

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 3065  
By: Bohac (Ellis)  
Intergovernmental Relations  
5/25/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

C.S.H.B. 3065 amends current law relating to municipal registration of vacant buildings in certain counties; and provides a penalty.

### **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 Chapter 214, Local Government Code, by adding Subchapter H, as follows:

#### SUBCHAPTER H. REGISTRATION OF VACANT BUILDINGS

Sec. 214.231. DEFINITIONS. Defines "building," "owner," and "unit."

Sec. 214.232. PRESUMPTION OF VACANCY. Provides that a building is presumed to be vacant under this subchapter if all lawful residential, commercial, recreational, charitable, or construction activity at the building has ceased, or reasonably appears to have ceased, for more than 150 days; or the building contains more than three units, 75 percent or more of which have not been used lawfully, or reasonably appear not to have been used lawfully, for more than 150 days.

Sec. 214.233. REGISTRATION. (a) Authorizes a municipality located in a county with a population of 2.2 million or more to adopt an ordinance requiring owners of vacant buildings to register their buildings by filing a registration form with a designated municipal official.

(b) Authorizes a municipality, in an ordinance adopted under this subchapter, to exempt certain classifications of buildings as determined reasonable and appropriate by the governing body of the municipality.

Sec. 214.234. FORM. Authorizes an ordinance adopted under this subchapter to require a designated municipal official to adopt a form for registration. Authorizes the form adopted to require the disclosure of information reasonably necessary for the municipality to minimize the threat to health, safety, and welfare that a vacant building may present to the public.

Sec. 214.235. FEE. Authorizes an ordinance adopted under this subchapter to require the payment of a fee in an amount commensurate with expenses incurred by the municipality to administer the registration program.

Sec. 214.236. OFFENSE. (a) Provides that the owner of a vacant building commits an offense if the owner violates an ordinance adopted under this section.

(b) Provides that an offense under this section is a Class C misdemeanor.

(c) Provides that each day the violation continues constitutes a separate offense.

(d) Provides that Section 3.04(a) (relating to providing the offender the right to a severance of offenses when two or more offenses have been consolidated or joined for trial), Penal Code, does not apply to two or more offenses under this section that are consolidated or joined for trial under Section 3.02 (Consolidation and Joinder of Prosecutions), Penal Code, if each of the offenses is for the violation of an ordinance under this section, punishable by fine only, and tried in a municipal court, regardless of whether the court is a municipal court of record.

SECTION 2. Effective date: January 1, 2010.