

House Bill 3782
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

(b) In order to carry out district purposes, the district may remove real or personal property placed on land owned by the district or land subject to an easement held by the district, regardless of when the real or personal property was put in place and without the consent of the owner of the property. The district must send notice by certified mail to the owner of property on which the district intends to act under this section. Not earlier than the 14th day after the date the notice is sent, the district must send a second notice by certified mail. The district may use existing civil lawsuit processes against the owner of the property to recover the cost of removing the property not earlier than the seventh day after the date the second notice was received.

(c) In a suit brought by a property owner regarding the removal of property under this section, a court may deny a request for temporary injunctive relief against the district and may issue injunctive relief allowing the district to remove the property if the district shows a substantial likelihood of success on the merits.

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

SENATE VERSION (CS)

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

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

(b) In order to carry out district purposes, the district may remove real or personal property placed on land owned by the district or land subject to an easement held by the district, regardless of when the real or personal property was put in place and without the consent of the owner of the property. The district must send notice by certified mail to the owner of property on which the district intends to act under this section. Not earlier than the 30th day after the date the notice is sent, the district must send a second notice by certified mail. The district may use existing civil lawsuit processes against the owner of the property to recover the cost of removing the property not earlier than the 30th day after the date the second notice was received.

SECTION 2. Same as House version.

CONFERENCE