

- SUBJECT:** Allowing a county or municipality to require the removal of graffiti
- COMMITTEE:** Urban Affairs — favorable, without amendment
- VOTE:** 5 ayes — Dutton, Alvarado, Gutierrez, Mallory Caraway, Simpson  
0 nays  
4 absent — Callegari, P. King, Parker, Paxton
- WITNESSES:** For — David Garza, City of San Antonio; Scott Houston, Texas Municipal League; (*Registered, but did not testify:* Julie Acevedo, City of Baytown; Larry Casto, City of Dallas; T.J. Patterson, City of Fort Worth; Frank Sturzl, City of Arlington, Texas)  
Against — None
- BACKGROUND:** Local Government Code, sec. 250.006 stipulates that a city or county may require a property owner to remove graffiti from the owner's property. The city or county may not notify the property owner of a requirement to remove the graffiti unless the city or county has offered to remove the graffiti from the property free of charge and the property owner has refused the offer.  
  
If a property owner fails to remove the graffiti on or before 15 days after receiving a notice for removal, a county or municipality may charge the property owner for the removal expenses.
- DIGEST:** HB 1089 would remove the requirement that a county or municipality giving notice to a property owner requiring the removal of graffiti have offered to remove the graffiti free of charge and the property owner have refused the offer. A county or municipality still would be authorized to enact an order or ordinance with these requirements.  
  
The bill would take effect September 1, 2011.
- SUPPORTERS SAY:** HB 1089 would make a simple but significant change to current law on the way that many cities combat graffiti. Current law requires that before a city or county may require a property owner to remove graffiti from their

property, the city or county must first offer to pay for the removal and the owner must decline the offer, which they never do. This has created a huge unfunded mandate for the governmental entities. Graffiti abatement in the United States is estimated to cost \$12 billion annually in taxpayer money. In fiscal year 2008-2009 alone, Fort Worth spent \$500,000 on graffiti abatement. Houston spent almost \$600,000 during the same time period. These numbers account only for the direct efforts of these cities to abate graffiti. It does not include the cost to other political subdivisions of the state. It needs to be a shared responsibility.

Graffiti is the type of crime that eats away at neighborhoods, lowering property values and creating a false sense of insecurity. Graffiti laws also are difficult to enforce. Graffiti no longer is merely an urban problem and has expanded to include suburban and rural areas. It contributes to lost revenue from reduced ridership on transit systems, reduced retail sales, and declines in property value. It also generates the perception of blight and heightens fear of gang activity.

Stopping and reducing graffiti requires abatement, enforcement, and appropriate punishment. HB 1089 would allow cities to get back to the job of abatement. It would allow a city or county to offer to clean up the graffiti free of charge, but it would not require them to do so.

Before 2009, when the law was amended, these governmental entities had authority to require a property owner to remove graffiti from their property, similar to other nuisance ordinances like requiring high grass to be mowed and trash to be removed. Larger home-rule cities such as Houston, Dallas, San Antonio, and Corpus Christi had ordinances that helped relieve the burden on property owners who could not afford to remove graffiti through abatement grants. Some property owners neglect their property, and cities and counties need authority to require that graffiti be removed. Larger cities still would be able to offer assistance to property owners who needed help with the removal to mitigate the cost. Even smaller cities that have limited grant funding still might be in a position to provide free removal, but in these times of tight budgets, the bill would provide some flexibility in dealing with graffiti removal.

**OPPONENTS  
SAY:**

HB 1089 could be a burden on some property owners. The duty of cities and counties to ensure the swift removal of graffiti should be retained. Immediate removal is the key to successful graffiti prevention. If

a property owner declined the offer of free removal of the graffiti, then the city still would be able to require them to do it.