

By: Johnson of Dallas, Patterson, Lalani,
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H.B. No. 1100

Substitute the following for H.B. No. 1100:

By: Rose

C.S.H.B. No. 1100

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of certain senior retirement
3 communities.

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

5 SECTION 1. Title 8, Property Code, is amended by adding
6 Chapter 95 to read as follows:

7 CHAPTER 95. SENIOR RETIREMENT COMMUNITIES

8 Sec. 95.001. DEFINITIONS. In this chapter:

9 (1) "Common amenity" means an amenity or service
10 offered or provided to residents of a multiunit residential
11 property, including:

12 (A) concierge services;

13 (B) a library;

14 (C) common dining services;

15 (D) housekeeping services; and

16 (E) full-time security.

17 (2) "Resident" means an individual who resides in a
18 senior retirement community as a unit owner or tenant.

19 (3) "Senior retirement community" means a residential
20 community or a portion of a residential community:

21 (A) described by Section 301.043;

22 (B) that contains not fewer than 20 residential
23 units in one or more multiunit buildings that are available to rent
24 or lease; and

1 (C) that provides common amenities.

2 (4) "Senior retirement community contract" means a
3 contract with a resident of a senior retirement community for
4 providing a common amenity to the resident.

5 (5) "Unit" means a physical portion of a residential
6 property designated for separate ownership or occupancy.

7 Sec. 95.002. EXEMPTIONS. This chapter does not apply to:

8 (1) a health care institution as defined by Section
9 74.001, Civil Practice and Remedies Code;

10 (2) a boarding home facility as defined by Section
11 260.001, Health and Safety Code, that holds a permit issued under
12 Chapter 260, Health and Safety Code;

13 (3) a supportive housing facility for elderly
14 individuals operated under Section 202, the National Housing Act
15 (12 U.S.C. Section 1701q);

16 (4) a center for independent living as defined by
17 Section 702 of the federal Rehabilitation Act of 1973 (29 U.S.C.
18 Section 796a); or

19 (5) any other facility that is regulated by the Health
20 and Human Services Commission or in accordance with rules adopted
21 by the Centers for Medicare and Medicaid Services.

22 Sec. 95.003. REQUIREMENTS RELATING TO RESIDENT SAFETY FROM
23 CRIMINAL ACTIVITY. (a) A senior retirement community shall:

24 (1) conduct for each retirement community employee a
25 criminal history record check using the computerized criminal
26 history system maintained by the Department of Public Safety of the
27 State of Texas;

1 (2) disclose in the senior retirement community
2 contract whether the retirement community requires each business
3 that will provide services at the retirement community to conduct a
4 criminal history record check of each of the business's employees
5 who will provide services at the retirement community; and

6 (3) maintain a resident safety and communications
7 policy regarding criminal activity that poses a risk to residents,
8 which must require the retirement community to send to each
9 resident and post in a conspicuous manner at a location on the
10 retirement community premises where the retirement community posts
11 other community notices a written notice containing information on:

12 (A) known reports of potential criminal activity
13 made to law enforcement from or at the retirement community not
14 later than two business days after the date the report is made or
15 activity occurs; and

16 (B) known instances of trespassing at the
17 retirement community not later than two business days after the
18 trespassing is reported or occurs.

19 (b) For purposes of providing notice under the policy
20 adopted by a senior retirement community under Subsection (a)(3)
21 relating to a reportable incident described by that subdivision,
22 the retirement community:

23 (1) may provide for the removal of the personal
24 identifying information of an individual who is involved in the
25 reportable incident to prevent the individual's identification;
26 and

27 (2) may not refuse to provide the notice based solely

1 on concerns related to the disclosure of the individual's personal
2 identifying information.

3 (c) A senior retirement community may not be held civilly or
4 criminally liable for the retirement community's compliance with
5 Subsection (a)(1) or (3).

6 (d) A senior retirement community may not:

7 (1) prevent or inhibit a resident from or penalize a
8 resident for communicating with a law enforcement officer, social
9 worker, family member, or other interested person regarding the
10 safety and security of the retirement community; or

11 (2) prevent a law enforcement officer or court officer
12 from entering a common area of the retirement community to conduct a
13 voluntary interview with a resident as part of an investigation
14 into criminal activity at the retirement community.

15 Sec. 95.004. PROHIBITED AGREEMENT OR CONTRACT PROVISIONS.
16 A lease, rental, or purchase agreement for a residential unit in a
17 senior retirement community or a senior retirement community
18 contract with a resident may not include a provision that:

19 (1) waives liability in an action brought under
20 Section 95.005;

21 (2) requires arbitration of a dispute related to
22 liability under Section 95.005; or

23 (3) controls the content or execution of the
24 resident's advance directive or testamentary documents.

25 Sec. 95.005. CIVIL LIABILITY. (a) A senior retirement
26 community is liable to a resident for actual damages incurred from a
27 violation of this chapter.

1 (b) Chapter 74, Civil Practice and Remedies Code, does not
2 apply to an action brought under Subsection (a).

3 Sec. 95.006. CUMULATIVE REMEDIES. The remedies provided by
4 this chapter are not exclusive and are in addition to any other
5 remedy provided by law, including a remedy provided for a tenant
6 against a landlord under this title, as applicable.

7 SECTION 2. (a) Section 95.004, Property Code, as added by
8 this Act, applies only to an agreement or contract entered into or
9 renewed on or after the effective date of this Act.

10 (b) Section 95.005, Property Code, as added by this Act,
11 applies only to a cause of action that accrues on or after the
12 effective date of this Act.

13 SECTION 3. This Act takes effect September 1, 2023.