

By: Bernal

H.B. No. 238

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of migrant labor housing facilities;  
changing the amount of a civil penalty.

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

SECTION 1. Subchapter LL, Chapter 2306, Government Code, is amended by amending Section 2306.933 and adding Sections 2306.934 and 2306.935 to read as follows:

Sec. 2306.933. CIVIL PENALTY. (a) A person who violates this subchapter or a rule adopted under this subchapter is subject to a civil penalty of not less than \$50 for each person occupying the migrant labor housing facility in violation of this subchapter [~~\$200~~] for each day that the violation occurs.

(b) An [~~The county attorney for the county in which the violation occurred, or the attorney general, at the request of the department, shall bring an~~] action [~~in the name of the state~~] to collect a the penalty under this section may be brought by:

(1) the department through the contested case hearing process described by Section 2306.930(b);

(2) the county attorney for the county in which the violation occurred, or the attorney general, at the request of the department; or

(3) a migrant agricultural worker who, at the time of the violation, lived in the migrant labor housing facility that is the subject of the violation.

1        (c) The department by rule shall adopt a penalty schedule  
2 that increases the amount of the penalty assessed against a person  
3 who repeatedly violates this subchapter or rules adopted under this  
4 subchapter.

5        (d) A penalty collected under Subsection (b)(1) or (2) shall  
6 be deposited to the credit of the general revenue fund and may be  
7 appropriated only to the department for the enforcement of this  
8 subchapter.

9        Sec. 2306.934. RETALIATION PROHIBITED. A person who owns,  
10 establishes, maintains, operates, or otherwise provides a migrant  
11 labor housing facility, a person who employs a migrant agricultural  
12 worker who occupies a migrant labor housing facility, or a farm  
13 labor contractor may not retaliate against a person for filing a  
14 complaint or providing information in good faith relating to a  
15 possible violation of this subchapter.

16        Sec. 2306.935. ATTORNEY'S FEES. The court in a suit brought  
17 under this subchapter may award reasonable attorney's fees to the  
18 prevailing party.

19        SECTION 2. Not later than March 1, 2024, the Texas  
20 Department of Housing and Community Affairs shall adopt the rules  
21 necessary to implement Subchapter LL, Chapter 2306, Government  
22 Code, as amended by this Act.

23        SECTION 3. The change in law made by this Act in amending  
24 Section 2306.933, Government Code, and adding Section 2306.935,  
25 Government Code, applies only to a violation that occurs on or after  
26 the effective date of this Act. A violation that occurs before the  
27 effective date of this Act is governed by the law in effect on the

1 date the violation occurred, and the former law is continued in  
2 effect for that purpose. For purposes of this section, a violation  
3 occurs before the effective date of this Act if any element of the  
4 violation occurs before that date.

5 SECTION 4. This Act takes effect September 1, 2023.