

## **BILL ANALYSIS**

Senate Research Center  
86R34296 SLB-D

C.S.H.B. 3782  
By: Harless et al. (Alvarado)  
Water & Rural Affairs  
5/17/2019  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

It has been noted that the Harris County Flood Control District has numerous property interests in Harris County and that encroachments from neighboring properties are a common problem and make maintaining the critical flood prevention infrastructure in the county more costly to the taxpayers and difficult for the district. Concerns have been raised regarding the expensive and time-consuming process to remove these encroachments. H.B. 3782 seeks to address these concerns by authorizing the district to remove, without the consent of the property's owner but with notice, real or personal property placed on land owned by the district or land subject to an easement held by the district.

H.B. 3782 amends Chapter 360, Acts of the 45th Legislature, Regular Session, 1937, to authorize the Harris County Flood Control District, in order to carry out district purposes, to remove real or personal property placed on land owned by the district or land subject to an easement held by the district, regardless of when the real or personal property was put in place and without the consent of the property's owner. The bill requires the district to send notice by certified mail to the owner of property on which the district intends to act under the bill's provisions and to send a second notice by certified mail not earlier than the 14th day after the date the initial notice is sent. The bill authorizes the district to bring a cause of action against the owner to recover the cost of removing the property not earlier than the seventh day after the date the second notice was received.

H.B. 3782 authorizes a court, in a suit brought by a property owner regarding the removal of property, to deny a request for temporary injunctive relief against the district and to issue injunctive relief allowing the district to remove the property if the district shows a substantial likelihood of success on the merits. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 3782 amends current law relating to the right to remove property encroaching on areas owned or controlled by the Harris County Flood Control District.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 360, Acts of the 45th Legislature, Regular Session, 1937, by adding Section 2A, as follows:

Sec. 2A. Right to Remove Property. (a) Defines "district" as the Harris County Flood Control District (district).

(b) Authorizes the district, in order to carry out district purposes, to remove real or personal property placed on land owned by the district or land subject to an easement held by the district, regardless of when the real or personal property was put in place and without the consent of the owner of the property. Requires the district to send notice by certified mail to the owner of property on which the district intends to act under this section. Requires the district, not earlier than the

30th day after the date the notice is sent, to send a second notice by certified mail. Authorizes the district to use existing civil lawsuit processes against the owner of the property to recover the cost of removing the property not earlier than the 30th day after the date the second notice was received.

SECTION 2. Effective date: September 1, 2019.