

By: Lalani

H.B. No. 863

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to senior independent living communities; providing civil  
3 and administrative penalties.

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

5 SECTION 1. This Act may be cited as the Senior Independent  
6 Living Protection Act.

7 SECTION 2. Subchapter C, Chapter 418, Government Code, is  
8 amended by adding Section 418.059 to read as follows:

9 Sec. 418.059. SENIOR INDEPENDENT LIVING COMMUNITY HEALTH  
10 AND SAFETY PLAN DATABASE. (a) In this section:

11 (1) "Health and safety plan" means a health and safety  
12 policy and plan prepared by a senior independent living community  
13 under Section 786.003, Health and Safety Code.

14 (2) "Senior independent living community" has the  
15 meaning assigned by Section 786.001, Health and Safety Code.

16 (b) The division shall:

17 (1) establish, maintain, and annually update a  
18 statewide database of senior independent living communities that  
19 includes the health and safety plan filed by each senior  
20 independent living community under Section 786.003(c), Health and  
21 Safety Code; and

22 (2) make the database accessible to state and local  
23 emergency response and emergency management agencies for the  
24 purpose of coordinating emergency response activities and

1 emergency management.

2 (c) The division may impose an administrative penalty on a  
3 senior independent living community that fails to file a health and  
4 safety plan as required by Section 786.003(c), Health and Safety  
5 Code, or violates a rule adopted under this section.

6 (d) Information in the database is confidential and exempt  
7 from disclosure under Chapter 552.

8 (e) The division shall prescribe and periodically update a  
9 standard template for a senior independent living community to  
10 prepare and submit a health and safety plan.

11 (f) The division shall adopt rules as necessary to implement  
12 this section, including rules to:

13 (1) ensure the protection of sensitive information,  
14 including personal data of residents of senior independent living  
15 communities; and

16 (2) prescribe the form and manner in which a senior  
17 independent living community may submit a health and safety plan to  
18 the division under Section 786.003(c), Health and Safety Code.

19 SECTION 3. Subtitle B, Title 9, Health and Safety Code, is  
20 amended by adding Chapter 786 to read as follows:

21 CHAPTER 786. SENIOR INDEPENDENT LIVING COMMUNITIES

22 Sec. 786.001. DEFINITIONS. In this chapter:

23 (1) "Common amenity" means an amenity or service  
24 offered or provided to residents of a multiunit residential  
25 property, including:

26 (A) concierge services;

27 (B) a library;

1           (C) common dining services;

2           (D) housekeeping services; and

3           (E) full-time security.

4           (2) "Resident" means an individual who resides in a  
5 senior independent living community as a unit owner or tenant.

6           (3) "Senior independent living community" means a  
7 residential community or a portion of a residential community that:

8           (A) is intended and operated for occupancy by at  
9 least one individual 55 years of age or older for each unit;

10           (B) contains not fewer than 20 residential units  
11 in one or more multiunit buildings that are available to occupy; and

12           (C) provides common amenities.

13           (4) "Senior independent living community contract"  
14 means a contract with a resident of a senior independent living  
15 community for providing a common amenity to a resident.

16           (5) "Unit" means a physical portion of a residential  
17 property designated for separate ownership or occupancy.

18           Sec. 786.002. EXEMPTIONS. This chapter does not apply to:

19           (1) a health care institution as defined by Section  
20 74.001, Civil Practice and Remedies Code;

21           (2) a boarding home facility as defined by Section  
22 260.001 that holds a permit issued under Chapter 260;

23           (3) a supportive housing facility for elderly  
24 individuals operated under Section 202, the National Housing Act  
25 (12 U.S.C. Section 1701q);

26           (4) a center for independent living as defined by  
27 Section 702 of the federal Rehabilitation Act of 1973 (29 U.S.C.

1 Section 796a); or

2 (5) any other facility that is regulated by the Health  
3 and Human Services Commission or in accordance with rules adopted  
4 by the Centers for Medicare and Medicaid Services.

5 Sec. 786.003. RESIDENT HEALTH AND SAFETY POLICY AND PLAN.

6 (a) A senior independent living community shall prepare, maintain,  
7 and annually update a health and safety policy and plan.

8 (b) A health and safety policy and plan maintained under  
9 this section must include information regarding:

10 (1) health and safety measures and protocols for  
11 responding to an emergency, including a power outage or disaster as  
12 defined by Section 418.004, Government Code;

13 (2) medical support services available to residents;  
14 and

15 (3) the emergency power generation capability of the  
16 community.

17 (c) A senior independent living community shall:

18 (1) annually file the health and safety policy and  
19 plan with:

20 (A) the Texas Division of Emergency Management as  
21 provided by Section 418.059, Government Code, and rules adopted  
22 under that section; and

23 (B) each local government agency responsible for  
24 providing emergency response services to the community;

25 (2) send the health and safety policy and plan to each  
26 resident; and

27 (3) post a written notice of the health and safety

1 policy and plan in a conspicuous manner at a location on the  
2 community premises where the community posts other community  
3 notices.

4 Sec. 786.004. EMERGENCY GENERATOR OR OTHER POWER SOURCE. A  
5 senior independent living community shall ensure that the community  
6 is equipped with an operational emergency generator or comparable  
7 emergency power source and a sufficient amount of fuel to operate  
8 the generator or power source and maintain the air temperature at  
9 not less than 68 degrees and not more than 81 degrees Fahrenheit for  
10 a minimum of 72 hours during a power outage.

11 Sec. 786.005. AGREEMENT OR CONTRACT PROVISIONS. (a) In  
12 this section:

13 (1) "Assisted living facility" has the meaning  
14 assigned by Section 247.002.

15 (2) "Continuing care" has the meaning assigned by  
16 Section 246.0025.

17 (3) "Nursing facility" has the meaning assigned by  
18 Section 242.301.

19 (b) A lease, rental, or purchase agreement for a residential  
20 unit in a senior independent living community or a senior  
21 independent living community contract with a resident:

22 (1) must:

23 (A) disclose that the community is not an  
24 assisted living facility, nursing facility, or a facility that  
25 provides continuing care to an individual and is not regulated in  
26 the same manner as those facilities; and

27 (B) explain in plain language the difference in

1 the regulation of and services offered by a senior independent  
2 living community and the regulation of and services offered by a  
3 facility described by Paragraph (A); and

4 (2) may not include a provision that controls the  
5 content or execution of the resident's advance directive or  
6 testamentary documents.

7 Sec. 786.006. HEALTH AND SAFETY INVESTIGATIONS AND RESIDENT  
8 COMMUNICATIONS. A senior independent living community may not:

9 (1) prevent or inhibit a resident from or penalize a  
10 resident for communicating with a law enforcement officer, social  
11 worker, family member, or other interested person regarding the  
12 health and safety of residents of the senior independent living  
13 community; or

14 (2) prevent a law enforcement officer, court officer,  
15 social worker, family member, or other interested person from  
16 entering a common area of the senior independent living community  
17 to conduct a voluntary interview with a resident as part of an  
18 investigation into the health and safety of residents of the  
19 community or regarding an incident at the community.

20 Sec. 786.007. CIVIL PENALTY. A senior independent living  
21 community that violates this chapter is liable to the state for a  
22 civil penalty of not more than \$1,000 for each violation. Each day  
23 a violation continues constitutes a separate violation. The  
24 attorney general may bring an action to collect a civil penalty  
25 under this section at the request of the Health and Human Services  
26 Commission or the Texas Division of Emergency Management.

27 SECTION 4. Section [38.072](#), Utilities Code, is amended to

1 read as follows:

2 Sec. 38.072. PRIORITIES FOR POWER RESTORATION TO CERTAIN  
3 ~~[MEDICAL]~~ FACILITIES AND COMMUNITIES. (a) In this section:

4 (1) "Assisted living facility" has the meaning  
5 assigned by Section 247.002, Health and Safety Code.

6 (2) "End stage renal disease facility" has the meaning  
7 assigned by Section 251.001, Health and Safety Code.

8 (3) "Extended power outage" has the meaning assigned  
9 by Section 13.1395, Water Code.

10 (4) "Hospice services" has the meaning assigned by  
11 Section 142.001, Health and Safety Code.

12 (5) "Nursing facility" has the meaning assigned by  
13 Section 242.301, Health and Safety Code.

14 (6) "Senior independent living community" has the  
15 meaning assigned by Section 786.001, Health and Safety Code.

16 (b) The commission by rule shall require an electric utility  
17 to give to the following the same priority that it gives to a  
18 hospital in the utility's emergency operations plan for restoring  
19 power after an extended power outage:

20 (1) a nursing facility;

21 (2) an assisted living facility;

22 (3) an end stage renal disease facility; ~~and~~

23 (4) a facility that provides hospice services; and

24 (5) a senior independent living community.

25 (c) The rules adopted by the commission under Subsection (b)  
26 must allow an electric utility to exercise the electric utility's  
27 discretion to prioritize power restoration for a facility or

1 community after an extended power outage in accordance with the  
2 facility's or community's needs and with the characteristics of the  
3 geographic area in which power must be restored.

4 (d) A municipally owned utility shall report the emergency  
5 operations plan for restoring power to a facility or community  
6 listed in Subsection (b) to the municipality's governing body or  
7 the body vested with the power to manage and operate the municipally  
8 owned utility.

9 (e) An electric cooperative shall report the emergency  
10 operations plan for restoring power to a facility or community  
11 listed in Subsection (b) to the board of directors of the electric  
12 cooperative.

13 SECTION 5. (a) Not later than December 31, 2025, the Texas  
14 Division of Emergency Management shall adopt rules for the  
15 implementation of Section 418.059, Government Code, as added by  
16 this Act.

17 (b) A senior independent living community is not required to  
18 comply with Section 786.003, Health and Safety Code, as added by  
19 this Act, before January 1, 2026.

20 (c) Section 786.005, Health and Safety Code, as added by  
21 this Act, applies only to an agreement or contract entered into or  
22 renewed on or after the effective date of this Act.

23 SECTION 6. This Act takes effect September 1, 2025.