

By: Cain

H.B. No. 5062

A BILL TO BE ENTITLED

AN ACT

relating to a private right of action for the enforcement of public beach access.

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

SECTION 1. Section 61.018, Natural Resources Code, is amended by adding Subsection (e) to read as follows:

(e) Any person other than a person described by Subsection (a) may file in a district court of Travis County, or in the county in which the property is located, a suit to obtain either a temporary or permanent court order or injunction, either prohibitory or mandatory, to remove or prevent any improvement, maintenance, obstruction, barrier, or other encroachment on a public beach, or to prohibit any unlawful restraint on the public's right of access to and use of a public beach or other activity that violates this chapter. This subsection does not authorize a suit to remove a house described by Subsection (a-1). In an action brought under this subsection, the court may award a prevailing claimant reasonable attorney's fees and costs incurred in bringing the action.

SECTION 2. Section 61.0185(g), Natural Resources Code, is amended to read as follows:

(g) A county attorney, district attorney, ~~or~~ criminal district attorney, or other person may not file suit under Section 61.018 ~~[61.018(a)]~~ to obtain a temporary or permanent court order

1 or injunction, either prohibitory or mandatory, to remove a house
2 from a public beach while the house is subject to an order issued
3 under this section.

4 SECTION 3. This Act takes effect September 1, 2023.