

BILL ANALYSIS

Senate Research Center
87R17775 SRA-F

H.B. 1681
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Health & Human Services
5/20/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In recent years, flood events have necessitated the evacuation of residents from assisted living facilities, even at times requiring the use of high water rescue vehicles. Despite this, developers have continued to build new facilities in areas prone to flooding.

H.B. 1681 seeks to address this issue by amending the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission by rule to prohibit the construction of an assisted living facility within a 500-year floodplain, as determined by maps or other data from FEMA or, if not mapped by FEMA, the United States Department of Agriculture's soil maps, if the facility is located in a county with a population of 3.3 million or more, is owned or operated by a commercial entity, and has two or more residents.

H.B. 1681 amends current law relating to the construction of certain assisted living facilities within a 500-year floodplain in certain counties.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 247.0251, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 247, Health and Safety Code, by adding Section 247.0251, as follows:

Sec. 247.0251. CONSTRUCTION IN 500-YEAR FLOODPLAIN IN CERTAIN COUNTIES PROHIBITED. (a) Defines "500-year floodplain."

(b) Requires the executive commissioner of the Health and Human Services Commission by rule to prohibit the construction of an assisted living facility within a 500-year floodplain if the facility is located in a county with a population of 3.3 million or more, is owned or operated by a commercial entity, and has two or more residents.

SECTION 2. Effective date: September 1, 2021.