

1-1 By: Flores S.B. No. 243
1-2 (In the Senate - Filed November 12, 2024; February 3, 2025,
1-3 read first time and referred to Committee on Water, Agriculture and
1-4 Rural Affairs; April 29, 2025, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; April 29, 2025, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	Perry	X		
1-9	Hancock	X		
1-10	Birdwell	X		
1-11	Blanco	X		
1-12	Gutierrez	X		
1-13	Hinojosa of Nueces	X		
1-14	Johnson	X		
1-15	Kolkhorst	X		
1-16	Sparks	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the regulation of migrant labor housing facilities;
1-20 changing the amount of a civil penalty.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter LL, Chapter 2306, Government Code, is
1-23 amended by amending Section 2306.933 and adding Sections 2306.934,
1-24 2306.935, 2306.936, 2306.937, 2306.938, 2306.939, and 2306.940 to
1-25 read as follows:

1-26 Sec. 2306.933. CIVIL PENALTY. (a) A person who violates
1-27 this subchapter or a rule adopted under this subchapter is subject
1-28 to a civil penalty of not less than \$50 for each person occupying
1-29 the migrant labor housing facility in violation of this subchapter
1-30 [~~\$200~~] for each day that the violation occurs.

1-31 (b) ~~An [The county attorney for the county in which the~~
1-32 ~~violation occurred, or the attorney general, at the request of the~~
1-33 ~~department, shall bring an] action [in the name of the state] to~~
1-34 ~~collect a civil [the] penalty under this section may be brought by:~~

1-35 (1) the department through the contested case hearing
1-36 process described by Section 2306.930(b);

1-37 (2) the county attorney for the county in which the
1-38 violation occurred, or the attorney general, at the request of the
1-39 department; or

1-40 (3) a migrant agricultural worker if:

1-41 (A) a complaint regarding the violation for which
1-42 the civil penalty is sought has been submitted under Section
1-43 2306.934; and

1-44 (B) at the time the complaint described by
1-45 Paragraph (A) is submitted, the worker:

1-46 (i) lives in the migrant labor housing
1-47 facility that is the subject of the complaint; and

1-48 (ii) is not temporarily in the United
1-49 States under an H-2A visa authorized by 8 U.S.C. Section
1-50 1101(a)(15)(H)(ii)(a).

1-51 (c) An action to collect a civil penalty under this section
1-52 may not be brought while:

1-53 (1) a contested case hearing brought by the department
1-54 under Section 2306.930(b) and relating to the same migrant labor
1-55 housing facility is pending;

1-56 (2) an action for injunctive relief relating to the
1-57 same violation is pending under Section 2306.932;

1-58 (3) an action brought by a county attorney or the
1-59 attorney general and relating to the same migrant labor housing
1-60 facility is pending; or

1-61 (4) the operator of the migrant labor housing facility

that is the subject of the action is:

(A) waiting for the facility to be inspected under Section 2306.935(c) to confirm remediation of the violation that is the subject of the action; or

(B) providing housing at a facility under Section 2306.936(d) to which the migrant agricultural workers who occupied the facility that is the subject of the action have been relocated.

(d) A civil penalty under this section begins accruing on the earlier of:

(1) for a violation with a remediation period described by Section 2306.935, the day that:

(A) the department determines based on information submitted under Section 2306.935(b) that the operator has failed to remedy the violation; or

(B) an inspection described by Section 2306.935(c) establishes that the migrant housing facility operator has failed to remedy the violation; or

(2) for a violation with a remediation period described by Section 2306.936, the 31st day following the date that notification of the complaint is received from the department, unless the operator has relocated under Section 2306.936(d) the migrant agricultural workers who occupied the facility that is the subject of the complaint.

(e) The department by rule shall adopt a penalty schedule that increases the amount of the penalty assessed against a person who repeatedly violates this subchapter or rules adopted under this subchapter.

(f) A penalty collected under Subsection (b)(1) or (2) shall be deposited to the credit of the general revenue fund and may be appropriated only to the department for the enforcement of this subchapter.

Sec. 2306.934. COMPLAINT; NOTICE; DISMISSAL. (a) In this section, "designated representative" means an individual or organization to whom a migrant agricultural worker has given written authorization to exercise the worker's right to file a complaint under this section.

(b) The department by rule shall establish a process for:

(1) the submission to the department of a complaint regarding a migrant labor housing facility;

(2) determining whether a complaint is unfounded or does not violate the standards adopted by the department; and

(3) the investigation, resolution, or dismissal of a complaint submitted under Subdivision (1), including confirmation of remediation through the methods described by Sections 2306.935 and 2306.936.

(c) The process established under Subsection (b)(1) must allow the submission of complaints:

(1) only by:

(A) an occupant of the migrant labor housing facility that is the subject of the complaint;

(B) a prospective occupant of the migrant labor housing facility that is the subject of the complaint;

(C) the designated representative of a person described by Paragraph (A) or (B); or

(D) an individual, including the owner or tenant of an adjacent property, that has observed a clear violation of this subchapter; and

(2) through the department's Internet website, in person at any department office, or by telephone or written notice to the department.

(d) Not later than the fifth day after the date on which the department receives a complaint, the department shall notify the operator of the migrant labor housing facility that is the subject of the complaint. Notice under this subsection must include:

(1) the date that the complaint was received;

(2) the subject matter of the complaint;

(3) the name of each person contacted in relation to the complaint, if any; and

(4) the timeline for remedying a complaint that is not

otherwise dismissed by the department.

(e) If the department is unable to make contact with an operator of a migrant labor housing facility for the purpose of serving a notification of a complaint, the department shall serve the notification of the complaint via registered or certified mail, return receipt requested.

(f) If the department determines that a complaint is unfounded or does not violate the standards adopted by rule, the department may dismiss the complaint and shall include a statement of the reason for the dismissal in the record of the complaint. The department shall provide timely notice of any dismissal of the complaint, including the explanation for the dismissal, to the operator of the migrant labor housing facility that is the subject of the complaint.

(g) A designated representative may not be required to reveal the name of any migrant agricultural worker on whose behalf the representative submitted a complaint under this section if the department reviews the written authorization establishing the representation and verifies that the representative is authorized to submit the complaint.

Sec. 2306.935. REMEDIATION OF COMPLAINT IN GENERAL. (a) Subject to Section 2306.936, not later than the seventh day after the date that notice is received under Section 2306.934, the operator of a migrant labor housing facility shall remedy the complaint.

(b) The department by rule shall establish a procedure by which the operator of a migrant labor housing facility may submit proof of remediation of a complaint through visual evidence and a sworn affidavit.

(c) For an operator of a migrant labor housing facility who receives notice under Section 2306.934(e) or who does not submit proof of remediation in the manner provided by Subsection (b), the department shall have the facility inspected as soon as possible following the seventh day after the date notice is received under Section 2306.934 to ensure remediation of the complaint.

Sec. 2306.936. REMEDIATION OF COMPLAINT REGARDING CERTAIN VIOLATIONS. (a) This section applies only to a complaint that alleges a violation that the department determines poses an imminent hazard or threat to the health and safety of the occupants of the facility, including violations of rules adopted by the department concerning sanitation.

(b) Subject to Subsection (d), not later than the 30th day after the date notice is received under Section 2306.934, the operator of a migrant labor housing facility that is the subject of a complaint described by Subsection (a) shall remedy the complaint.

(c) The department may refer a complaint described by Subsection (a) to a local authority for immediate inspection of the migrant labor housing facility.

(d) The department by rule shall establish a procedure for requiring the owner of a migrant labor housing facility to relocate or provide for the relocation to another housing facility of the occupants of a facility that is the subject of a complaint under Subsection (a) if the remediation of that complaint is projected to take longer than a period of 30 days. A housing facility to which a person is relocated under this subsection:

(1) must meet the occupancy standards adopted under this subchapter;

(2) must be located in the same vicinity as the vacated facility; and

(3) may not require a rent payment from a displaced migrant agricultural worker that exceeds the rent charged for the vacated facility.

(e) Subsection (d) does not apply to a migrant agricultural worker who is temporarily in the United States under an H-2A visa authorized under 8 U.S.C. Section 1101(a)(15)(H)(ii)(a).

Sec. 2306.937. RETALIATION PROHIBITED. A person who owns, establishes, maintains, operates, or otherwise provides a migrant labor housing facility, a person who employs a migrant agricultural worker who occupies a migrant labor housing facility, or a farm

labor contractor may not retaliate against a person for filing a complaint or providing information in good faith relating to a possible violation of this subchapter.

Sec. 2306.938. ATTORNEY'S FEES. The court in a suit brought under this subchapter may award reasonable attorney's fees to the prevailing party.

Sec. 2306.939. INTERAGENCY COOPERATION. (a) The department shall identify other state agencies that may interact with occupants of migrant housing facilities to assist the department in identifying and locating unlicensed migrant labor housing facilities.

(b) Information provided to the department under this section:

(1) may be used only for the purposes of identifying and locating unlicensed migrant labor housing facilities;

(2) must be free of identification information relating to individual migrant agricultural workers; and

(3) is confidential and not subject to disclosure under Chapter 552.

Sec. 2306.940. OUTREACH AND EDUCATION. (a) The department shall provide:

(1) to migrant agricultural workers in different regions of the state, educational materials or programs that are presented in English, Spanish, and other languages as appropriate and that inform the workers of their rights and remedies under this subchapter; and

(2) to persons who own, establish, maintain, operate, procure, make arrangements for, or otherwise provide migrant labor housing facilities, educational materials or programs that are presented in English, Spanish, and other languages as appropriate and that inform the persons of their obligations under this subchapter.

(b) To better provide the services described by Subsection (a), the department shall:

(1) ensure that, in each region of the state where migrant labor housing facilities are most common, there are persons capable of providing the information described by Subsection (a) in English, Spanish, and other languages as appropriate; and

(2) conduct research, including by surveying migrant agricultural workers, concerning:

(A) what types of migrant labor housing facilities are most common in different regions of the state; and

(B) what regions of the state most need additional or improved migrant labor housing facilities.

SECTION 2. Not later than March 1, 2026, the Texas Department of Housing and Community Affairs shall adopt the rules necessary to implement Subchapter LL, Chapter 2306, Government Code, as amended by this Act.

SECTION 3. The change in law made by this Act in amending Section 2306.933, Government Code, and adding Sections 2306.934, 2306.935, 2306.936, 2306.937, and 2306.938, Government Code, applies only to a violation that occurs on or after the effective date of this Act. A violation that occurs before the effective date of this Act is governed by the law in effect on the date the violation occurred, and the former law is continued in effect for that purpose. For purposes of this section, a violation occurs before the effective date of this Act if any element of the violation occurs before that date.

SECTION 4. This Act takes effect September 1, 2025.

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