

- SUBJECT:** Allowing local governments to remove graffiti from private property
- COMMITTEE:** County Affairs — favorable, without amendment
- VOTE:** 5 ayes — Coleman, Berman, Castro, J. Davis, Sheffield
0 nays
4 absent — Morrison, Bolton, Marquez, W. Smith
- WITNESSES:** For — (*Registered, but did not testify*: John Cabrales, City of Denton; Sylvia Firth, City of El Paso; Rudy Garza, City of Corpus Christi)

Against — (*Registered, but did not testify*: Edra Anderson, Texas Association of Realtors)

On — Michele Gregg, Texas Apartment Association
- DIGEST:** HB 489 would allow a county or municipality to require a property owner within its jurisdiction to remove graffiti from the owner's property. If the property owner failed to remove the graffiti within seven days after receiving notice, a county or municipality would be able to perform the work necessary to remove the graffiti or pay to have it removed at the owner's expense.
- The required notice to the property owner would have to be provided:
- personally to the owner in writing; or
 - by letter sent by certified mail to the owner's last address on property appraisal records.
- If the notice could not be delivered in writing or via mail, the county or municipality could provide the notice by posting it:
- by publication;
 - on or near the front door of each building on the property to which the notice relates; or

- on a placard attached to a stake in the ground on the graffiti-laden property.

The bill would not apply to a claim for property damage caused by the graffiti removal.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS
SAY:**

HB 489 simply would allow a county or municipality to clean up graffiti vandalism on abandoned homes after providing reasonable notice to the property owner. Currently, local governments and community groups are restricted from taking action to clean up graffiti because entering private property without express permission is trespassing. The bill would address this limitation and empower local governments and community groups to take action against a problem that negatively affects communities through lower property values, aesthetics, and morale.

**OPPONENTS
SAY:**

While the intent of HB 489 to remove unwanted graffiti vandalism on abandoned property is worthy, a seven-day deadline for property owner action would be too short. A more reasonable deadline for response would be 15 or 21 days.