

SUBJECT: Enforcement of certain ordinances by a building standards commission

COMMITTEE: Urban Affairs — committee substitute recommended

VOTE: 6 ayes — Alvarado, Hunter, R. Anderson, Bernal, Elkins, M. White

1 nay — Schaefer

WITNESSES: For — Janet Spugnardi, City of Irving (*Registered, but did not testify*: Jon Weist, City of Irving)

Against — None

BACKGROUND: Local Government Code, sec. 54.012 provides a list of activities for which a municipality may bring a civil action to enforce an ordinance, including ordinances relating to animal care and control and water conservation measures, such as water restrictions. Sec 54.032 provides a list of activities for which a city can bring a quasi-judicial action against a person or business. These items also include animal care and control and water conservation measures.

The functions of a building standards commission are outlined in sec. 54.036. These include ordering that violations of certain ordinances be remedied and determining the amount and duration of civil penalties for violations of health and safety ordinances.

DIGEST: CSHB 3060 would amend Local Government Code, sec. 54.036 to allow a building standards commission panel to order that action be taken as necessary to remedy, alleviate, or abate a violation of an ordinance relating to animal care and control or a water conservation measure, including a water restriction.

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.

**SUPPORTERS
SAY:**

CSHB 3060 would add to the functions of a building standards commission to address an unintentional omission when the 83rd Legislature enacted SB 654 by West in 2013. While SB 654 authorized cities to bring civil action and quasi-judicial action against animal control violations and water restriction violations, it did not make the corresponding change to give these commissions the ability to enforce or order the abatement of any violations that came before them.

CSHB 3060 would allow a building standards commission to order that action be taken to remedy violations of animal control ordinances and water restriction ordinances, which would help to keep such matters away from already overloaded court dockets. Authorizing building standards commissions to enforce these violations could result in more attention being given to many of these cases because water violations typically are not considered priority items for courts.

**OPPONENTS
SAY:**

CSHB 3060 would give the municipality further authority to enforce ordinances through civil action or quasi-judicial hearings. This authority should reside with the judiciary, not a municipality.