

By: Cook, Alvarado

S.B. No. 1310

A BILL TO BE ENTITLED

AN ACT

relating to senior independent living communities; providing a civil penalty.

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 INDEPENDENT LIVING COMMUNITIES

Sec. 786.001. DEFINITIONS. In this chapter:

(1) "Chronic condition residential customer" means a residential customer who has a person permanently residing in the customer's home who has been diagnosed by a physician as having a serious medical condition that requires an electric-powered medical device or electric heating or cooling to prevent the impairment of a major life function through a significant deterioration or exacerbation of the person's medical condition.

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

(A) concierge services;

(B) a library;

(C) common dining services;

(D) housekeeping services; and

(E) full-time security.

(3) "Critical care residential customer" and

"customer" have the meanings assigned by Section 17.002, Utilities Code.

(4) "Electric cooperative" and "municipally owned utility" have the meanings assigned by Section 11.003, Utilities Code.

(5) "Electric utility" has the meaning assigned by Section 31.002, Utilities Code.

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

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

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

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

(C) provides common amenities.

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

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

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

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

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

(3) a supportive housing facility for elderly

individuals operated under Section 202, the National Housing Act  
(12 U.S.C. Section 1701q);

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

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

Sec. 786.003. EMERGENCY RESPONSE PLAN. (a) A senior  
independent living community shall prepare, maintain, and annually  
update a written emergency response plan.

(b) The emergency response plan must:

(1) describe methods to be used to communicate with  
residents during a disaster;

(2) provide for at least one employee to stay on site  
during a disaster;

(3) provide for the provision of food, water, and  
essential supplies to residents during a disaster;

(4) provide for the maintenance and replacement of  
on-site emergency supplies, including medicine, medical supplies,  
batteries, and chargers, and describe each location where the  
supplies are kept;

(5) detail the means to be used to transport residents  
during an evacuation;

(6) provide for biannual emergency planning meetings  
for the residents to occur in the spring and fall; and

(7) include a compilation of disaster preparation

1 resources available to residents, including 2-1-1 services  
2 provided by the Texas Information and Referral Network,  
3 registration with the State of Texas Emergency Assistance Registry,  
4 and registration with the electric utility, electric cooperative,  
5 or municipally owned utility that serves the resident to receive a  
6 designation as a critical care residential customer, chronic  
7 condition residential customer, or any other designation the  
8 utility or cooperative offers for the purpose of prioritizing the  
9 restoration of service or providing notice to customers regarding  
10 outages.

11 (c) A senior independent living community shall:

12 (1) annually file the emergency response plan with the  
13 Health and Human Services Commission;

14 (2) send the emergency response plan to each resident;

15 (3) provide the emergency response plan to a  
16 resident's family member on request; and

17 (4) post a written notice of the emergency response  
18 plan in a conspicuous manner at a location on the community premises  
19 where the community posts other community notices.

20 Sec. 786.004. AGREEMENT OR CONTRACT PROVISIONS. A lease,  
21 rental, or purchase agreement for a residential unit in a senior  
22 independent living community or a senior independent living  
23 community contract with a resident:

24 (1) must include a copy of the emergency response plan  
25 that the community has adopted as required by Section 786.003; and

26 (2) may not include a provision that controls the  
27 content or execution of the resident's advance directive or

1 testamentary documents.

2 Sec. 786.005. HEALTH AND SAFETY INVESTIGATIONS AND RESIDENT  
3 COMMUNICATIONS. A senior independent living community may not:

4 (1) prevent or inhibit a resident from or penalize a  
5 resident for communicating with a law enforcement officer, social  
6 worker, family member, or other interested person regarding the  
7 health and safety of residents of the senior independent living  
8 community; or

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

15 Sec. 786.006. CIVIL PENALTY. A senior independent living  
16 community that violates this chapter is liable to the state for a  
17 civil penalty of not more than \$500 for each violation. Each day a  
18 violation continues constitutes a separate violation. The attorney  
19 general may bring an action to collect a civil penalty under this  
20 section at the request of the Health and Human Services Commission.

21 SECTION 2. (a) A senior independent living community is not  
22 required to comply with Section 786.003, Health and Safety Code, as  
23 added by this Act, before January 1, 2026.

24 (b) Section 786.004, Health and Safety Code, as added by  
25 this Act, applies only to an agreement or contract entered into or  
26 renewed on or after the effective date of this Act.

27 SECTION 3. This Act takes effect September 1, 2025.