

BILL ANALYSIS

Senate Research Center

H.B. 2647
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Subchapter A (Dangerous Structures), Chapter 214 (Municipal Regulation of Housing and Other Structures), and Subchapter C (Quasi-Judicial Enforcement of Health and Safety Ordinances), Chapter 54 (Enforcement of Municipal Ordinances), Local Government Code, provide municipalities with means to address substandard and dangerous buildings. Cities are authorized to take certain actions such as ordering that dangerous buildings be repaired or demolished, assessing a civil penalty for failure to make repairs, and imposing a lien against the property in the event that the municipality incurs the cost of making ordered repairs or the costs of demolition.

Chapter 214 provides the municipality with certain remedies for enforcing its actions with regard to regulating housing and other structures. For example, if the city allows an owner more than 90 days to make repairs and the owner owns property within the municipality with a value in excess of \$100,000, the city is authorized to require the owner to post a bond or other security. Chapter 214 also specifies that if affected buildings are not vacated, secured, repaired, removed or demolished within the allotted time, the municipality is authorized to perform those actions at its own expense, and in doing so, is authorized to impose a privileged lien against the subject property. Chapter 54 does not specifically include these same enforcement provisions.

H.B. 2647 provides that a municipality that operates under the authority of Subchapter C, Chapter 54, Local Government Code, relating to quasi-judicial enforcement of health and safety ordinances, has the same enforcement remedies as a municipality operating under the authority of Subchapter A, Chapter 214, Local Government Code, relating to municipal regulatory authority regarding substandard buildings and other dangerous structures.

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 54.040(a), Local Government Code, as follows:

(a) Provides that an order issued under Section 54.036 (Functions), including any civil penalties assessed under Section 54.036(5) (relating to the authorization of a commission panel to determine the amount and duration of a certain civil penalty), is enforceable in the same manner as provided in Sections 214.001(k) (relating to requiring a municipality to require certain entities to submit certain reports), (m) (relating to authorizing the municipality to vacate, secure, remove, or demolish a building or relocate the occupants under certain conditions), (n) (relating to authorizing the municipality to assess the expenses), and (o) (relating to providing that perform certain functions if the notice is given). Requires that an abstract of judgment be ordered, rather than issued, against all parties found to be the owners of the subject property or in possession of that property.

SECTION 2. Effective date: September 1, 2009.