

BILL ANALYSIS

H.B. 2991
By: Canales
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

According to some estimates, as many as 400,000 Texans live in substandard housing developments known as colonias, which generally lack some of the most basic living necessities such as potable water and sewer systems, electricity, paved roads, and safe and sanitary housing. Current law prescribes subdivision platting requirements for these areas, including provisions that ensure access to adequate drinking water and sewage systems. Unfortunately, given the inordinate number and scope of problems that plague colonias, district attorneys are inundated and unable to fully enforce those requirements. H.B. 2991 seeks to bring fundamental rights to the large segment of Texans currently living in colonias and relieve the district attorney's workload by allowing a commissioners court to contract with a licensed attorney to enforce existing state standards and model political subdivision rules for colonias as well as the applicable subdivision platting requirements.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2991 amends the Local Government Code to authorize the commissioners court of a county located near an international border or of an economically distressed county other than a county near an international border to contract with a licensed attorney to take any action necessary in a court of competent jurisdiction on behalf of the state or on behalf of the county residents in order to enjoin the violation or threatened violation of applicable model rules adopted by the Texas Water Development Board to ensure that minimum standards for safe and sanitary water supply and sewer services in residential areas are met; to enjoin the violation or threatened violation of a statutory requirement relating to subdivision platting in such a county or of a rule adopted by the commissioners court under such statutory provisions; to recover civil penalties, attorney's fees, litigation costs, and investigation costs; and to require platting as required by the applicable statutory provisions relating to subdivision platting in such a county.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.