

By: Farrar

H.B. No. 1901

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to administrative procedures in certain municipalities  
3 for adjudicating violations of ordinances relating to information  
4 filed with building permits.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 214, Local Government Code, is amended  
7 by adding Subchapter H to read as follows:

8 SUBCHAPTER H. ADMINISTRATIVE ADJUDICATION IN CERTAIN  
9 MUNICIPALITIES OF ORDINANCES RELATING TO INFORMATION FILED WITH  
10 BUILDING PERMITS

11 Sec. 214.231. APPLICATION OF SUBCHAPTER. This subchapter  
12 applies only to a municipality with a population or more than 1.8  
13 million.

14 Sec. 214.232. ORDINANCES RELATING TO INFORMATION FILED WITH  
15 BUILDING PERMITS. The governing body of the municipality may adopt  
16 an ordinance providing that a person who applies to the  
17 municipality for a building permit may not file with the  
18 application any false or misleading information relating to a  
19 restriction on the use of property affected by the permit.

20 Sec. 214.233. ADMINISTRATIVE ADJUDICATION PROCEDURE. (a)  
21 The governing body of the municipality may adopt by ordinance a  
22 procedure for an administrative adjudication hearing at which an  
23 administrative penalty may be imposed for the enforcement of an  
24 ordinance adopted under Section 214.232.

1        (b) An administrative adjudication procedure adopted under  
2 this section must entitle the person charged with violating the  
3 ordinance to a hearing and must provide for:

4            (1) the period following the date of the alleged  
5 violation during which a hearing must be held;

6            (2) the appointment of a hearing officer with  
7 authority to administer oaths and issue orders compelling the  
8 attendance of witnesses and the production of documents; and

9            (3) the amount and disposition of administrative  
10 penalties, costs, and fees that may be imposed for a violation of  
11 the ordinance.

12        Sec. 214.234. ENFORCEMENT OF ORDERS REGARDING WITNESSES AND  
13 DOCUMENTS. A municipal court may enforce an order of a hearing  
14 officer compelling the attendance of a witness at an administrative  
15 hearing under this subchapter or the production of a document  
16 relating to the hearing.

17        Sec. 214.235. NOTICE OF HEARING BY CITATION OR SUMMONS. (a)  
18 A citation or summons issued as part of the administrative  
19 adjudication procedure must:

20            (1) notify the person charged with violating the  
21 ordinance that the person is entitled to a hearing; and

22            (2) provide information regarding the time and place  
23 of the hearing.

24        (b) The original or a copy of the summons or citation shall  
25 be kept as a record in the ordinary course of business of the  
26 municipality and is rebuttable proof of the facts it states.

27        Sec. 214.236. APPEARANCE AT HEARING. (a) The person who

1 issued the citation or summons is not required to attend an  
2 administrative hearing under this subchapter.

3 (b) A person charged with violating the ordinance who fails  
4 to appear at a hearing under this subchapter is considered to admit  
5 liability for the violation charged.

6 Sec. 214.237. ORDER OF HEARING OFFICER. (a) At a hearing  
7 under this subchapter, the hearing officer shall issue an order  
8 stating:

9 (1) whether the person charged with violating the  
10 ordinance is liable for the violation; and

11 (2) the amount of a penalty, cost, or fee assessed  
12 against the person.

13 (b) An order issued under this section may be filed with the  
14 clerk or secretary of the municipality. The clerk or secretary  
15 shall keep the order in a separate index and file. The order may be  
16 recorded using microfilm, microfiche, or an electronic method.

17 Sec. 214.238. ENFORCEMENT OF HEARING ORDER. An order  
18 relating to the violation of the ordinance may be enforced by:

19 (1) filing a civil suit for the collection of a penalty  
20 assessed in the order against a person; or

21 (2) obtaining an injunction that:

22 (A) prohibits specific conduct that violates the  
23 ordinance; or

24 (B) requires specific conduct necessary for  
25 compliance with the ordinance.

26 Sec. 214.239. APPEAL. A person who is found by a hearing  
27 officer to have violated an ordinance under this subchapter may

1 appeal the determination by filing a petition in municipal court  
2 before the 31st day after the date the hearing officer's  
3 determination is filed. An appeal does not stay enforcement and  
4 collection of the judgment unless the person, before filing the  
5 appeal, posts a bond with an agency designated for that purpose by  
6 the municipality.

7         SECTION 2. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2003.