

By: Reynolds

H.B. No. 4250

A BILL TO BE ENTITLED

AN ACT

relating to emergency generators or other power sources for nursing facilities, assisted living facilities, and certain multiunit complexes; providing a civil penalty.

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

SECTION 1. Subchapter B, Chapter 242, Health and Safety Code, is amended by adding Sections 242.053 and 242.054 to read as follows:

Sec. 242.053. EMERGENCY GENERATOR OR OTHER POWER SOURCE.

(a) Each nursing facility licensed under this chapter shall ensure the facility is equipped with an operational emergency generator or comparable emergency power source and a sufficient amount of fuel to operate the generator or power source during a power outage for a minimum of 72 hours in:

(1) an area in the facility of sufficient size to at all times safely maintain residents as appropriate for resident needs; and

(2) for a facility that maintains an installed unit locking device, as defined by commission rule, to restrict a resident's ability to exit a unit of the facility or the facility, a separately powered area in addition to an area described by Subdivision (1).

(b) An operational emergency generator or comparable emergency power source required by Subsection (a) may be powered by

any type of fuel, including natural gas.

(c) A nursing facility must comply with Subsection (a) not later than September 1, 2026. A facility may submit a request to the commission for an extension for a period not to exceed one year to comply in good faith with Subsection (a). A facility may not request more than two additional one-year extensions and must separately request each extension. This subsection expires September 1, 2029.

Sec. 242.054. GENERATOR INSPECTION. (a) In addition to the inspections required under Sections 242.043 and 242.044, the commission shall conduct an annual inspection of each facility's emergency generator or other power source required by Section 242.053.

(b) The executive commissioner by rule shall prescribe a checklist for an inspection conducted under this section.

SECTION 2. Subchapter D, Chapter 247, Health and Safety Code, is amended by adding Sections 247.073 and 247.074 to read as follows:

Sec. 247.073. EMERGENCY GENERATOR OR OTHER POWER SOURCE.

(a) Each assisted living facility licensed under this chapter shall ensure the facility is equipped with an operational emergency generator or comparable emergency power source and a sufficient amount of fuel to operate the generator or power source during a power outage for a minimum of 72 hours in:

(1) an area in the facility of sufficient size to at all times safely maintain residents as appropriate for resident needs; and

1 (2) for a facility that maintains an installed unit
2 locking device, as defined by commission rule, to restrict a
3 resident's ability to exit a unit of the facility or the facility, a
4 separately powered area in addition to an area described by
5 Subdivision (1).

6 (b) An operational emergency generator or comparable
7 emergency power source required by Subsection (a) may be powered by
8 any type of fuel, including natural gas.

9 (c) An assisted living facility must comply with Subsection
10 (a) not later than September 1, 2026. A facility may submit a
11 request to the commission for an extension for a period not to
12 exceed one year to comply in good faith with Subsection (a). A
13 facility may not request more than two additional one-year
14 extensions and must separately request each extension. This
15 subsection expires September 1, 2029.

16 Sec. 247.074. GENERATOR INSPECTION. (a) In addition to the
17 inspections required under Sections [247.023\(a\)](#) and [247.027](#), the
18 commission shall conduct an annual inspection of each facility's
19 emergency generator or other power source required by Section
20 247.073.

21 (b) The executive commissioner by rule shall prescribe a
22 checklist for an inspection conducted under this section.

23 SECTION 3. Chapter [92](#), Property Code, is amended by adding
24 Subchapter J to read as follows:

25 SUBCHAPTER J. EMERGENCY GENERATORS FOR CERTAIN MULTIUNIT COMPLEXES

26 Sec. 92.371. DEFINITIONS. In this subchapter:

27 (1) "Authorized resident" means a tenant or an

individual who is authorized by a lease to occupy a dwelling but is not obligated under the lease to pay rent.

(2) "Landlord" and "multiunit complex" have the meanings assigned by Section 92.151.

Sec. 92.372. APPLICABILITY OF SUBCHAPTER. This subchapter applies to a multiunit complex with more than 50 units in which at least 75 percent of the units are occupied by at least one authorized resident who is 55 years of age or older.

Sec. 92.373. EMERGENCY GENERATOR OR OTHER POWER SOURCE.

(a) The landlord of a multiunit complex to which this subchapter applies shall ensure the multiunit complex is equipped with an operational emergency generator or comparable emergency power source and a sufficient amount of fuel to operate the generator or power source during a power outage for a minimum of 72 hours in an area on the premises of the multiunit complex that:

(1) is of sufficient size to maintain safely at all times authorized residents who are 55 years of age or older; and

(2) is appropriate for the needs of authorized residents who are 55 years of age or older.

(b) An operational emergency generator or comparable emergency power source required by Subsection (a) may be powered by any type of fuel, including natural gas.

Sec. 92.374. CIVIL PENALTY. (a) A landlord who violates Section 92.373 is liable to this state for a civil penalty in an amount not to exceed \$5,000 for each violation. Each day a violation continues is a separate violation for purposes of imposing the civil penalty.

1 (b) The attorney general or the prosecuting attorney in the
2 county in which the violation occurs may bring an action to recover
3 the civil penalty imposed under Subsection (a).

4 (c) The attorney general or the prosecuting attorney in the
5 county in which the violation occurs, as appropriate, is entitled
6 to recover reasonable expenses in bringing an action under this
7 section, including reasonable attorney's fees, court costs, and
8 investigatory costs.

9 SECTION 4. As soon as practicable after the effective date
10 of this Act, the executive commissioner of the Health and Human
11 Services Commission shall adopt rules necessary to implement
12 Sections 242.053, 242.054, 247.073, and 247.074, Health and Safety
13 Code, as added by this Act.

14 SECTION 5. A landlord of a multiunit complex is not required
15 to comply with Subchapter J, Chapter 92, Property Code, as added by
16 this Act, before September 1, 2026.

17 SECTION 6. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2025.