

## **BILL ANALYSIS**

C.S.H.B. 1681  
By: Harless  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

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. C.S.H.B. 1681 seeks to address this issue by prohibiting the construction of commercial assisted living facilities within a 500-year floodplain in certain counties.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 1681 amends 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 U.S. 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.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1681 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute narrows the scope of the original's prohibition against the construction of an assisted living facility within a 500-year floodplain so as to make the prohibition applicable only with respect to a facility that 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.