

## **BILL ANALYSIS**

Senate Research Center  
81R35778 NC-D

C.S.H.B. 459  
By: Leibowitz et al. (Zaffirini)  
Criminal Justice  
5/22/2009  
Committee Report (Substituted)

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

C.S.H.B. 459 relates to county abatement and regulation of nuisances.

### **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 343.002(1), Health and Safety Code, to redefine "abate."

SECTION 2. Reenacts Section 343.011(c), Health and Safety Code, as amended by Chapters 388 (S.B. 680) and 1366 (H.B. 3581), Acts of the 80th Legislature, Regular Session, 2007, and amends it to make a nonsubstantive change.

SECTION 3. Amends Section 343.013(c), Health and Safety Code, to authorize a county to bring suit under this section to prohibit or control access to the premises to prevent a continued or future violation of certain subdivisions, including Section 343.011(c)(5) (relating to the definition of a public nuisance).

SECTION 4. Reenacts Section 343.021, Health and Safety Code, as amended by Chapters 388 (S.B. 680) and 1366 (H.B. 3581), Acts of the 80th Legislature, Regular Session, 2007, and amends it to make conforming changes.

SECTION 5. Reenacts Section 343.022(a), Health and Safety Code, as amended by Chapters 388 (S.B. 680) and 1366 (H.B. 3581), Acts of the 80th Legislature, Regular Session, 2007, and amends it to make conforming changes.

SECTION 6. Amends Section 343.022(c), Health and Safety Code, as follows:

(c) Requires the notice to state:

- (1) the specific condition that constitutes a nuisance;
- (2) that the person receiving the notice is required to abate the nuisance before the 31st day after the date on which the notice is served, if the person has not previously received a notice regarding a nuisance on the premises or 10th business day after the date on which the notice is served, if the person has previously received a notice regarding a nuisance on the premises;
- (3) that failure to abate the nuisance may result in abatement by the county, assessment of costs to the person responsible for causing the nuisance when that person can be identified, and a lien against the property on which the nuisance exists, if the person responsible for causing the nuisance has an interest in the property;
- (4) Makes a conforming change; and

(5) that the person receiving the notice is entitled to submit a written request for a hearing before the 31st day after the date on which the notice is served, if the person has not previously received a notice regarding a nuisance on the premises or 10th business day after the date on which the notice is served, if the person has previously received a notice regarding a nuisance on the premises.

SECTION 7. Amends Section 343.0235, Health and Safety Code, to make a conforming change.

SECTION 8. Effective date: September 1, 2009.