

SENATE AMENDMENTS

2nd Printing

By: Harless, Minjarez, et al.

H.B. No. 1681

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the construction of certain assisted living facilities
3 within a 500-year floodplain in certain counties.

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

5 SECTION 1. Subchapter B, Chapter 247, Health and Safety
6 Code, is amended by adding Section 247.0251 to read as follows:

7 Sec. 247.0251. CONSTRUCTION IN 500-YEAR FLOODPLAIN IN
8 CERTAIN COUNTIES PROHIBITED. (a) In this section, "500-year
9 floodplain" means an area that is subject to inundation by a
10 500-year flood, which is a flood that has a 0.2 percent or greater
11 chance of occurring in any given year, as determined from maps or
12 other data from the Federal Emergency Management Agency, or, if not
13 mapped by the Federal Emergency Management Agency, from the United
14 States Department of Agriculture soil maps.

15 (b) The executive commissioner by rule shall prohibit the
16 construction of an assisted living facility within a 500-year
17 floodplain if the facility:

18 (1) is located in a county with a population of 3.3
19 million or more;

20 (2) is owned or operated by a commercial entity; and

21 (3) has two or more residents.

22 SECTION 2. This Act takes effect September 1, 2021.

By: Carl Allen **ADOPTED**
Substitute the following for H.B. 1681 MAY 25 2021
By: Dwight Cole *Latta* *Paul* *Boone* Secretary of State
C.S. H.B. No. 1681

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the construction of certain assisted living facilities
3 located within a floodplain in certain counties and to a seller's
4 disclosure of the location of certain real property within a
5 floodplain.

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

7 SECTION 1. Subchapter B, Chapter 247, Health and Safety
8 Code, is amended by adding Section 247.0251 to read as follows:

9 Sec. 247.0251. CONSTRUCTION IN 100-YEAR FLOODPLAIN IN
10 CERTAIN COUNTIES PROHIBITED. (a) In this section, "100-year
11 floodplain" means an area that is subject to inundation by a 100-
12 year flood, which is a flood that has a one percent or greater
13 chance of occurring in any given year, as determined from maps or
14 other data from the Federal Emergency Management Agency, or, if
15 not mapped by the Federal Emergency Management Agency, from the
16 United States Department of Agriculture soil maps.

17 (b) In a county with a population of 3.3 million or more,
18 the executive commissioner by rule shall prohibit the construction
19 of a new assisted living facility licensed under this chapter
20 within a 100-year floodplain.

21 (c) The prohibition on new construction under this section
22 does not apply to expansions or renovations of existing assisted
23 living facilities.

24 SECTION 2. Subchapter A, Chapter 5, Property Code, is

1 amended by adding Section 5.020 to read as follows:

2 Sec. 5.020. SELLER'S DISCLOSURE OF LOCATION OF CERTAIN REAL
3 PROPERTY IN FLOODPLAIN. (a) In this section:

4 (1) "100-year floodplain" means any area of land that:

5 (A) is identified on the flood insurance rate map
6 as a special flood hazard area, which is designated as Zone A, V,
7 A99, AE, AO, AH, VE, or AR on the map;

8 (B) has a one percent annual chance of flooding;
9 and

10 (C) may include a regulatory floodway, flood pool,
11 or reservoir.

12 (2) "Flood insurance rate map" means the most recent
13 flood hazard map published by the Federal Emergency Management
14 Agency under the National Flood Insurance Act of 1968 (42 U.S.C.
15 Section 4001 et seq.).

16 (b) A seller of a tract of real property that measures less
17 than 15 acres and that does not have a residence located or being
18 constructed on the property at the time of the sale shall provide
19 to the purchaser of the property a written notice disclosing
20 whether any part of the property is located in a 100-year
21 floodplain. If any part of the property is located in a 100-year
22 floodplain, the notice must include a copy of a current flood
23 insurance rate map that indicates the part of the property that is
24 located in the floodplain.

25 (c) The notice must be delivered by the seller on or before
26 the effective date of an executory contract binding the purchaser
27 to purchase the property.

1 (d) The purchaser is entitled to recover from the seller
2 damages caused by flooding on any part of the purchased real
3 property that is located in a 100-year floodplain if:

4 (1) the seller fails to provide the purchaser the
5 notice required by this section; and

6 (2) the flooding occurs before the fifth anniversary of
7 the date of the purchase.


8 SECTION 3. Section 247.0251, Health and Safety Code, as added
9 by this Act, applies only to the construction of a new assisted
10 living facility that begins on or after the effective date of this
11 Act.

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

ADOPTED

MAY 25 2021

Katey Spaw
Secretary of the Senate



FLOOR AMENDMENT NO. 1

BY: _____

1 Amend C.S.H.B. No. 1681 (senate committee printing) by
2 striking SECTION 2 of the bill, adding Section 5.020, Property
3 Code (page 1, line 43, through page 2, line 17), and renumbering
4 subsequent SECTIONS of the bill accordingly.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1681 by Harless (Relating to the construction of certain assisted living facilities located within a floodplain in certain counties and to a seller's disclosure of the location of certain real property within a floodplain.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend Health and Safety Code Chapter 247 to require the executive commissioner of the Health and Human Services Commission to adopt rules prohibiting the construction of a new assisted living facility within a 100-year floodplain in a county with a population of 3.3 million or more.

The Health and Human Services Commission indicates any cost to implement provisions of the bill would be minimal and could be absorbed within available resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 529 Hlth & Human Svcs Comm

LBB Staff: JMc, CMA, AKI, JLI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 22, 2021

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1681 by Harless (Relating to the construction of certain assisted living facilities located within a floodplain in certain counties and to a seller's disclosure of the location of certain real property within a floodplain.), **Committee Report 2nd House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend Health and Safety Code Chapter 247 to require the executive commissioner of the Health and Human Services Commission to adopt rules prohibiting the construction of an assisted living facility within a 100-year floodplain in certain circumstances.

The Health and Human Services Commission indicates any cost to implement provisions of the bill would be minimal and could be absorbed within available resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 529 Hlth & Human Svcs Comm

LBB Staff: JMc, AKI, JLI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 20, 2021

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1681 by Harless (Relating to the construction of certain assisted living facilities within a 500-year floodplain in certain counties.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Health and Safety Code Chapter 247 to require the executive commissioner of the Health and Human Services Commission to adopt rules prohibiting the construction of an assisted living facility within a 500-year floodplain in certain circumstances.

The Health and Human Services Commission indicates any cost to implement provisions of the bill would be minimal and could be absorbed within available resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 529 Hlth & Human Svcs Comm

LBB Staff: JMc, AKI, JLI

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 24, 2021

TO: Honorable James B. Frank, Chair, House Committee on Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1681 by Harless (Relating to the construction of certain assisted living facilities within a 500-year floodplain in certain counties.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Health and Safety Code Chapter 247 to require the executive commissioner of the Health and Human Services Commission to adopt rules prohibiting the construction of an assisted living facility within a 500-year floodplain in certain circumstances.

The Health and Human Services Commission indicates any cost to implement provisions of the bill would be minimal and could be absorbed within available resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 529 Hlth & Human Svcs Comm

LBB Staff: JMc, AKI, JLI

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 11, 2021

TO: Honorable James B. Frank, Chair, House Committee on Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1681 by Harless (Relating to the construction of an assisted living facility within a 500-year floodplain.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Health and Safety Code Chapter 247 to require the executive commissioner of the Health and Human Services Commission to adopt rules prohibiting the construction of an assisted living facility within a 500-year floodplain.

The Health and Human Services Commission indicates any cost to implement provisions of the bill would be minimal and could be absorbed within available resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 529 Hlth & Human Svcs Comm

LBB Staff: JMc, AKI, JLI