

BILL ANALYSIS

Senate Research Center
87R27905 SMT-D

C.S.H.B. 4604
By: Dutton (Whitmire)
Local Government
5/21/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 4604 amends the Special District Local Laws Code to authorize the board of directors of the Barrett Management District by resolution to impose and collect an assessment for any district purpose in all or any part of the district. An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

- are a first and prior lien against the property assessed;
- are superior to any other lien or claim other than a lien or claim for county, school district, or municipal property taxes; and
- are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

H.B. 4604 establishes that the lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The bill authorizes the board to enforce the lien in the same manner the board may enforce a property tax lien against real property. The bill authorizes the board to make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

SUPPORT/OPPOSITION:

- Barrett Station Civic League
- Harris County Commissioners Court

(Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 4604 amends current law relating to the authority of the Barrett Management District to finance an improvement project or service.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 3930, Special District Local Laws Code, by adding Section 3930.1515, as follows:

Sec. 3930.1515. ELECTION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS. Prohibits the Barrett Management District's (district) board of directors (board) from financing a service or an improvement project under Chapter 3930 (Barrett Management District) unless the service or improvement is approved by 60 percent of the votes cast in an election held for that purpose. Requires that the election be conducted in the manner provided by Subchapter D (Election Provisions), Chapter 49 (Provisions Applicable to All Districts), Water Code, for a bond election.

SECTION 2. Amends Section 3930.154, Special District Local Laws Code, as follows:

Sec. 3930.154. New heading: ASSESSMENTS; LIENS FOR ASSESSMENTS (a) Authorizes the board by resolution to impose and collect an assessment for any purpose authorized by Chapter 3930 in all or any part of the district. Deletes existing text prohibiting the district from imposing an assessment.

(b) Provides that an assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

(1) are a first and prior lien against the property assessed;

(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) Provides that a lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. Authorizes the board to enforce the lien in the same manner that the board is authorized to enforce an ad valorem tax lien against real property.

(d) Authorizes the board to make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments. Deletes existing text providing that Subchapter F (Assessments), Chapter 375 (Municipal Management Districts in General), Local Government Code, does not apply to the district.

SECTION 3. Repealer: Section 3930.151 (Petition Required for Financing Services and Improvements), Special District Local Laws Code.

SECTION 4. Provides that all requirements of the constitution and the laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 5. Effective date: upon passage or September 1, 2021.