

BILL ANALYSIS

C.S.H.B. 1551
By: Hochberg
Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Typically, the nuisance code is used to address problem places where the responsible party is not taking the appropriate steps to prevent illegal activity from occurring. Unfortunately, the remedies and judgments of the current nuisance code are structured in such a way that allow for a nuisance to continue even though a judgment has been rendered in court.

The proposed complete committee substitute for House Bill No. 1551 will strengthen current nuisance law to give the petitioner and the court effective tools to discourage the use and maintenance of a common nuisance.

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.

SUMMARY ANALYSIS

The proposed complete committee substitute for House Bill No. 1551 amends Section 125.002, Civil Practices and Remedies Code, by striking the language that allows the defendant to post bond and continue in business if the judgment is made against the defendant. The bill also amends Section 125.045, Civil Practices and Remedies Code, to expand the court's list of remedies by allowing for the termination of the tenant's lease if the landlord and tenant are parties to the suit, clarifies that the court has the authority to include reasonable requirements on the defendant to prevent the use or maintenance of a nuisance, allows the court to take certain measures if the conditions of an injunction order have not been met and allows the court to limit the hours of operation of a place if otherwise not specified by law.

EFFECTIVE DATE

This Act would take effect immediately if it were to receive a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, then this Act would take effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The committee substitute is a council draft of the filed bill and corrects drafting errors. The substitute adds an additional remedy for the court by allowing the court to limit the hours of operation of a place if otherwise not specified by law.