

By: Harless

H.B. No. 3782

Substitute the following for H.B. No. 3782:

By: Metcalf

C.S.H.B. No. 3782

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the right to remove property encroaching on areas owned
3 or controlled by the Harris County Flood Control District.

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

5 SECTION 1. Chapter 360, Acts of the 45th Legislature,
6 Regular Session, 1937, is amended by adding Section 2A to read as
7 follows:

8 Sec. 2A. Right to Remove Property. (a) In this section,
9 "district" means the Harris County Flood Control District.

10 (b) In order to carry out district purposes, the district
11 may remove real or personal property placed on land owned by the
12 district or land subject to an easement held by the district,
13 regardless of when the real or personal property was put in place
14 and without the consent of the owner of the property. The district
15 must send notice by certified mail to the owner of property on which
16 the district intends to act under this section. Not earlier than
17 the 14th day after the date the notice is sent, the district must
18 send a second notice by certified mail. The district may bring a
19 cause of action against the owner of the property to recover the
20 cost of removing the property not earlier than the seventh day after
21 the date the second notice was received.

22 (c) In a suit brought by a property owner regarding the
23 removal of property under this section, a court may deny a request
24 for temporary injunctive relief against the district and may issue

1 injunctive relief allowing the district to remove the property if
2 the district shows a substantial likelihood of success on the
3 merits.

4 SECTION 2. This Act takes effect September 1, 2019.