

BILL ANALYSIS

H.B. 195
By: Bernal
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A recent investigative report found that migrant agricultural workers were being subjected to inhumane living conditions, including housing such as empty shipping containers and sewage-flooded homes. While the Texas Department of Housing and Community Affairs is responsible for overseeing migrant labor housing facility regulations, it lacks adequate accountability and enforcement mechanisms to properly address noncompliance with facility standards, particularly for repeat offenders. To compound the problem, migrant laborers may be reluctant to report violations relating to substandard housing conditions because of fear of retaliation which creates a major barrier to investigations and enforcement. H.B. 195 seeks to address these issues by revising civil penalty provisions relating to migrant labor housing facilities in order to strengthen accountability and enforcement.

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 rulemaking authority is expressly granted to the Texas Department of Housing and Community Affairs in SECTION 1 of this bill.

ANALYSIS

H.B. 195 amends the Government Code to change the amount of the civil penalty for a violation of provisions governing migrant labor housing facilities or a rule adopted under those provisions from \$200 for each day that the violation occurs to a minimum of \$50 for each person occupying the migrant labor housing facility in violation of those provisions for each day that the violation occurs. The bill does the following with respect to the violations and penalties:

- extends the authority to bring an action to collect a penalty to the Texas Department of Housing and Community Affairs (TDHCA) through a prescribed contested case hearing process and to a migrant agricultural worker who, at the time of the violation, lived in the facility that is the subject of the violation;
- requires the TDHCA by rule to adopt a penalty schedule that increases the amount of the penalty assessed against a person who repeatedly violates provisions governing migrant labor housing facilities or rules adopted under those provisions; and
- requires a penalty collected through an action brought by the TDHCA, a county attorney, or the attorney general to be deposited to the credit of the general revenue fund and restricts appropriation of the penalty to the TDHCA for the enforcement of provisions governing migrant labor housing facilities.

H.B. 195 prohibits the following from retaliating against a person for filing a complaint or providing information in good faith relating to a possible violation of provisions governing migrant labor housing facilities:

- 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.

H.B. 195 authorizes the court in a suit brought under provisions governing migrant labor housing facilities to award reasonable attorney's fees to the prevailing party. The TDHCA must adopt the rules necessary to implement the bill's provisions not later than March 1, 2022.

EFFECTIVE DATE

September 1, 2021.