

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1310
By: Cook; Alvarado
Health & Human Services
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Unlike skilled 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. 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. S.B. 1310 addresses a critical gap in Texas' emergency preparedness law by requiring "senior independent living communities" to develop and maintain comprehensive emergency response plans. 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.

Proposed Legislation/Key Provisions

- 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 directs the communities to provide copies to residents, share plans with family members, and post notices in common areas.
- 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.

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- Clarifies an employee is not required to stay on-site in the event of a community-wide evacuation
- Removes the provision requiring the distribution of medicine or medical care
- Strikes the provision requiring senior independent living communities to annually file their emergency plan with HHSC
- Removes the civil penalty provision

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- Allows the use of contracted entities in the provision of food and water
- Aligns definition of "senior retirement community" with Section 301.043 of the Property Code

C.S.S.B. 1310 amends current law relating to senior retirement communities.

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 RETIREMENT 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 retirement community," "senior retirement 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 retirement 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 retirement community to provide 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 retirement community or a senior retirement 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 retirement 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 retirement community; or

(2) preventing a law enforcement officer, court officer, social worker, family member, or other invited person from entering a common area of the senior retirement 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.

SECTION 2. (a) Provides that a senior retirement 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.