

BILL ANALYSIS

H.B. 2677
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Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that a recent investigative report found that a number of migrant labor housing providers are subjecting migrant agricultural workers to dismal living conditions, such as sewage-flooded homes and empty shipping containers. These parties contend that while the Texas Department of Housing and Community Affairs (TDHCA) is currently responsible for overseeing migrant labor housing facility regulations, the TDHCA lacks adequate staff and enforcement mechanisms to address noncompliance with facility standards. H.B. 2677 seeks to ensure accountability and enforcement of these regulations by strengthening the TDHCA civil penalty structure.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Housing and Community Affairs in SECTION 1 of this bill.

ANALYSIS

H.B. 2677 amends the Government Code to change the amount of the civil penalty for a violation of statutory provisions relating to migrant labor housing facilities or a rule adopted under such provisions from \$200 for each day that the violation occurs to a minimum of \$50 for each person occupying the migrant labor housing facility in violation of such provisions for each day that the violation occurs. The bill removes the requirement that the county attorney for the county in which the violation occurred, or the attorney general, at the request of the Texas Department of Housing and Community Affairs (TDHCA), bring an action in the name of the state to collect the penalty. The bill instead authorizes an action to collect a penalty to be brought by the TDHCA through a prescribed contested case hearing process; by the county attorney for the county in which the violation occurred, or the attorney general, at the request of the TDHCA; or by 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.

H.B. 2677 requires the TDHCA by rule to adopt a penalty schedule that increases the amount of the penalty assessed against a person who repeatedly violates statutory provisions relating to migrant labor housing facilities or rules adopted under those provisions. The bill requires a penalty collected under an action brought by the TDHCA, a county attorney, or the attorney general to be deposited to the credit of the general revenue fund and restricts appropriation of the penalty to the TDHCA for the enforcement of statutory provisions relating to migrant labor housing facilities.

H.B. 2677 prohibits a person who owns, establishes, maintains, operates, or otherwise provides a migrant labor housing facility, a person who employs a migrant agricultural worker who occupies a migrant labor housing facility, or a farm labor contractor from retaliating against a person for filing a complaint or providing information in good faith relating to a possible violation of statutory provisions relating to migrant labor housing facilities. The bill authorizes the court in a suit brought under such provisions to award reasonable attorney's fees to the prevailing party. The bill requires the TDHCA, not later than March 1, 2018, to adopt the rules necessary to implement the bill's provisions.

EFFECTIVE DATE

September 1, 2017.