AN ACT
relating to migrant labor housing facilities.

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

SECTION 1. Chapter 147, Health and Safety Code, is transferred to Chapter 2306, Government Code, redesignated as Subchapter LL, Chapter 2306, Government Code, and amended to read as follows:

SUBCHAPTER LL [CHAPTER 147]. MIGRANT LABOR HOUSING FACILITIES

Sec. 2306.921 [147.001]. DEFINITIONS. In this subchapter [chapter]:

(1) "Facility" means a structure, trailer, or vehicle, or two or more contiguous or grouped structures, trailers, or vehicles, together with the land appurtenant.

(2) "Migrant agricultural worker" means an individual who:

(A) is working or available for work seasonally or temporarily in primarily an agricultural or agriculturally related industry; and

(B) moves one or more times from one place to another to perform seasonal or temporary employment or to be available for seasonal or temporary employment.

(3) "Migrant labor housing facility" means a facility that is established, operated, or used for more than three days as living quarters for two or more seasonal, temporary, or migrant

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families or three or more seasonal, temporary, or migrant workers,
whether rent is paid or reserved in connection with the use of the
facility.

(4) "Person" means an individual, association,
partnership, corporation, or political subdivision.

Sec. 2306.922 [147.002]. LICENSE REQUIRED. A person may
not establish, maintain, or operate a migrant labor housing
facility without obtaining a license from the department.

Sec. 2306.923 [147.003]. LICENSE APPLICATION; APPLICATION
INSPECTION. (a) To receive a migrant labor housing facility
license, a person must apply to the department according to rules
adopted by the board and on a form prescribed by the board.

(b) The application must be made not later than the 45th day
before the intended date of operation of the facility.

(c) The application must state:

(1) the location and ownership of the migrant labor
housing facility;

(2) the approximate number of persons to be
accommodated;

(3) the probable periods of use of the facility; and

(4) any other information required by the board.

(d) The application must be accompanied by the license fee.

Sec. 2306.924 [147.004]. INSPECTION. The department shall
inspect the migrant labor housing facility not later than the 30th
day after the date of receipt of a complete application and the fee.

Sec. 2306.925 [147.005]. FAILURE TO MEET STANDARDS;
REINSPECTION. (a) If a migrant labor housing facility for which a
license application is made does not meet the reasonable minimum standards of construction, sanitation, equipment, and operation required by rules adopted under this subchapter [chapter], the department at the time of inspection shall give the license applicant the reasons that the facility does not meet those standards. The applicant may request the department to reinspect the facility not later than the 60th day after the date on which the reasons are given.

(b) If a facility does not meet the standards on reinspection, the applicant must submit a new license application as provided by Section 2306.923 [146.003].

Sec. 2306.926 [147.006]. LICENSE ISSUANCE; TERM; NOT TRANSFERABLE. (a) The department shall issue a license to establish, maintain, and operate a migrant labor housing facility if the facility meets the standards of construction, sanitation, equipment, and operation required by rules adopted under this subchapter [chapter].

(b) The license expires on the first anniversary of the date of issuance.

(c) The license issued under this subchapter [chapter] is not transferable.

Sec. 2306.927 [147.007]. LICENSE POSTING. A person who holds a license issued under this subchapter [chapter] shall post the license in the migrant labor housing facility at all times during the maintenance or operation of the facility.

Sec. 2306.928 [147.008]. INSPECTION OF FACILITIES. An authorized representative of the department, after giving or making
a reasonable attempt to give notice to the operator of a migrant labor housing facility, may enter and inspect the facility during reasonable hours and investigate conditions, practices, or other matters as necessary or appropriate to determine whether a person has violated this subchapter [chapter] or a rule adopted under this subchapter [chapter].

Sec. 2306.929 [147.009]. FEE. The board shall set the license fee in an amount not to exceed $250 [$100].

Sec. 2306.930 [147.010]. SUSPENSION OR REVOCATION OF LICENSE. (a) The department may suspend or revoke a license for a violation of this subchapter [chapter] or a rule adopted under this subchapter [chapter].

(b) Chapter 2001[, Government Code] and department rules for holding a contested case hearing govern the procedures for the suspension or revocation of a license issued under this subchapter [chapter].

(c) A hearing conducted under this section must be held in the county in which the affected migrant labor housing facility is located.

Sec. 2306.931 [147.011]. ENFORCEMENT; ADOPTION OF RULES.

(a) The department shall enforce this subchapter [chapter].

(b) The board shall adopt rules to protect the health and safety of persons living in migrant labor housing facilities.

(c) The board by rule shall adopt standards for living quarters at a migrant labor housing facility, including standards relating to:

(1) construction of the facility;
(2) sanitary conditions;
(3) water supply;
(4) toilets;
(5) sewage disposal;
(6) storage, collection, and disposal of refuse;
(7) light and air;
(8) safety requirements;
(9) fire protection;
(10) equipment;
(11) maintenance and operation of the facility; and
(12) any other matter appropriate or necessary for the
protection of the health and safety of the occupants.

(d) An employee or occupant of a migrant labor housing
facility who uses the sanitary or other facilities furnished for
the convenience of employees or occupants shall comply with the
rules adopted under Subsection (b) or (c).

(e) The board by rule shall adopt minimum standards for
issuing, revoking, or suspending a license issued under this
subchapter [chapter].

Sec. 2306.932 [147.012]. INJUNCTIVE RELIEF. (a) A
district court for good cause shown in a hearing and on application
by the department, a migrant agricultural worker, or the worker's
representative may grant a temporary or permanent injunction to
prohibit a person, including a person who owns or controls a migrant
labor housing facility, from violating this subchapter [chapter] or
a rule adopted under this subchapter [chapter].

(b) A person subject to a temporary or permanent injunction
under Subsection (a) may appeal to the supreme court as in other
cases.

Sec. 2306.933 [147.013]. CIVIL PENALTY. (a) A person who
violates this subchapter [chapter] or a rule adopted under this
subchapter [chapter] is subject to a civil penalty of $200 for each
day that the violation occurs.

(b) The county attorney for the county in which the
violation occurred, or the attorney general, at the request of the
department, shall bring an action in the name of the state to
collect the penalty.

SECTION 2. (a) On the effective date of this Act, all
powers and duties of the Health and Human Services Commission and
the Department of State Health Services relating to the inspection
and licensing of migrant labor housing facilities are transferred
to the Texas Department of Housing and Community Affairs. The
Health and Human Services Commission, the Department of State
Health Services, and the Texas Department of Housing and Community
Affairs shall coordinate the transfer.

(b) The transfer does not affect the validity of any
liability incurred, a license issued, a penalty assessed, a rule
adopted, a proceeding, investigation, or remedy begun, a decision
made, or other action taken by the executive commissioner of the
Health and Human Services Commission, the commissioner of state
health services, or the Department of State Health Services in
connection with the inspection and licensing of migrant labor
housing facilities.

(c) All rules, policies, procedures, and decisions of the
executive commissioner of the Health and Human Services Commission, the commissioner of state health services, or the Department of State Health Services relating to the inspection and licensing of migrant labor housing facilities are continued in effect as rules, policies, procedures, and decisions of the governing board of the Texas Department of Housing and Community Affairs or the executive director of that department, as appropriate, until superseded by a rule or other appropriate action of the board or the executive director of the department.

(d) Any action or proceeding before the executive commissioner of the Health and Human Services Commission, the commissioner of state health services, or the Department of State Health Services relating to the inspection and licensing of migrant labor housing facilities is transferred without change in status to the governing board of the Texas Department of Housing and Community Affairs or the executive director of the department, as appropriate, and the board or the executive director of the department assumes, without a change in status, the position of the executive commissioner or the commissioner in any action or proceeding to which the executive commissioner or commissioner is a party.

(e) The Texas Department of Housing and Community Affairs shall adopt fees, rules, and standards as required by Subchapter LL, Chapter 2306, Government Code, as transferred and redesignated by this Act, not later than January 1, 2006.

(f) The Texas Department of Housing and Community Affairs shall survey and research the quantity, availability, need, and
quality of migrant labor housing facilities in this state and shall produce reports of its findings to the legislature not later than September 1, 2006.

SECTION 3. This Act takes effect September 1, 2005.
H.B. No. 1099

President of the Senate

I certify that H.B. No. 1099 was passed by the House on March 17, 2005, by a non-record vote.

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Chief Clerk of the House

I certify that H.B. No. 1099 was passed by the Senate on May 3, 2005, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: ______________________

Date

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Governor