

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**March 18, 2005**

**TO:** Honorable Joe Nixon, Chair, House Committee on Civil Practices

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB427** by Dutton (Relating to the remedies available to a person to abate a nuisance in a municipality.), **As Introduced**

No fiscal implication to the State is anticipated.
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The bill would allow a resident of a municipality to file a lawsuit requiring the municipality to take remedial action against a common or public nuisance within the municipality. If the court determines that a nuisance and a threat to public health or welfare exists, there would be several actions the court could require the municipality to take, including filing a lawsuit against the person whose premise or use of the premise constitutes the nuisance, purchasing the property on which the nuisance is caused, or exercising eminent domain to acquire the property. The bill would take effect September 1, 2005.

**Local Government Impact**

If a suit is brought against a municipality, the municipality would incur legal costs in preparing and presenting its defense. If the municipality is court-ordered to take actions, additional costs would be incurred for warning the person who uses the premise that creates the nuisance or for filing a lawsuit against that person. If the municipality prevails in a lawsuit against the person with the nuisance, the municipality could recoup court costs. If the municipality must purchase the property or exercise eminent domain, it would incur the cost of the acquisition and maintenance of the property. Those costs could be at least partially recouped through reselling the property.

Because most costs could be recouped, and others could be absorbed by most municipal budgets, no significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

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