

By: Johnson, Parker

S.B. No. 611

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain senior living facilities.

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

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

CHAPTER 95. SENIOR LIVING FACILITIES

Sec. 95.001. DEFINITIONS. In this chapter:

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

(A) concierge services;

(B) a library;

(C) common dining services;

(D) housekeeping services; and

(E) full-time security.

(2) "Resident" means an individual who resides in a senior living facility as a unit owner or tenant.

(3) "Senior living contract" means a contract with a resident of a senior living facility for providing a common amenity to the resident.

(4) "Senior living facility" means a residential facility or a portion of a residential facility that:

(A) is managed by a single entity;

(B) requires a resident to be 55 years of age or

1 older;

2 (C) contains not fewer than 20 residential units  
3 in one or more multiunit buildings that are available to rent or  
4 lease;

5 (D) is located on a single lot or tract of land or  
6 on multiple contiguous lots or tracts of land; and

7 (E) provides common amenities.

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

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

11 (1) a health care institution as defined by Section  
12 74.001, Civil Practice and Remedies Code;

13 (2) a boarding home facility as defined by Section  
14 260.001, Health and Safety Code, that holds a permit issued under  
15 Chapter 260, Health and Safety Code;

16 (3) a supportive housing facility for elderly  
17 individuals operated under Section 202, the National Housing Act  
18 (12 U.S.C. Section 1701q);

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

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

25 Sec. 95.003. REQUIREMENTS RELATING TO RESIDENT SAFETY FROM  
26 CRIMINAL ACTIVITY. (a) A senior living facility shall:

27 (1) conduct for each facility employee a criminal

1 history record check using, at a minimum, the computerized criminal  
2 history system maintained by the Department of Public Safety of the  
3 State of Texas;

4 (2) require each business that provides services to  
5 the facility to conduct for each employee of the business who will  
6 have access to the facility's premises or residents a criminal  
7 history record check using, at a minimum, the computerized criminal  
8 history system maintained by the Department of Public Safety of the  
9 State of Texas; and

10 (3) report all instances of criminal activity that  
11 occur at the facility to a law enforcement officer, including, if  
12 applicable, information regarding the involvement of a facility  
13 employee or contractor in the criminal activity.

14 (b) A senior living facility may not:

15 (1) prevent or inhibit a resident from or penalize a  
16 resident for communicating with a law enforcement officer, social  
17 worker, family member, or other interested person regarding the  
18 safety and security of the facility; or

19 (2) prevent a law enforcement officer or court officer  
20 from entering a common area of the facility to conduct a voluntary  
21 interview with a resident as part of an investigation into criminal  
22 activity at the facility.

23 Sec. 95.004. PROHIBITED AGREEMENT OR CONTRACT PROVISIONS.

24 A lease, rental, or purchase agreement for a residential unit in a  
25 senior living facility or a senior living contract with a resident  
26 may not include a provision that:

27 (1) waives liability in an action brought under

1 Section 95.005;

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

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

6 Sec. 95.005. CIVIL LIABILITY. (a) A senior living facility  
7 is liable to a resident for actual damages incurred from:

8 (1) a violation of this chapter; or

9 (2) the facility's failure to implement a safety  
10 policy or procedure.

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

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

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

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

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