

City of San Antonio

BOARDING HOME INSPECTION PROGRAM



How to Identify a Boarding Home

	YES	NO
Are there at least three residents unrelated to the owner or operator?	<input type="checkbox"/>	<input type="checkbox"/>
Are the residents elderly and/or disabled (mentally and/or physically)?	<input type="checkbox"/>	<input type="checkbox"/>
Are any of the services listed to the right provided to the residents?	<input type="checkbox"/>	<input type="checkbox"/>
Are the residents capable of feeding, dressing, self-evacuating?	<input type="checkbox"/>	<input type="checkbox"/>

If the answers are YES it's a boarding home...unless the facility fits into one of the following exemptions:

- Licensed or monitored under Texas Health and Safety Code Chapters 142, 242, 246, 247 or 252
- Well-recognized church or religious denomination depending exclusively on prayer or spiritual means for healing
- A hotel or retirement community as defined by the Texas Tax Code
- A monastery or convent
- Childcare facility or family violence center as defined by the Texas Human Resources Code
- A fraternity or sorority house, or other dormitory, associated with an institution of higher learning

BOARDING HOME SERVICES

Community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, assistance with self-administration of medicine...

ELDERLY AND/OR DISABLED

Elderly: 65 years of age or older
Disability: defined by 42 USC 12102
(A) A physical or mental impairment that substantially limits one or more major life activities of such individual
(B) A record of such an impairment
(C) Being regarded as having such an impairment

42 USC 12102: Definition of Disability

(1) Disability
The term “disability” means, with respect to an individual—
(A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
(B) a record of such an impairment; or
(C) being regarded as having such an impairment (as described in paragraph (3)).

(2) Major life activities
(A) In general
For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
(B) Major bodily functions
For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

(3) Regarded as having such an impairment
For purposes of paragraph (1)(C):
(A) An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.
(B) Paragraph (1)(C) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

(4) Rules of construction regarding the definition of disability
The definition of “disability” in paragraph (1) shall be construed in accordance with the following:

dance with the following:
(A) The definition of disability in this chapter shall be construed in favor of broad coverage of individuals under this chapter, to the maximum extent permitted by the terms of this chapter.
(B) The term “substantially limits” shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.
(C) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.
(D) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
(E)
(i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as—
(I) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
(II) use of assistive technology;
(III) reasonable accommodations or auxiliary aids or services; or
(IV) learned behavioral or adaptive neurological modifications.
(ii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.
(iii) As used in this subparagraph—
(I) the term “ordinary eyeglasses or contact lenses” means lenses that are intended to fully correct visual acuity or eliminate refractive error; and
(II) the term “low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image