

1-1 By: Miles S.B. No. 504
 1-2 (In the Senate - Filed January 28, 2021; March 9, 2021, read
 1-3 first time and referred to Committee on Local Government;
 1-4 April 27, 2021, reported favorably by the following vote: Yeas 6,
 1-5 Nays 1; April 27, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Menéndez			X	
1-9 Eckhardt	X			
1-10 Gutierrez			X	
1-11 Hall	X			
1-12 Nichols	X			
1-13 Paxton		X		
1-14 Springer	X			
1-15 Zaffirini	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to authority of a county fire marshal to inspect group
 1-20 homes and assisted living facilities; authorizing a fee; creating a
 1-21 criminal offense.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter B, Chapter 352, Local Government
 1-24 Code, is amended by adding Section 352.0165 to read as follows:

1-25 Sec. 352.0165. INSPECTION OF GROUP HOMES AND ASSISTED
 1-26 LIVING FACILITIES; FEE. (a) In this section:

1-27 (1) "Assisted living facility" means a facility
 1-28 licensed under Chapter 247, Health and Safety Code.

1-29 (2) "Group home" means an establishment:

1-30 (A) in which three or more individuals who are
 1-31 unrelated to the owner or operator of the establishment reside;

1-32 (B) that provides residential care services to
 1-33 residents; and

1-34 (C) that receives payment or other compensation
 1-35 from a local, state, or federal governmental entity for providing
 1-36 residential care services to a resident.

1-37 (3) "Residential care services" means shelter,
 1-38 protection, meals, health care, mobility assistance, and personal
 1-39 care services, including bathing, dressing, and eating.

1-40 (b) On the complaint of any person, the county fire marshal,
 1-41 at any reasonable time, may enter:

1-42 (1) a building in the county in which a group home or
 1-43 assisted living facility is operated; and

1-44 (2) the premises of a building described by
 1-45 Subdivision (1).

1-46 (c) The county fire marshal shall order the removal of a
 1-47 building in which a group home or assisted living facility is
 1-48 located, the removal of a structure located on the premises of a
 1-49 building in which a group home or assisted living facility is
 1-50 located, or other remedial action if the marshal finds that:

1-51 (1) the building or structure, because of lack of
 1-52 repair, age, dilapidated condition, or other reason, is susceptible
 1-53 to fire and is so located or occupied that fire would endanger
 1-54 persons or property in the building or structure or on the premises
 1-55 of the building or structure;

1-56 (2) a dangerous condition is created by:

1-57 (A) an improper arrangement of stoves, ranges,
 1-58 furnaces, or other heating appliances, including chimneys, flues,
 1-59 and pipes with which they are connected, or by their lighting
 1-60 systems or devices; or

1-61 (B) the manner of storage of explosives,

2-1 compounds, petroleum, gasoline, kerosene, dangerous chemicals,
2-2 vegetable products, ashes, or combustible, flammable, or refuse
2-3 materials; or

2-4 (3) any other condition exists that is dangerous or is
2-5 liable to cause or promote fire or create danger for firefighters,
2-6 occupants, or other buildings or structures.

2-7 (d) The person to whom an order under Subsection (c) is
2-8 directed shall immediately comply with the order. The marshal may,
2-9 if necessary, apply to a court of competent jurisdiction for writs
2-10 or orders necessary to enforce this section, and the court may grant
2-11 appropriate relief. The marshal is not required to give a bond.

2-12 (e) The commissioners court of a county may adopt any
2-13 appropriate standard developed by a nationally recognized
2-14 standards-making association under which the county fire marshal
2-15 may enforce this section, except that standards adopted under this
2-16 subsection do not apply in a municipality that has adopted fire
2-17 protection ordinances.

2-18 (f) The commissioners court of a county shall prescribe a
2-19 reasonable fee for an inspection performed by the county fire
2-20 marshal that may be charged to a property owner or occupant who
2-21 requests the inspection, as the commissioners court considers
2-22 appropriate. In prescribing the fee, the commissioners court shall
2-23 consider the overall cost to the marshal to perform the
2-24 inspections, including the approximate amount of time the staff of
2-25 the marshal needs to perform an inspection, travel costs, and other
2-26 expenses.

2-27 SECTION 2. Section 352.022, Local Government Code, is
2-28 amended to read as follows:

2-29 Sec. 352.022. PENALTY FOR FAILURE TO COMPLY WITH ORDER. An
2-30 owner or occupant who is subject to an order issued under Section
2-31 352.016 or 352.0165 commits an offense if that person fails to
2-32 comply with the order. Each refusal to comply is a separate
2-33 offense. The offense is a Class B misdemeanor unless it is shown on
2-34 the trial of the offense that the defendant has been previously
2-35 convicted two or more times under this section, in which event the
2-36 offense is a state jail felony.

2-37 SECTION 3. Section 352.022, Local Government Code, as
2-38 amended by this Act, applies only to an offense committed on or
2-39 after the effective date of this Act. An offense committed before
2-40 the effective date of this Act is governed by the law in effect on
2-41 the date the offense was committed, and the former law is continued
2-42 in effect for that purpose. For purposes of this section, an
2-43 offense was committed before the effective date of this Act if any
2-44 element of the offense occurred before that date.

2-45 SECTION 4. This Act takes effect September 1, 2021.

2-46 * * * * *