

SUBJECT: Allowing migrant workers to bring action for migrant housing violations

COMMITTEE: Urban Affairs — favorable, without amendment

VOTE: 5 ayes — Cortez, Bernal, Campos, Jarvis Johnson, Minjarez

3 nays — Holland, Gates, Slaton

1 absent — Morales Shaw

WITNESSES: For — (*Registered, but did not testify:* Allison Greer Francis, CHCS; Rene Lara, Texas AFL-CIO; Joshua Houston, Texas Impact; Ash Hall)

Against — (*Registered, but did not testify:* Tommy Engelke, Texas Agricultural Cooperative Council; Ryan Skrobarczyk, Texas Nursery & Landscape Association)

On — Israel Reyna, Texas Rio Grande Legal Aid, Inc.; (*Registered, but did not testify:* Daniela Dwyer, Texas Rio Grande Legal Aid, Inc.; Homero Cabello, TX Department of Housing and Community Affairs)

BACKGROUND: Concerns have been raised that the Texas Department of Housing and Community Affairs lacks sufficient accountability and enforcement mechanisms to properly address noncompliance with regulatory standards for migrant labor housing facilities, particularly with regard to repeat offenders.

DIGEST: HB 195 would change the civil penalty for a violation under certain statute regulating migrant labor housing from \$200 for each day that the violation occurred to at least \$50 for each person occupying the migrant labor housing facility for each day the violation occurred. In addition to the Texas Department of Housing and Community Affairs (TDHCA), the relevant county attorney, and the attorney general, the bill would include a migrant agricultural worker who, at the time of the violation, lived in the migrant labor housing facility among the parties eligible to bring an action to collect a penalty for such violations.

The bill would require TDHCA to by rule adopt a penalty schedule that would increase the amount of the penalty assessed against a person who committed repeated violations. A penalty collected under the bill's provisions could be appropriated only to TDHCA for the enforcement of regulations related to migrant labor housing.

A person who provided a migrant labor housing facility, a person who employed a migrant agricultural worker who occupied such a facility, or a farm labor contractor could not retaliate against a person for filing a complaint or providing information in good faith relating to a possible violation of migrant labor housing regulations.

TDHCA would have to adopt rules necessary to implement migrant labor housing regulations as amended by the bill no later than March 1, 2022.

The bill would take effect September 1, 2021, and would apply only to a violation that occurred entirely on or after that date.