

By: Miles

S.B. No. 504

A BILL TO BE ENTITLED

AN ACT

relating to authority of certain county fire marshals to inspect group homes; authorizing a fee; creating a criminal offense.

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

SECTION 1. Subchapter B, Chapter 352, Local Government Code, is amended by adding Section 352.0165 to read as follows:

Sec. 352.0165. INSPECTION OF GROUP HOMES IN CERTAIN COUNTIES; FEE. (a) In this section:

(1) "Group home" means an establishment:

(A) in which three or more individuals who are unrelated to the owner or operator of the establishment reside;

(B) that provides residential care services to residents; and

(C) that receives payment or other compensation from a local, state, or federal governmental entity for providing residential care services to a resident.

(2) "Residential care services" means shelter, protection, meals, health care, mobility assistance, and personal care services, including bathing, dressing, and eating.

(a-1) This section applies only to a county with a population of 3.3 million or more.

(b) On the complaint of any person, the county fire marshal, at any reasonable time, may enter:

(1) a building in the county in which a group home is

1 operated; and

2 (2) the premises of a building described by
3 Subdivision (1).

4 (c) The county fire marshal shall order the removal of a
5 building in which a group home is located, the removal of a
6 structure located on the premises of a building in which a group
7 home is located, or other remedial action if the marshal finds that:

8 (1) the building or structure, because of lack of
9 repair, age, dilapidated condition, or other reason, is susceptible
10 to fire and is so located or occupied that fire would endanger
11 persons or property in the building or structure or on the premises
12 of the building or structure;

13 (2) a dangerous condition is created by:

14 (A) an improper arrangement of stoves, ranges,
15 furnaces, or other heating appliances, including chimneys, flues,
16 and pipes with which they are connected, or by their lighting
17 systems or devices; or

18 (B) the manner of storage of explosives,
19 compounds, petroleum, gasoline, kerosene, dangerous chemicals,
20 vegetable products, ashes, or combustible, flammable, or refuse
21 materials; or

22 (3) any other condition exists that is dangerous or is
23 liable to cause or promote fire or create danger for firefighters,
24 occupants, or other buildings or structures.

25 (d) The person to whom an order under Subsection (c) is
26 directed shall immediately comply with the order. The marshal may,
27 if necessary, apply to a court of competent jurisdiction for writs

1 or orders necessary to enforce this section, and the court may grant
2 appropriate relief. The marshal is not required to give a bond.

3 (e) The commissioners court of a county may adopt any
4 appropriate standard developed by a nationally recognized
5 standards-making association under which the county fire marshal
6 may enforce this section, except that standards adopted under this
7 subsection do not apply in a municipality that has adopted fire
8 protection ordinances.

9 (f) The commissioners court of a county shall prescribe a
10 reasonable fee for an inspection performed by the county fire
11 marshal that may be charged to a property owner or occupant who
12 requests the inspection, as the commissioners court considers
13 appropriate. In prescribing the fee, the commissioners court shall
14 consider the overall cost to the marshal to perform the
15 inspections, including the approximate amount of time the staff of
16 the marshal needs to perform an inspection, travel costs, and other
17 expenses.

18 SECTION 2. Section [352.022](#), Local Government Code, is
19 amended to read as follows:

20 Sec. 352.022. PENALTY FOR FAILURE TO COMPLY WITH ORDER. An
21 owner or occupant who is subject to an order issued under Section
22 [352.016](#) or [352.0165](#) commits an offense if that person fails to
23 comply with the order. Each refusal to comply is a separate
24 offense. The offense is a Class B misdemeanor unless it is shown on
25 the trial of the offense that the defendant has been previously
26 convicted two or more times under this section, in which event the
27 offense is a state jail felony.

1 SECTION 3. Section [352.022](#), Local Government Code, as
2 amended by this Act, applies only to an offense committed on or
3 after the effective date of this Act. An offense committed before
4 the effective date of this Act is governed by the law in effect on
5 the date the offense was committed, and the former law is continued
6 in effect for that purpose. For purposes of this section, an
7 offense was committed before the effective date of this Act if any
8 element of the offense occurred before that date.

9 SECTION 4. This Act takes effect September 1, 2021.