

BILL ANALYSIS

C.S.H.B. 2023
By: Muñoz, Jr.
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In cases in which a court determines that a political subdivision acted unlawfully or without authority, the court typically does not award court costs and attorney's fees to the prevailing party. This can make it prohibitively expensive for aggrieved parties to seek judicial redress with regard to political subdivisions. C.S.H.B. 2023 seeks to address the issue of prevailing parties in cases against political subdivisions by requiring the award of court costs and attorney's fees to the prevailing party in certain actions challenging certain local laws, local regulatory actions, or the failure of certain local officers to perform certain actions.

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

ANALYSIS

C.S.H.B. 2023 amends the Local Government Code to require a court to award the person prevailing in an action determined on any of the following bases court costs and reasonable attorney's fees, including expert witness fees, to be paid by the applicable political subdivision:

- a determination that an order, ordinance, regulatory decision, denial of an application, refusal to issue a permit, or similar measure of a political subdivision is unenforceable because it is preempted by the Texas Constitution or a state statute;
- a determination that an officer of a political subdivision has failed to perform an act of the office required by the Texas Constitution or a state statute;
- a determination that a municipality has failed to comply with a requirement of state law governing municipal regulation of subdivisions and property development; or
- a determination that a county has failed to comply with a requirement of state law governing county regulation of subdivisions.

The bill's provisions apply only to an action commenced on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

C.S.H.B. 2023 differs from the introduced in minor or nonsubstantive ways by conforming to certain bill drafting conventions.