

BILL ANALYSIS

Senate Research Center

H.B. 2666
By: Garcia (Carona)
Intergovernmental Relations
5-8-97
Engrossed

DIGEST

Currently, violations of ordinances relating to municipal building codes or to the condition, use, or appearance of property in a municipality are subject to criminal enforcement only. This places a higher proof requirement on municipalities than that required for violations of similar municipal ordinances such as fire safety codes and building construction requirements. This renders the enforcement of these kinds of ordinances less than efficient. H.B. 2666 would allow violations of municipal ordinances relating to municipal building codes or to the condition, use or appearance of property to be enforced in a quasi-judicial manner and provide an option for settlement of such cases through a civil adjudication process.

PURPOSE

As proposed, H.B. 2666 outlines provisions regarding enforcement of certain public health and safety ordinances by a municipality.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 54.032, Local Government Code, to provide that this subchapter applies only to, among others, ordinances relating to a building code or to the condition, use, or appearance of property in a municipality.

SECTION 2. Amends Chapter 54C, Local Government Code, by adding Section 54.043, as follows:

Sec. 54.043. ALTERNATIVE ADJUDICATION PROCESSES. Authorizes a municipality, by ordinance, to adopt a civil adjudication process, as an alternative to the enforcement process prescribed by the other provisions of this subchapter, for the enforcement of ordinances described by Section 54.032. Requires the alternative process to contain provisions relating to notice, the conduct or proceedings, permissible orders, penalties, and judicial review that are similar to the provisions of this subchapter.

SECTION 3. Emergency clause.
Effective date: upon passage.