

## **BILL ANALYSIS**

H.B. 1056  
By: Goodman  
Urban Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Chapter 214 of the Local Government Code allows a municipality to require that a substandard or dangerous building be vacated, secured, repaired, removed, or demolished. Prior to imposing such a requirement, the municipality must comply with due process requirements, including issuing an order and holding a hearing on the matter.

Currently, there is no assurance that a new property owner, should the substandard property be sold after an order is issued by the municipality, is made aware of the order on the property they have purchased.

House Bill 1056 authorizes a municipality to file any orders issued pursuant to the hearing in the Official Public Records of Real Property in the county in which the property is located, in addition to current public notice requirements. The change made by H. B. 1056 ensures that any purchaser of the property has been notified that a municipality has issued a dangerous or substandard building order against that property.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

Amends Chapter 214, Subsection (f) of the Local Government Code, by adding subsection (f) authorizing a municipality to file a substandard building order in the Official Public Records of Real Property in the county in which the property is located.

The addition of Subsection (f-1) in Chapter 214 establishes that the filing of an order in the Official Public Records of Real Property constitutes notice to and is binding on any subsequent grantee, lien holder, or other transferee who acquires an interest in the property after the order is filed.

### **EFFECTIVE DATE**

This act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article II, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.