

By: Flores

H.B. No. 274

A BILL TO BE ENTITLED

AN ACT

relating to requiring congregate living facilities to maintain a flood disaster plan and conduct an annual flood disaster plan drill; authorizing a civil penalty.

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

SECTION 1. Subchapter C, Chapter 418, Government Code, is amended by adding Section 418.060 to read as follows:

Sec. 418.060. REQUIRED FLOOD DISASTER PLAN FOR CONGREGATE LIVING FACILITIES; ANNUAL DRILLS. (a) In this section, "congregate living facility" means a facility in which individuals who are not related reside in close proximity and share at least one common room.

(b) Each congregate living facility shall:

(1) develop and implement a flood disaster plan, if the facility does not already have an existing flood disaster plan;

(2) annually conduct a drill of the facility's flood disaster plan; and

(3) submit to the division an attestation in a form and manner prescribed by the division that the facility conducted the drill.

(c) The annual drill described by Subsection (b)(2) is required to include each relevant member of the congregate living facility's staff on duty at the time of the drill and may exclude residents of the facility.

1 (d) The attorney general may bring an action to impose a
2 civil penalty against a congregate living facility that fails to
3 conduct an annual flood disaster plan drill in violation of this
4 section in an amount not to exceed \$5,000 for each violation.

5 (e) Each day a violation continues is a separate violation
6 for purposes of imposing a civil penalty under this section.

7 (f) The attorney general may recover reasonable expenses
8 incurred in bringing an action under this section, including court
9 costs, reasonable attorney's fees, investigative costs, witness
10 fees, and deposition costs.

11 SECTION 2. As soon as practicable after the effective date
12 of this Act:

13 (1) each congregate living facility to which Section
14 418.060, Government Code, as added by this Act, applies that does
15 not have a flood disaster plan shall develop and implement such a
16 plan; and

17 (2) the Texas Division of Emergency Management shall
18 adopt the attestation form required by Section 418.060, Government
19 Code, as added by this Act.

20 SECTION 3. A congregate living facility to which Section
21 418.060, Government Code, as added by this Act, applies is not
22 required to conduct the initial flood disaster plan drill required
23 by that section before January 1, 2027.

24 SECTION 4. This Act takes effect on the 91st day after the
25 last day of the legislative session.