

House Bill 1681
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

Sec. 247.0251. CONSTRUCTION IN 500-YEAR FLOODPLAIN IN CERTAIN COUNTIES PROHIBITED.

(a) In this section, "500-year floodplain" means an area that is subject to inundation by a 500-year flood, which is a flood that has a 0.2 percent or greater chance of occurring in any given year, as determined from maps or other data from the Federal Emergency Management Agency, or, if not mapped by the Federal Emergency Management Agency, from the United States Department of Agriculture soil maps.

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

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

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

(3) has two or more residents.

No equivalent provision.

No equivalent provision.

SENATE VERSION (IE)

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

Sec. 247.0251. CONSTRUCTION IN 100-YEAR FLOODPLAIN IN CERTAIN COUNTIES PROHIBITED.

(a) In this section, "100-year floodplain" means an area that is subject to inundation by a 100-year flood, which is a flood that has a one percent or greater chance of occurring in any given year, as determined from maps or other data from the Federal Emergency Management Agency, or, if not mapped by the Federal Emergency Management Agency, from the United States Department of Agriculture soil maps.

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

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

Same as House version. SECTION 2. [Deleted by FA1]

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

CONFERENCE

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HOUSE VERSION

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

SENATE VERSION (IE)

SECTION 4. Same as House version.

CONFERENCE