



## **HHS Circular C-043**

### **DADS State Supported Living Center and DSHS State Hospital Deed Restriction Inquiry Policy**

#### **Purpose**

The purpose of this policy is to establish process and responsibilities for receipt, evaluation, and response to inquiries regarding deed restrictions on sold property originally owned by a Department of State Health Services (DSHS) state hospital or a Department of Aging and Disability Services (DADS) state supported living center (state facilities).

#### **Background**

Sold property deeds contain standard deed restrictions that protect state facilities by restricting uses of the property that conflict with the facilities' mission. Property buyers, owners, or other interested parties may have questions about the deed restrictions and contact one of the health and human services (HHS) agencies with inquiries about those restrictions. Sold property often is subdivided and may not be currently adjacent to a state facility.

#### **Policy**

All inquiries regarding deed restrictions on sold property will be forwarded to and processed by the Real Estate Management (REM) unit of the Health and Human Services Commission (HHSC) Facility Support Services (FSS) division.

#### **Deed Restriction Inquiry Procedure**

- An employee who receives an inquiry related to deed restrictions for a state facility will immediately forward the inquiry to the FSS REM unit.
- Within 72 hours of receipt of a request, REM will send a Deed Restriction Inquiry Form to the inquiring party.
- Within 10 days of receipt of the completed Deed Restriction Inquiry Form, REM will assemble the Deed Restriction Analysis Group. This group includes: a management-level staff member from the involved state facility; a DSHS or DADS attorney, as appropriate; an HHSC attorney; and a representative from REM.



- The analysis group will develop a recommendation for review and approval by the appropriate DSHS or DADS Commissioner or their designee. When necessary, the group may contact the inquiring party for clarification.
- Upon the Commissioner's approval of the recommended response, REM and legal counsel for the affected agency will compose a response to the inquiring party.
- REM will maintain all review and correspondence records.

### **Staff Affected**

This policy applies to any HHS agency employee who receives an inquiry concerning state facility deed restrictions.

### **Inquiries**

Inquiries regarding the content of this circular should be directed to Chris Palmer by telephone at (512) 206-4507 or via email at [Chris.Palmer@hhsc.state.tx.us](mailto:Chris.Palmer@hhsc.state.tx.us).