

## **BILL ANALYSIS**

Senate Research Center

S.B. 1722  
By: West  
Intergovernmental Relations  
4-10-97  
Committee Report (Amended)

### **DIGEST**

Currently, a municipality must initiate code enforcement proceedings against an owner of property for violations of building and safety code. The proceedings can last several months before the time the municipality is near a judgment requiring compliance. In many instances, the owner can easily transfer ownership of the property to a different person in order to disrupt the enforcement proceedings, thus causing this lengthy process to be reinstated against the new owners. This bill sets forth certain provisions relating to the municipal regulation of dangerous structures.

### **PURPOSE**

As proposed, S.B. 1722 sets forth the provisions for municipal regulation of dangerous structures.

### **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 214.001, Local Government Code, by amending Subsections (e) and (g) and adding Subsections (p) and (q), to delete a provision requiring a notice of a certain hearing to contain certain information if that information can be determined from a reasonable search of the instruments on file in the office of the county clerk. Deletes a provision requiring a municipality to determine the identity and address of certain persons through the use of records of the county clerk in the county in which the building is located and through any other sources available to the municipality. Requires the notice to be deemed as delivered under certain conditions. Authorizes a hearing to be held by a civil municipal court. Provides that a municipality satisfies the requirements of this section if the municipality searches certain records.

SECTION 2. Emergency clause.  
Effective date: upon passage.

### **SUMMARY OF COMMITTEE CHANGES**

Amendment 1.

Page 2, line 12, insert the line "by certified mail, return receipt requested, a copy of the order."

Page 2, lines 14-16, delete "Deposit of the notice in the United States mail with postage paid and a proper address is prima facie evidence of the delivery of the notice to the person."

Page 2, line 21, insert the following: "If a notice is mailed according to this subsection and the U.S. Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected; and the notice shall be deemed as delivered."