

By: Garcia Hernandez, Patterson,
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H.B. No. 3195

Substitute the following for H.B. No. 3195:

By: Hull

C.S.H.B. No. 3195

A BILL TO BE ENTITLED

AN ACT

relating to resident safety from criminal activity in senior retirement communities.

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

SECTION 1. Subtitle B, Title 9, Health and Safety Code, is amended by adding Chapter 786 to read as follows:

CHAPTER 786. SENIOR RETIREMENT COMMUNITIES

Sec. 786.001. DEFINITIONS. In this chapter:

(1) "Common amenity" means an amenity or service offered or provided to residents of a multiunit residential property.

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

(3) "Senior retirement community" means a residential community or a portion of a residential community:

(A) described by Section 301.043, Property Code;

(B) that contains not fewer than 20 residential units in one or more multiunit buildings that are available to own, rent, or lease; and

(C) that provides common amenities.

(4) "Senior retirement community contract" means a contract with a resident of a senior retirement community for providing a common amenity to the resident.

(5) "Unit" means a physical portion of a residential

1 property designated for separate ownership or occupancy.

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

3 (1) a health care institution as defined by Section
4 74.001, Civil Practice and Remedies Code;

5 (2) a boarding home facility as defined by Section
6 260.001 that holds a permit issued under Chapter 260;

7 (3) a supportive housing facility for elderly
8 individuals operated under Section 202, the National Housing Act
9 (12 U.S.C. Section 1701q);

10 (4) a center for independent living as defined by
11 Section 702 of the federal Rehabilitation Act of 1973 (29 U.S.C.
12 Section 796a); or

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

16 Sec. 786.003. REQUIREMENTS RELATING TO RESIDENT SAFETY FROM
17 CRIMINAL ACTIVITY. (a) A senior retirement community shall:

18 (1) conduct for each retirement community employee a
19 criminal history record check using the computerized criminal
20 history system maintained by the Department of Public Safety of the
21 State of Texas;

22 (2) disclose in the senior retirement community
23 contract whether the retirement community requires each business
24 hired by the retirement community to provide services at the
25 retirement community to conduct a criminal history record check of
26 each of the business's employees who will provide services at the
27 retirement community; and

1 (3) maintain a resident safety and communications
2 policy regarding criminal activity that poses a risk to residents,
3 which must require the retirement community to send to each
4 resident and post in a conspicuous manner at a location on the
5 retirement community premises where the retirement community posts
6 other community notices a written notice containing information on:

7 (A) known reports of potential criminal activity
8 made to law enforcement from or at the retirement community not
9 later than two business days after the date the report is made; and

10 (B) known instances of criminal trespassing at
11 the retirement community not later than two business days after the
12 trespassing is reported or occurs.

13 (b) For purposes of providing notice under the policy
14 adopted by a senior retirement community under Subsection (a)(3)
15 relating to a reportable incident described by that subdivision,
16 the retirement community:

17 (1) may provide for the removal of the personal
18 identifying information of an individual who is involved in the
19 reportable incident to prevent the individual's identification;
20 and

21 (2) may not refuse to provide the notice based solely
22 on concerns related to the disclosure of the individual's personal
23 identifying information.

24 (c) A senior retirement community may not be held civilly or
25 criminally liable for the retirement community's compliance with
26 Subsection (a)(1) or (3).

27 (d) A senior retirement community may not:

1 (1) prevent or inhibit a resident from or penalize a
2 resident for communicating with a law enforcement officer, social
3 worker, family member, or other interested person regarding the
4 safety and security of the retirement community; or

5 (2) prevent a law enforcement officer or court officer
6 from entering a common area of the retirement community to conduct a
7 voluntary interview with a resident as part of an investigation
8 into criminal activity at the retirement community.

9 SECTION 2. This Act takes effect September 1, 2025.