

## **BILL ANALYSIS**

Senate Research Center  
89R3603 SCR-D

S.B. 1310  
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Health & Human Services  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1310 addresses a critical gap in Texas emergency preparedness law by requiring "senior independent living centers" to develop and maintain comprehensive emergency response plans. This legislation comes after the devastating impact of Hurricane Beryl in 2024 exposed dangerous vulnerabilities in senior housing that fall outside state emergency planning requirements. Unlike nursing facilities and assisted living centers, senior independent living communities currently operate without mandated disaster protocols. This regulatory gap leaves thousands of vulnerable older Texans at risk during emergencies when power outages can quickly become life-threatening for those with chronic medical conditions.

S.B. 1310 requires these communities to implement emergency response plans that detail communication methods during disasters; ensure onsite staff presence during emergencies; provide for essential supplies; outline potential evacuation transportation options; conduct biannual emergency planning meetings; and connect residents with resources such as utility priority restoration programs. S.B. 1310 includes robust transparency measures requiring communities to file plans annually with the Health and Human Services Commission, provide copies to residents, share plans with family members, and post notices in common areas.

The urgency of this legislation is underscored by devastating accounts from Hurricane Beryl, when numerous senior independent living residents endured days without power, air conditioning, or elevator access in extreme heat. Unlike more regulated facilities, these communities which house thousands of older Texans with varying degrees of independence were often ill-prepared to respond to seniors' needs during the prolonged emergency. Enforced with civil penalties of up to \$500 per day for violations, S.B. 1310 strikes a careful balance between regulatory oversight and operational flexibility. The bill provides communities until January 2026 to develop compliant emergency plans, offering reasonable time for implementation while ensuring protection before the next hurricane season. By closing this dangerous regulatory gap, S.B. 1310 fulfills our moral obligation to protect vulnerable senior Texans living independently while acknowledging their right to dignified and safe housing during emergencies.

As proposed, S.B. 1310 amends current law relating to senior independent living communities and provides a civil penalty.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle B, Title 9, Health and Safety Code, by adding Chapter 786, as follows:

#### **CHAPTER 786. SENIOR INDEPENDENT LIVING COMMUNITIES**

Sec. 786.001. DEFINITIONS. Defines "chronic condition residential customer," "common amenity," "critical care residential customer," "customer," "electric cooperative," "municipally owned utility," "electric utility," "resident," "senior

independent living community," "senior independent living community contract," and "unit."

Sec. 786.002. EXEMPTIONS. Provides that this chapter does not apply to certain facilities.

Sec. 786.003. EMERGENCY RESPONSE PLAN. (a) Requires a senior independent living community to prepare, maintain, and annually update a written emergency response plan.

(b) Requires that the emergency response plan meet certain criteria.

(c) Requires a senior independent living community to annually file the emergency response plan with the Health and Human Services Commission (HHSC), send the emergency response plan to each resident, provide the emergency response plan to a resident's family member on request, and post a written notice of the emergency response plan in a conspicuous manner at a location on the community premises where the community posts other community notices.

Sec. 786.004. AGREEMENT OR CONTRACT PROVISIONS. Provides that a lease, rental, or purchase agreement for a residential unit in a senior independent living community or a senior independent living community contract with a resident is required to include a copy of the emergency response plan that the community has adopted as required by Section 786.003 and is prohibited from including a provision that controls the content or execution of the resident's advance directive or testamentary documents.

Sec. 786.005. HEALTH AND SAFETY INVESTIGATIONS AND RESIDENT COMMUNICATIONS. Prohibits a senior independent living community from:

(1) preventing or inhibiting a resident from or penalizing a resident for communicating with a law enforcement officer, social worker, family member, or other interested person regarding the health and safety of residents of the senior independent living community; or

(2) preventing a law enforcement officer, court officer, social worker, family member, or other interested person from entering a common area of the senior independent living community to conduct a voluntary interview with a resident as part of an investigation into the health and safety of residents of the community or regarding an incident at the community.

Sec. 786.006. CIVIL PENALTY. Provides that a senior independent living community that violates this chapter is liable to the state for a civil penalty of not more than \$500 for each violation. Provides that each day a violation continues constitutes a separate violation. Authorizes the attorney general to bring an action to collect a civil penalty under this section at the request of HHSC.

SECTION 2. (a) Provides that a senior independent living community is not required to comply with Section 786.003, Health and Safety Code, as added by this Act, before January 1, 2026.

(b) Makes application of Section 786.004, Health and Safety Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2025.