

BILL ANALYSIS

Senate Research Center
79R4951 AJA-D

S.B. 399
By: Madla
Government Organization
3/10/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Generally, code enforcement officials will cite the owner of a property for code violations. However, in some cases, code enforcement officials will personally cite employees of property owners or management companies rather than the owner. The citations hold the employee personally liable and in some cases, have resulted in arrest warrants being issued for the employee.

Employees, whether they work for the property owner or a management company, often do not have control over funds that may be needed to bring a property into code compliance and must receive the owner's approval.

While it is appropriate to hold the property owner responsible or liable for violations, it is wrong to hold an onsite employee personally responsible.

As proposed, S.B. 399 provides that an employee cannot be held personally liable for code citation if the employee provides code enforcement officials with the name and address of the owner.

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 Subchapter A, Chapter 92, Property Code, by adding Section 92.016, as follows:

Sec. 92.016. LIABILITY OF TENANT FOR GOVERNMENTAL FINES. (a) Defines "governmental entity."

(b) Prohibits a landlord or landlord's manager or agent from charging or seeking reimbursement from the landlord's tenant for the amount of a fine imposed on the landlord by a governmental entity unless the tenant or another occupant of the tenant's dwelling actually caused the damage or other condition on which the fine is based.

SECTION 2. Amends Chapter 250, Local Government Code, by adding Section 250.003, as follows:

Sec. 250.003. PERSONAL LIABILITY OF NONOWNERS. Provides that an individual who is an employee of the owner of real property for which a citation for a violation of a county or municipal rule or ordinance is issued, or of a company that manages the property on behalf of the property owner, is not personally liable for criminal or civil penalties resulting from the violation if the individual provides the property owner's name and street address to the enforcement official who issues the citation or the official's superior.

SECTION 3. (a) Makes application of Section 92.016, Property Code, as added by this Act, prospective.

(b) Makes application of Section 250.003, Local Government Code, as added by this Act, prospective.

SECTION 4. Effective date: upon passage or September 1, 2005.