

**SUBJECT:** Prohibiting construction of assisted living facilities in certain floodplains

**COMMITTEE:** Human Services — committee substitute recommended

**VOTE:** 7 ayes — Frank, Hinojosa, Hull, Klick, Meza, Neave, Noble

0 nays

2 absent — Rose, Shaheen

**WITNESSES:** For — (*Registered, but did not testify:* Alexie Swirsky; Tim Morstad, AARP; Adam Haynes, Conference of Urban Counties; Ender Reed, Harris County Commissioners Court; James Lee, Legacy Community Health; Joshua Houston, Texas Impact; Julie Wheeler, Travis County Commissioners Court)

Against — Carmen Tilton, Texas Assisted Living Association

On — Diana Conces, Health and Human Services Commission

**BACKGROUND:** In recent years, flood events in some parts of Texas have necessitated the evacuation or rescue of a number of assisted living facility residents, risking the safety of Texas' vulnerable seniors and of the first responders tasked with the rescue efforts. Some have called for a prohibition on construction of assisted living facilities in certain areas prone to flooding.

**DIGEST:** CSHB 1681 would require the Health and Human Services Commission (HHSC) executive commissioner to by rule prohibit the construction of an assisted living facility within a 500-year floodplain if the facility was located in a county with a population of 3.3 million or more (Harris County), was owned or operated by a commercial entity, and had two or more residents.

The bill would define "500-year floodplain" as an area that was subject to inundation by a 500-year flood, meaning a flood with a 0.2 percent or greater chance of occurring in any given year, as determined from maps or

other data from certain agencies.

The bill would take effect September 1, 2021.