

**SUBJECT:** Allowing the removal of property encroaching on certain flood easements

**COMMITTEE:** Natural Resources — committee substitute recommended

**VOTE:** 9 ayes — Larson, Metcalf, Farrar, Harris, T. King, Lang, Nevárez,  
Oliverson, Ramos

0 nays

2 absent — Dominguez, Price

**WITNESSES:** For — Russell Poppe, Harris County Flood Control District; (*Registered, but did not testify*: Donna Warndof, Harris County Commissioners Court; Bill Kelly, City of Houston Mayor's Office; Gabriela Villareal, Texas Conference of Urban Counties)

Against — None

**BACKGROUND:** Some have suggested that encroachment of real and personal property on flood control easements in the Harris County Flood Control District impedes flood mitigation infrastructure. They suggest removal of encroachments can be protracted and expensive and should be expedited.

**DIGEST:** CSHB 3782 would authorize the Harris County Flood Control District 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 property was put in place and without the consent of the property's owner.

The district would have to notify the owner twice by certified mail, with at least 14 days in between notices. The district could bring a cause of action against the owner to recover the cost of removing the property beginning seven days after the second notice was received.

In a lawsuit by a property owner regarding removal of such property, a court could deny a request for temporary injunctive relief against the district and issue injunctive relief allowing the district to remove the

property if the district showed a substantial likelihood of success on the merits.

The bill would take effect September 1, 2019.