

By: Miles
(Coleman, Lopez)

S.B. No. 504

Substitute the following for S.B. No. 504:

By: Lopez

C.S.S.B. No. 504

A BILL TO BE ENTITLED

1 AN ACT
2 relating to authority of certain county fire marshals to inspect
3 group homes; authorizing a fee; creating a criminal offense.

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

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

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

9 (1) "Group home" means an establishment:

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

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

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

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

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

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

24 (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.