

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.

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

(c) This section does not apply to a building owned or operated by:

(1) a person that is required to be licensed under

1 Chapter 142, 242, 246, 247, or 252, Health and Safety Code;

2 (2) a person that is exempt from licensing under  
3 Section 142.003(a)(19), 242.003(3), or 247.004(4), Health and  
4 Safety Code;

5 (3) a hotel as defined by Section 156.001, Tax Code;

6 (4) a retirement community;

7 (5) a monastery or convent;

8 (6) a child-care facility as defined by Section  
9 42.002, Human Resources Code;

10 (7) a family violence shelter center as defined by  
11 Section 51.002, Human Resources Code; or

12 (8) a sorority or fraternity house or other dormitory  
13 associated with an institution of higher education.

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

16 (1) a building in the county in which a group home is  
17 operated; and

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

20 (e) The county fire marshal shall order the removal of a  
21 building in which a group home is located, the removal of a  
22 structure located on the premises of a building in which a group  
23 home is located, or other remedial action if the marshal finds that:

24 (1) the building or structure, because of lack of  
25 repair, age, dilapidated condition, or other reason, is susceptible  
26 to fire and is so located or occupied that fire would endanger  
27 persons or property in the building or structure or on the premises

1 of the building or structure;

2 (2) a dangerous condition is created by:

3 (A) an improper arrangement of stoves, ranges,  
4 furnaces, or other heating appliances, including chimneys, flues,  
5 and pipes with which they are connected, or by their lighting  
6 systems or devices; or

7 (B) the manner of storage of explosives,  
8 compounds, petroleum, gasoline, kerosene, dangerous chemicals,  
9 vegetable products, ashes, or combustible, flammable, or refuse  
10 materials; or

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

14 (f) The person to whom an order under Subsection (e) is  
15 directed shall immediately comply with the order. The marshal may,  
16 if necessary, apply to a court of competent jurisdiction for writs  
17 or orders necessary to enforce this section, and the court may grant  
18 appropriate relief. The marshal is not required to give a bond.

19 (g) The commissioners court of a county may adopt any  
20 appropriate standard developed by a nationally recognized  
21 standards-making association under which the county fire marshal  
22 may enforce this section, except that standards adopted under this  
23 subsection do not apply in a municipality that has adopted fire  
24 protection ordinances.

25 (h) The commissioners court of a county shall prescribe a  
26 reasonable fee for an inspection performed by the county fire  
27 marshal that may be charged to a property owner or occupant who

1 requests the inspection, as the commissioners court considers  
2 appropriate. In prescribing the fee, the commissioners court shall  
3 consider the overall cost to the marshal to perform the  
4 inspections, including the approximate amount of time the staff of  
5 the marshal needs to perform an inspection, travel costs, and other  
6 expenses.

7 SECTION 2. Section 352.022, Local Government Code, is  
8 amended to read as follows:

9 Sec. 352.022. PENALTY FOR FAILURE TO COMPLY WITH ORDER. An  
10 owner or occupant who is subject to an order issued under Section  
11 352.016 or 352.0165 commits an offense if that person fails to  
12 comply with the order. Each refusal to comply is a separate  
13 offense. The offense is a Class B misdemeanor unless it is shown on  
14 the trial of the offense that the defendant has been previously  
15 convicted two or more times under this section, in which event the  
16 offense is a state jail felony.

17 SECTION 3. Section 352.022, Local Government Code, as  
18 amended by this Act, applies only to an offense committed on or  
19 after the effective date of this Act. An offense committed before  
20 the effective date of this Act is governed by the law in effect on  
21 the date the offense was committed, and the former law is continued  
22 in effect for that purpose. For purposes of this section, an  
23 offense was committed before the effective date of this Act if any  
24 element of the offense occurred before that date.

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

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President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 504 passed the Senate on May 4, 2021, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 29, 2021, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 504 passed the House, with amendment, on May 26, 2021, by the following vote: Yeas 110, Nays 37, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor