

BILL ANALYSIS

Senate Research Center

H.B. 1643
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to interested parties, certain authorities in Harris County are often being deployed in response to nuisance complaints that do not pose a threat to the public's health. These unnecessary deployments, the parties continue, are an issue in Harris County as developers build new subdivisions in previously undeveloped areas. The parties suggest that current nuisance law contains ambiguities that force county authorities to respond for purposes other than to protect the public from nuisances that pose a hazard to safety, health, and well-being. H.B. 1643 seeks to address this issue by better delineating what constitutes a public nuisance in certain counties.

H.B. 1643 amends current law relating to abatement of public nuisances on certain undeveloped land and amends provisions subject to a criminal 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 Section 343.002, Health and Safety Code, by adding Subdivision (10-a) to define "undeveloped land" and amending Subdivision (11) to redefine "weeds."

SECTION 2. Amends Section 343.011, Health and Safety Code, by amending Subsection (c) and adding Subsection (d-1), as follows:

(c) Provides that a public nuisance is:

(1) and (2) Makes no change to these subdivisions;

(3) maintaining premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or other disease-carrying pests;

(4)-(13) Makes no change to these subdivisions.

(d-1) Provides that this subsection applies only to a county with a population of 3.3 million or more and only in an unincorporated area in the county that is at least 5,000 feet outside the boundaries of a home-rule municipality. Provides that Subsections (c)(3) and (4) apply only to undeveloped land in the county for which:

(1) a condition on that land has been found to cause a public nuisance under those provisions in the preceding year; and

(2) a finding of public nuisance could have been applied to that condition when the condition first occurred.

SECTION 3. Effective date: upon passage or September 1, 2015.