

1-1 By: Harless, et al. (Senate Sponsor - Alvarado) H.B. No. 1681
 1-2 (In the Senate - Received from the House May 5, 2021;
 1-3 May 14, 2021, read first time and referred to Committee on Health &
 1-4 Human Services; May 22, 2021, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-6 May 22, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1681 By: Kolthorst

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the construction of certain assisted living facilities
 1-22 located within a floodplain in certain counties and to a seller's
 1-23 disclosure of the location of certain real property within a
 1-24 floodplain.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subchapter B, Chapter 247, Health and Safety
 1-27 Code, is amended by adding Section 247.0251 to read as follows:

1-28 Sec. 247.0251. CONSTRUCTION IN 100-YEAR FLOODPLAIN IN
 1-29 CERTAIN COUNTIES PROHIBITED. (a) In this section, "100-year
 1-30 floodplain" means an area that is subject to inundation by a
 1-31 100-year flood, which is a flood that has a one percent or greater
 1-32 chance of occurring in any given year, as determined from maps or
 1-33 other data from the Federal Emergency Management Agency, or, if not
 1-34 mapped by the Federal Emergency Management Agency, from the United
 1-35 States Department of Agriculture soil maps.

1-36 (b) In a county with a population of 3.3 million or more, the
 1-37 executive commissioner by rule shall prohibit the construction of a
 1-38 new assisted living facility licensed under this chapter within a
 1-39 100-year floodplain.

1-40 (c) The prohibition on new construction under this section
 1-41 does not apply to expansions or renovations of existing assisted
 1-42 living facilities.

1-43 SECTION 2. Subchapter A, Chapter 5, Property Code, is
 1-44 amended by adding Section 5.020 to read as follows:

1-45 Sec. 5.020. SELLER'S DISCLOSURE OF LOCATION OF CERTAIN REAL
 1-46 PROPERTY IN FLOODPLAIN. (a) In this section:

1-47 (1) "100-year floodplain" means any area of land that:

1-48 (A) is identified on the flood insurance rate map
 1-49 as a special flood hazard area, which is designated as Zone A, V,
 1-50 A99, AE, AO, AH, VE, or AR on the map;

1-51 (B) has a one percent annual chance of flooding;
 1-52 and

1-53 (C) may include a regulatory floodway, flood
 1-54 pool, or reservoir.

1-55 (2) "Flood insurance rate map" means the most recent
 1-56 flood hazard map published by the Federal Emergency Management
 1-57 Agency under the National Flood Insurance Act of 1968 (42 U.S.C.
 1-58 Section 4001 et seq.).

1-59 (b) A seller of a tract of real property that measures less
 1-60 than 15 acres and that does not have a residence located or being

2-1 constructed on the property at the time of the sale shall provide to
2-2 the purchaser of the property a written notice disclosing whether
2-3 any part of the property is located in a 100-year floodplain. If
2-4 any part of the property is located in a 100-year floodplain, the
2-5 notice must include a copy of a current flood insurance rate map
2-6 that indicates the part of the property that is located in the
2-7 floodplain.

2-8 (c) The notice must be delivered by the seller on or before
2-9 the effective date of an executory contract binding the purchaser
2-10 to purchase the property.

2-11 (d) The purchaser is entitled to recover from the seller
2-12 damages caused by flooding on any part of the purchased real
2-13 property that is located in a 100-year floodplain if:

2-14 (1) the seller fails to provide the purchaser the
2-15 notice required by this section; and

2-16 (2) the flooding occurs before the fifth anniversary
2-17 of the date of the purchase.

2-18 SECTION 3. Section 247.0251, Health and Safety Code, as
2-19 added by this Act, applies only to the construction of a new
2-20 assisted living facility that begins on or after the effective date
2-21 of this Act.

2-22 SECTION 4. This Act takes effect September 1, 2021.

2-23 * * * * *