

- SUBJECT:** Public health nuisances on undeveloped land in Harris County
- COMMITTEE:** County Affairs — committee substitute recommended
- VOTE:** 8 ayes — Coleman, Farias, Burrows, Romero, Schubert, Spitzer, Tinderholt, Wu
- 1 nay — Stickland
- WITNESSES:** For — (*Registered, but did not testify:* Donna Warndof, Harris County; Michael Schaffer, Harris County Public Health and Environmental Services; Bradford Shields, Travis County Commissioners Court)
- Against — None
- BACKGROUND:** Health and Safety Code, sec. 343.002 defines “weeds” to mean all rank and uncultivated vegetable growth or matter that has grown to be more than 36 inches tall or that may create an unsanitary condition or become a harborage for rodents, vermin, or other disease-carrying pests, regardless of the height of the weeds.
- Sec. 343.011, which applies only to the unincorporated areas of a county, states that a person may not cause, permit, or allow a public nuisance, as delineated by that section.
- Harris County authorities have reported responding to public nuisance complaints on undeveloped land upon which no hazard to safety, health, and well-being actually exists.
- DIGEST:** Under CSHB 1643, on undeveloped land in unincorporated areas of Harris County, a public nuisance would include, under certain circumstances:
- maintaining premises in a manner that created an unsanitary condition likely to harbor mosquitos, rodents, vermin, or disease-carrying pests; and

- allowing weeds to grow on premises in a neighborhood if the weeds were within 300 feet of another residence or commercial establishment.

These conditions would be a public nuisance if:

- the condition on that land had been found to have caused a public nuisance in the preceding year; and
- a finding of public nuisance could have been applied to that condition when it first occurred.

“Undeveloped land” would be defined as land in a natural, primitive state that lacked improvements, infrastructure, or utilities and that was not located in a municipality.

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, 2015.