

By: Muñoz, Jr.

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 challenging certain local laws, local regulatory actions, or the failure of an officer of certain political subdivisions to perform certain actions.

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

SECTION 1. Chapter 250, Subtitle C, Title 7, Local Government Code, is amended by adding Section 250.011 to read as follows:

Sec. 250.011. 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 state constitution or a state statute, the court shall award the person prevailing in the action challenging the order, ordinance, regulatory decision, denial of an application, refusal to issue a permit, or measure 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 state constitution or a state statute, 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,

1 including expert witness fees, to be paid by the political
2 subdivision for which the officer served at the time of the failure
3 to perform the act.

4 (c) If a court determines that a political subdivision has
5 failed to comply with the requirements of Chapter 212 of this Code,
6 the court shall award the person prevailing in the action court
7 costs and reasonable attorney's fees, including expert witness
8 fees, to be paid by the political subdivision.

9 (d) If a court determines that a political subdivision has
10 failed to comply with the requirements of Chapter 232 of this Code,
11 the court shall award the person prevailing in the action court
12 costs and reasonable attorney's fees, including expert witness
13 fees, to be paid by the political subdivision.

14 (e) This section applies only to an action commenced on or
15 after the effective date of this Act.

16 SECTION 2. This Act takes effect September 1, 2023.