

By: Muñoz, Jr.

H.B. No. 2023

Substitute the following for H.B. No. 2023:

By: Burns

C.S.H.B. No. 2023

A BILL TO BE ENTITLED

AN ACT

relating to the award of court costs and attorney's fees in certain actions involving regulation by political subdivisions.

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

SECTION 1. Chapter 250, Local Government Code, is amended by adding Section 250.014 to read as follows:

Sec. 250.014. AWARD OF COURT COSTS AND ATTORNEY'S FEES IN CERTAIN ACTIONS. (a) If a court determines 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 statute of this state, the court shall award the person prevailing in the action on that basis court costs and reasonable attorney's fees, including expert witness fees, to be paid by the political subdivision.

(b) If a court determines that an officer of a political subdivision has failed to perform an act of the office required by the Texas Constitution or a statute of this state, the court shall award the person prevailing in the action challenging the officer for failure to perform that act court costs and reasonable attorney's fees, including expert witness fees, to be paid by the political subdivision for which the officer served at the time of the failure to perform the act.

(c) If a court determines that a municipality or county has

1 failed to comply with a requirement of Chapter 212 or 232, the court  
2 shall award the person prevailing in the action court costs and  
3 reasonable attorney's fees, including expert witness fees, to be  
4 paid by the municipality or county, as applicable.

5       SECTION 2. Section 250.014, Local Government Code, as added  
6 by this Act, applies only to an action commenced on or after the  
7 effective date of this Act.

8       SECTION 3. This Act takes effect September 1, 2023.