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| BILL ANALYSIS |

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| C.S.H.B. 3195 |
| By: Garcia Hernandez, Cassandra |
| Human Services |
| Committee Report (Substituted) |

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| **BACKGROUND AND PURPOSE**  According to grand jury indictments, Billy Chemirmir committed over 20 murders in independent living facilities across North Texas between 2016 and 2018 by posing as a maintenance worker to gain access to facilities and enter the apartments of elderly women. C.S.H.B. 3195 seeks to protect seniors by requiring senior retirement communities to conduct a criminal history check for each community employee, disclose to residents whether the community requires employees of businesses hired to provide services in the community to undergo a criminal history check, and provide notice to residents of certain known criminal activity that may pose a threat to residents. |
| **CRIMINAL JUSTICE IMPACT**  It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY**  It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution. |
| **ANALYSIS**  C.S.H.B. 3195 amends the Health and Safety Code to provide for the regulation of a senior retirement community, defined by the bill as a residential community or a portion of such a community that meets the following criteria:   * is considered housing for elderly individuals that qualifies for an exemption from Texas Fair Housing Act provisions relating to familial status; * contains not fewer than 20 residential units in one or more multiunit buildings that are available to own, rent, or lease; and * provides common amenities.   C.S.H.B. 3195 requires each senior retirement community to do the following:   * conduct a criminal history record check for each community employee using the Department of Public Safety's computerized criminal history system; * disclose in the senior retirement community contract whether the community requires each business hired by the retirement community to provide services at the community to conduct a criminal history record check of each employee of the business who will provide services at the community; and * maintain a resident safety and communications policy regarding criminal activity that poses a risk to residents, which must require the community to send to each resident and post in a conspicuous manner at a location on the community premises where the community posts other notices a written notice containing information on the following: * known reports of potential criminal activity made to law enforcement from or at the community not later than two business days after the date the report is made; and * known instances of criminal trespassing at the community not later than two business days after the trespassing is reported or occurs.   For purposes of providing that notice relating to such a reportable incident, the community may provide for the removal of the personal identifying information of an individual who is involved in the reportable incident to prevent the individual's identification but may not refuse to provide the notice based solely on concerns related to the disclosure of the individual's personal identifying information. The bill prohibits a community from being held civilly or criminally liable for the community's compliance with the bill's requirements to conduct criminal history record checks for community employees and maintain a resident safety and communications policy.  C.S.H.B. 3195 prohibits a senior retirement community from preventing or inhibiting a resident from or penalizing a resident for communicating with a law enforcement officer (LEO), social worker, family member, or other interested person regarding the community's safety and security. The bill also prohibits the community from preventing an LEO or court officer from entering a common area of the community to conduct a voluntary interview with a resident as part of an investigation into criminal activity at the community.  C.S.H.B. 3195 does not apply to the following:   * a health care institution as defined by Civil Practice and Remedies Code provisions relating to medical liability; * a boarding home facility issued a permit under the Health and Safety Code; * a supportive housing facility for elderly individuals operated under the federal National Housing Act; * a center for independent living as defined by the federal Rehabilitation Act of 1973; or * any other facility that is regulated by the Health and Human Services Commission or in accordance with rules adopted by the federal Centers for Medicare and Medicaid Services.   C.S.H.B. 3195 defines the following terms in addition to the senior retirement community definition:   * "common amenity" as an amenity or service offered or provided to residents of a multiunit residential property; * "resident" as an individual who resides in a senior retirement community as a unit owner or tenant; * "senior retirement community contract" as a contract with a resident of a senior retirement community for providing a common amenity to the resident; and * "unit" as a physical portion of a residential property designated for separate ownership or occupancy. |
| **EFFECTIVE DATE**  September 1, 2025. |
| **COMPARISON OF INTRODUCED AND SUBSTITUTE**  While C.S.H.B. 3195 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.  While both the introduced and the substitute provide for the regulation of a senior retirement community, the introduced amended the Property Code to provide for such regulation, whereas the substitute amends the Health and Safety Code to provide for that regulation.  The substitute omits the specification from the introduced that the term "common amenity" includes concierge services, a library, common dining services, housekeeping services, and full-time security. The substitute includes a provision absent from the introduced including in the definition of "senior retirement community" a community that contains not fewer than 20 residential units that are available to own and that otherwise meets the criteria of that definition.  Whereas the introduced required a senior retirement community to disclose in a senior retirement community contract whether the community requires each business that will provide services at the community to conduct a criminal history record check of each employee of the business, the substitute requires a senior retirement community to disclose in such a contract whether the community requires each business hired by the retirement community to provide such services.  With respect to the written notice that must be provided in accordance with a resident safety and communications policy that must be maintained by a senior retirement community, the bill versions differ as follows:   * the introduced required the notice to include information on known reports of potential criminal activity made to law enforcement from or at the community not later than two business days after the date the report is made or activity occurs, whereas the substitute requires the notice to include information on such reports not later than two business days after the date the report is made; and * with respect to the requirement that a community include in such a notice information on known instances of trespassing at the community, the substitute includes a specification absent from the introduced that the instances of trespassing are instances of criminal trespassing.   The substitute omits the following provisions that appeared in the introduced:   * the prohibition against a senior retirement community contract with a resident or a lease, rental, or purchase agreement for a residential unit in such a community from including a provision that controls the content or execution of the resident's advance directive or testamentary documents; and * a provision establishing that the prohibition applies only to an agreement or contract entered into or renewed on or after the bill's effective date. |
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