

- SUBJECT:** Civil remedy for violations of municipal health and safety ordinances
- COMMITTEE:** Urban Affairs — favorable, without amendment
- VOTE:** 6 ayes — Dutton, Callegari, P. King, Mallory Caraway, Paxton, Simpson
0 nays
3 absent — Alvarado, Gutierrez, Parker
- SENATE VOTE:** On final passage, March 17 — 31-0
- WITNESSES:** No public hearing
- BACKGROUND:** Under Local Government Code, sec. 54.018, a municipality may bring an action to compel the repair or demolition of a structure or to obtain approval to remove the structure and recover removal costs. The municipality may also bring a claim for civil penalties.
- Under Local Government Code, sec. 214.003, a home-rule municipality may bring an action in district court against an owner of property that is not in substantial compliance with the municipal ordinances regarding:
- fire protection;
 - structural integrity;
 - zoning; or
 - disposal of refuse.
- Under certain conditions, a court may appoint as a receiver for the property a nonprofit organization with a demonstrated record of rehabilitating properties.
- DIGEST:** SB 173 would amend Local Government Code, sec. 54.018 to allow a municipality to bring an action *in rem* against a structure that it was acting to repair or demolish that could result in a judgment against the structure as well as a judgment against the defendant.

The bill also would amend Local Government Code, 214.003 to allow a home-rule municipality to bring an action in district court against an owner of a property that was not in substantial compliance with certain municipal health and safety ordinances.

In certain circumstances, the court could appoint an individual, not just a nonprofit, with a demonstrated record of rehabilitating properties as a receiver for the property.

SB 173 would take effect September 1, 2011.

**SUPPORTERS
SAY:**

Municipalities currently are limited in their ability to address substandard rental properties, many of which have led to blighted neighborhoods and dangerous conditions for tenants. SB 173 would expand the circumstances under which a municipality could appoint a receiver for the property to include violations of certain health and safety ordinances, providing more protections for tenants and communities.

Under SB 173, a municipal citation for code violations could be pursued *in rem*, allowing a judgment to be tied to the structure and not just the owner. This would enable cities to address substandard properties owned by individuals who “flip” the properties to someone else in order to avoid court-ordered or municipal sanctions.

**OPPONENTS
SAY:**

No apparent opposition.