended.

(6) Chapter 20A, Texas Penal Code (trafficking of persons), as amended.

(7[4]) Section 21.02, Texas Penal Code (continuous sexual abuse of young child or children), as amended, or Section 21.11, Texas Penal Code (indecent with a child), as amended.

- (8) Section 22.01, Texas Penal Code (assault on a public servant), as amended.
- (9[5]) Section 22.011, Texas Penal Code (sexual assault), as amended.
- (10[6]) Section 22.02, Texas Penal Code (aggravated assault), as amended.
- (11[7]) Section 22.04, Texas Penal Code (injury to a child, elderly individual, or disabled individual), as amended.
- (12[8]) Section 22.041, Texas Penal Code (abandoning or endangering child), as amended.
- (13[9]) Section 22.08, Texas Penal Code (aiding suicide), as amended.
- (14[10]) Section 25.031, Texas Penal Code (agreement to abduct from custody), as amended.
- (15[11]) Section 25.08, Texas Penal Code (sale or purchase of a child), as amended.
- (16[12]) Section 28.02, Texas Penal Code (arson), as amended.
- (17[13]) Section 29.02, Texas Penal Code (robbery), as amended.
- (18[14]) Section 29.03, Texas Penal Code (aggravated robbery), as amended.
- (19[15]) Section 21.08, Texas Penal Code (indecent exposure), as amended.
- (20[16]) Section 21.12, Texas Penal Code (improper relationship between educator and student), as amended.
- (21[17]) Section 21.15, Texas Penal Code (improper photography or visual recording), as amended.
- (22[18]) Section 22.05, Texas Penal Code (deadly conduct), as amended.
- (23[19]) Section 22.021, Texas Penal Code (aggravated sexual assault), as amended.
- (24[20]) Section 22.07, Texas Penal Code (terroristic threat), as amended.
- (25[21]) Section 33.021, Texas Penal Code (online solicitation of a minor), as amended.
- (26[22]) Section 34.02, Texas Penal Code (money laundering), as amended.
- (27[23]) Section 35A.02, Texas Penal Code (Medicaid fraud), as amended.

(28[24]) Section 42.09, Texas Penal Code (cruelty to animals), as amended.

(29[25]) Chapter 31, Texas Penal Code (theft), as amended, that is punishable as a felony.

(30[26]) Section 30.02, Texas Penal Code (burglary), as amended.

(31[27]) 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.

(b) A person may not own or operate a boarding home facility or be employed or volunteer in a position the duties of which involve direct contact with a resident in a boarding home facility before the fifth anniversary of the date the person is convicted of attempt, conspiracy, or solicitation of an offense listed in Subsection (a), any felony offense not listed in Subsection (a), or any of the following non-felony offenses:

(1) Section 48.052, Texas Human Resources Code (failure to report abuse, neglect, or exploitation), as amended or Section 260A.012, Texas Health and Safety Code (failure to report abuse, neglect, or exploitation), as amended.

(2) Section 22.01, Texas Penal Code (assault), as amended, that is punishable as a Class A misdemeanor.

(3) Chapter 31, Texas Penal Code (theft), as amended, that is punishable as a Class A misdemeanor or felony.

(4[2]) Section 32.45, Texas Penal Code (misapplication of fiduciary property or property of a financial institution), as amended, that is punishable as a Class A misdemeanor or a felony.

(5[3]) Section 32.46, Texas Penal Code (securing execution of a document by deception), as amended, that is punishable as a Class A misdemeanor or a felony.

(6[4]) Section 37.12, Texas Penal Code (false identification as peace officer), as amended.

(7[5]) Section 42.01(a)(7), (8), or (9), Texas Penal Code (disorderly conduct involving a firearm), as amended.

(8) Section 42.062, Texas Penal Code (interference with emergency request for assistance), as amended, that is punishable as a Class A misdemeanor or felony.

(9) Section 42.07, Texas Penal Code (harassment), as amended that is punishable as a Class A misdemeanor.

(10) Chapter 49, Texas Penal Code (driving while intoxicated), as amended, that is punishable as a Class B misdemeanor, Class A misdemeanor, or felony, if the boarding home facility provides transportation services.

(11[6]) 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.

(c) The licensee shall ensure that all employees and ~~[(including)]~~ volunteers ~~[who are not residents]~~ have had a background check of conviction records, pending charges, and disciplinary board decisions completed within the past 12 months ~~[two years]~~, and is repeated every year thereafter, and that the individual is not disqualified under this section. The owner or operator shall immediately discharge any employee or volunteer whose criminal history reveals conviction of a crime that bars employment or volunteer service at a boarding home facility. A pending appeal of a criminal conviction has no effect on disqualification under this section.

SECTION 53. That Section 8A-38, "Qualifications to Own, Operate, or Work in Facilities With Person Recovering From Substance or Alcohol Abuse," of Article IV, "Resident Health and Safety," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code is amended to read as follows:

"SEC. 8A-38. QUALIFICATIONS TO OWN, OPERATE, OR WORK IN FACILITIES WITH PERSONS RECOVERING FROM SUBSTANCE OR ALCOHOL ABUSE.

(a) If a boarding home facility allows an individual who has an impairment due to the illegal abuse of or addiction to a controlled substance to be a resident, the licensee and all employees and volunteers (other than residents) shall not have used a controlled substance within the previous year without a prescription from a licensed professional.

(b) All operators, employees, and volunteers of a boarding home facility shall completely abstain from illegally using controlled substances. The licensee shall immediately remove from the premises of the boarding home facility any non-resident owner, operator, employee, or volunteer who illegally uses a controlled substance, whether on or off the premises, and shall not allow that person to enter the premises of any boarding home facility under the control of the owner or operator for a period of at least one year following the violation. The licensee shall remove from the premises of the boarding home facility, as promptly as possible under state law, any owner, operator, employee, or volunteer who resides at the boarding home facility and who illegally uses a controlled substance whether on or off the premises, and shall not allow that person to enter the premises of any boarding home facility under the control of the owner or operator for a period of at least one year following the violation. However, nothing

contained in this subsection shall be construed to prohibit an operator, employee, or volunteer from taking a prescription drug for which that person has a valid and current prescription.

(c) The licensee shall immediately remove from the premises of a boarding home facility any non-resident owner, operator, employee, or volunteer who currently abuses alcohol, whether on or off the premises, such that the abuse of alcohol prevents that person from performing his or her job duties, if any, at the boarding home facility or who, by reason of such current alcohol abuse, constitutes a direct threat to the property or safety of others. The licensee shall remove from the premises of a boarding home facility, as promptly as possible under state law, any owner, operator, employee, or volunteer who resides at the boarding home facility and who currently abuses alcohol, whether on or off the premises, such that the abuse of alcohol prevents that person from performing his or her job duties, if any, at the boarding home facility or who, by reason of such current alcohol abuse, constitutes a direct threat to the property or safety of others.

(d) If the licensee removes a person from the premises of a boarding home facility under Subsection (c), the licensee shall not allow that person to re-enter the premises of any boarding home facility under the control of the owner or operator until that person is able to perform his or her job duties, if any, at a boarding home facility and does not constitute a direct threat to the property or safety of others.”

SECTION 54. That Subsection (a) of Section 8A-39, “Assessment and Periodic Monitoring of Residents,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(a) For any resident with dementia or who has been prescribed a controlled substance or psychotropic medication, t[F]he licensee, or a designee of the licensee, shall complete and document an annual assessment and conduct periodic monitoring to ensure that each resident is capable of self-administering medication and completing basic elements of personal care as listed in Subsections (b) and (c). The assessment will be used as a tool to determine if the needs of the resident can be provided by a boarding home facility or if the resident needs personal care services or medication administration that cannot be provided by the boarding home facility. The initial assessment of a resident must be completed within 30 days after the date the resident began residing at the facility.”

SECTION 55. That Subsection (b) of Section 8A-39, “Assessment and Periodic Monitoring of Residents,” of Article IV, “Resident Health and Safety,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“(b) Elements of the self-administration of medication to be assessed include the ability to perform each of the following tasks with little or no assistance:

- (1) Identifying the name of the medication.
- (2) Providing a reason for the medication (the owner or 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 the correct number of pills (dosage).
- (5) Confirming the time to take medications.
- (6) Reading labels.”

SECTION 56. That Section 8A-40, “Violations; Penalty,” of Article V, “Enforcement,” of Chapter 8A, “Boarding Home Facilities,” of the Dallas City Code is amended to read as follows:

“SEC. 8A-40. VIOLATIONS; PENALTY.

(a) Regardless of a boarding home facility’s licensing status, a [A] person who violates any provision of this chapter, or who fails to perform a duty required by this chapter, commits an offense.

(b) A licensee, owner, operator, employee, or other person in control of a licensed or unlicensed boarding home facility commits an offense if he or she knowingly operates an unsafe facility that represents an immediate threat to the health or safety of a resident, including a situation that has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident.

(c) A licensee, owner, operator, employee, or volunteer shall not operate a boarding home facility in a manner that results in illegal or nuisance activities including, but not limited to, disturbance of the peace, illegal drug activity, harassment of passers-by, public urination, theft, assault, vandalism, littering, illegal parking, loud noise, disorderly conduct, lewd conduct, or police detention or arrests.

(d) An offense under this chapter is punishable by a fine not to exceed:

- (1) \$2,000 if the provision violated governs fire safety, public health, or sanitation; or
- (2) \$500 for all other offenses.

(e) An offense under this chapter is punishable by a fine of not less than \$250 for a first conviction of a violation of this chapter.

(f) The minimum fine established in Subsection (e) will double for the second conviction of the same offense within any 24-month period and treble for the third and subsequent convictions of the same offense within any 24-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (d).

(g) A separate offense occurs each day or part of a day the violation is committed, continued, or permitted.

(h[e]) Emergency closing order.

(1) If the director finds a licensed or unlicensed boarding home facility operating in violation of the standards prescribed by this chapter and the violations create an immediate threat to the health and safety of a resident in the facility, the director may order the immediate closing of all or part of the facility.

(2) The order of immediate closure under Paragraph (1) is effective immediately on providing written notice of the order to the owner or operator by facsimile, e-mail, or hand-delivery.

(3) The order of closure of all or part of a boarding home facility is valid for 10 days after its effective date.

(4) If the licensee, owner, or operator does not promptly relocate the residents of the boarding home facility upon receiving the order of closure for that facility, the city shall provide for the relocation of those residents. If possible, the city will relocate those residents to a boarding home facility in the city for which there is a current valid license. The relocation may not be to a facility with a more restrictive environment unless all other reasonable alternatives are exhausted. The director is authorized to seek to recover the cost of relocating the residents from the owner and operator of the closed facility.

(5) An emergency closing order may be appealed to the permit and license appeal board in accordance with Section 2-96 as if it were a permit. The director and the permit and license appeal board shall expedite any hearing or decision involving an emergency closing order issued under this section. An appeal to the permit and license appeal board does not stay enforcement of an emergency closing order.

(i[f]) The city attorney may petition a district court or a county court at law for civil penalties and for injunctive relief to restrain a continuing violation of the standards or licensing requirements for a boarding home facility under this chapter if the violation creates an immediate threat to the health or safety of the facility residents.

(j[g]) The remedies and procedures in this section and in other laws are cumulative law, and the use of any particular remedy or procedure does not prevent the enforcement of any other law.”

SECTION 57. That Section 27-31, “Registration Application,” of Article VII, “Registration and Inspection of Multi-Tenant Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code is amended to read as follows:

“SEC. 27-31. REGISTRATION APPLICATION.

To obtain a certificate of registration for a multi-tenant property, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the multi-tenant property. The application must contain the following information:

- (1) the name, address, and telephone number of the applicant or the applicant’s authorized agent;
- (2) the name, all legal addresses, and the main telephone number, if any, of the multi-tenant property.
- (3) the name, address, and telephone number of a person or persons to contact in an emergency as required by Section 27-39 of this article;
- (4) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business;
- (5) the number of units, buildings, and swimming pools located on the multi-tenant property and the total number of bedrooms located on the property (a unit with no separate bedroom will be counted as one bedroom);
- (6) documentary evidence of payment of ad valorem taxes owed in connection with the multi-tenant property;
- (7) the names, addresses, and telephone numbers of any lien holders and insurance carriers for the multi-tenant property;
- (8) the names, addresses, and telephone numbers of all owners, operators, property managers, and other persons in control of the multi-tenant property and of any other persons designated to attend meetings as required by Section 27-44 of this article;
- (9) the current occupancy rate of the multi-tenant property (expressed as a percentage); [and]

(10) the names, addresses, and telephone numbers of any person or entity leasing one or more units and providing services such as community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with the self-administration of medication to residents of those units; the number and location of such units; the number of residents in each unit; and a description of the on-site services provided to residents by the person or entity leasing the units; and

(11) such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested certificate of registration should be granted.”

SECTION 58. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 59. That Chapters 8A and 27 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 60. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 61. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

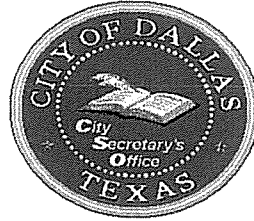
APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By Casim B. Myers
Assistant City Attorney

MAY 27 2015

Passed _____



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL MAY 27 2015

ORDINANCE NUMBER 29753

DATE PUBLISHED MAY 30 2015

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Rose C. Liss".