

PUBLIC COMMENTS

HB 3221

HOUSE COMMITTEE ON JUDICIARY & CIVIL JURISPRUDENCE

Hearing Date: March 31, 2021 8:00 AM

Monty Wynn

Texas Municipal League

Austin, TX

Dear Chairman Leach:

I am writing on behalf of the Texas Municipal League to express our concerns with H.B. 3221 by Leach. This bill would, for purposes of certain construction liability claims, provide that a cause of action accrues on the date a written report by a governmental entity identifying the construction defect is postmarked by the United States Postal Service.

In 2019, the legislature added Chapter 2272 to the Government Code. While it doesn't altogether prevent construction lawsuits, this new law favors contractors working for governmental entities in that it entitles them to receive special notice before the governmental entity files suit or takes certain other action for faulty construction.

We have not seen the full consequences of the new Chapter 2272. Yet, H.B. 3221 works to further push the advantage to contractors. The bill would, in some instances, decrease the time in which a governmental entity could bring a construction liability claim by providing that a cause of action accrues the moment the special report identifying a potential construction defect is postmarked.

In short, H.B. 3221 makes it even more difficult for governmental entities to hold contractors responsible for faulty construction of public buildings and other structures.

Thank you for your consideration and please do not hesitate to contact me with questions.

Sincerely,

Monty Wynn
Director, Grassroots and Legislative Services
Texas Municipal League