

By: Harless, Minjarez, et al.

H.B. No. 1681

A BILL TO BE ENTITLED

AN ACT

relating to the construction of certain assisted living facilities within a 500-year floodplain in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 247, Health and Safety Code, is amended by adding Section 247.0251 to read as follows:

Sec. 247.0251. CONSTRUCTION IN 500-YEAR FLOODPLAIN IN CERTAIN COUNTIES PROHIBITED. (a) In this section, "500-year floodplain" means an area that is subject to inundation by a 500-year flood, which is a flood that has a 0.2 percent or greater chance of occurring in any given year, as determined from maps or other data from the Federal Emergency Management Agency, or, if not mapped by the Federal Emergency Management Agency, from the United States Department of Agriculture soil maps.

(b) The executive commissioner by rule shall prohibit the construction of an assisted living facility within a 500-year floodplain if the facility:

(1) is located in a county with a population of 3.3 million or more;

(2) is owned or operated by a commercial entity; and

(3) has two or more residents.

SECTION 2. This Act takes effect September 1, 2021.