

By: Ramos

H.B. No. 4558

A BILL TO BE ENTITLED

AN ACT

relating to emergency planning requirements for certain independent senior living facilities; providing a civil penalty.

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

SECTION 1. Subtitle B, Title 4, Health and Safety Code, is amended by adding Chapter 260B to read as follows:

CHAPTER 260B. INDEPENDENT SENIOR LIVING FACILITIES

Sec. 260B.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Independent senior living facility" means a residential facility or a portion of a residential facility that leases separate dwelling units to residents who are generally required to be 55 years of age or older.

(3) "Resident" means a resident of an independent senior living facility.

Sec. 260B.002. APPLICABILITY. This chapter applies only to an independent senior living facility in which not less than 75 percent of the residents residing in the facility are 70 years of age or older.

Sec. 260B.003. EMERGENCY PLANNING REQUIREMENTS; REPORTS.

(a) Not later than November 1 of each year, each independent senior living facility to which this chapter applies shall prepare and submit to the commission a written report outlining the facility's

1 emergency plans for energy and water capacity and reliability
2 during a severe weather storm.

3 (b) Not later than November 1 of each even-numbered year,
4 the commission shall provide to the governor, lieutenant governor,
5 speaker of the house of representatives, and standing committees of
6 the legislature with primary jurisdiction over urban affairs:

7 (1) the reports submitted under Subsection (a); and

8 (2) a summary of the information contained in the
9 reports.

10 Sec. 260B.004. CIVIL PENALTY. (a) An independent senior
11 living facility that fails to submit the report required under
12 Section 260B.003 is liable for a civil penalty of not more than
13 \$1,000 for each violation. Each day of a continuing violation
14 constitutes a separate ground for recovery.

15 (b) On request of the commission, the attorney general may
16 bring an action in a district court to collect a civil penalty under
17 this section. The attorney general and the commission may recover
18 reasonable expenses incurred in obtaining relief under this
19 section, including court costs, attorney's fees, investigation
20 costs, witness fees, and deposition expenses.

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