

BILL ANALYSIS

Senate Research Center
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H.B. 2270
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Engrossed

DIGEST AND PURPOSE

In August 1999, the Fifth Circuit Court of Appeals, in *Freeman v. City of Dallas* affirmed a federal trial court's decision that a judicial seizure warrant based on probable cause is required by the Fourth Amendment to the United States Constitution before an order of demolition issued by the Urban Rehabilitation Standards Board of the City of Dallas may be executed. The plaintiff was awarded damages because of the unlawful seizure. Based on this ruling, the City of Houston curtailed its demolition of dangerous structures and removal of junked vehicles without a seizure warrant. Litigation has delayed the process of demolishing dangerous buildings and has created a backlog of such buildings that constitute a public safety hazard. In February 2001, the Fifth Circuit Court of Appeals revisited the case and reversed its decision and held in favor of the City of Dallas. The City of Houston may be subject to damage claims if the case is appealed to the United States Supreme Court and reversed in favor of the plaintiff. H.B. 2270 authorizes the governing body of a municipality by ordinance to provide that the municipal court of record has civil jurisdiction for the purpose of enforcing dangerous structure and junked vehicle ordinances and has concurrent jurisdiction with a court or a county court at law for the purpose of enforcing health and safety or nuisance abatement ordinances. This bill also authorizes the court to issue search warrants for the purpose of investigating a health and safety or nuisance abatement ordinance violation and seizure warrants for the purpose of securing, removing, or demolishing the offending property and removing the debris from the premises.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 30.00005, Government Code, by adding Subsection (d) to authorize the governing body of a municipality by ordinance to provide that the court has certain types of jurisdiction and the authority to issue certain warrants.

SECTION 2. Effective date: September 1, 2001.