

By: Ellis

S.B. No. 352

A BILL TO BE ENTITLED

AN ACT

relating to the method of providing notice in the enforcement of certain municipal ordinances involving substandard buildings and conditions.

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

SECTION 1. Subsection (a), Section 54.035, Local Government Code, is amended to read as follows:

(a) Notice of all proceedings before the commission panels must be given:

(1) by personal delivery, ~~or~~ by certified mail with return receipt requested, or by delivery by the United States Postal Service using signature confirmation service, to the record owners of the affected property, and each holder of a recorded lien against the affected property, as shown by the records in the office of the county clerk of the county in which the affected property is located if the address of the lienholder can be ascertained from the deed of trust establishing the lien and/or other applicable instruments on file in the office of the county clerk; and

(2) to all unknown owners, by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable.

SECTION 2. Subsection (a), Section 54.039, Local Government Code, is amended to read as follows:

1 (a) Any owner, lienholder, or mortgagee of record jointly or
2 severally aggrieved by any decision of a commission panel may
3 present a petition to a district court, duly verified, setting
4 forth that the decision is illegal, in whole or in part, and
5 specifying the grounds of the illegality. The petition must be
6 presented to the court within 30 calendar days after the date a copy
7 of the final decision of the commission panel is personally
8 delivered, ~~or~~ mailed by first class mail with ~~7~~ certified return
9 receipt requested, or delivered by the United States Postal Service
10 using signature confirmation service, to all persons to whom notice
11 is required to be sent under Section 54.035. The commission panel
12 shall ~~personally~~ deliver or mail that copy promptly after the
13 decision becomes final. In addition, an abbreviated copy of the
14 order shall be published one time in a newspaper of general
15 circulation in the municipality within 10 calendar days after the
16 date of the delivery or mailing of the copy as provided by this
17 subsection, including the street address or legal description of
18 the property; the date of the hearing, a brief statement indicating
19 the results of the order, and instructions stating where a complete
20 copy of the order may be obtained, and, except in a municipality
21 with a population of 1.9 million or more, a copy shall be filed in
22 the office of the municipal secretary or clerk.

23 SECTION 3. Subsections (d) and (g), Section 214.001, Local
24 Government Code, are amended to read as follows:

25 (d) After the public hearing, if a building is found in
26 violation of standards set out in the ordinance, the municipality
27 may order that the building be vacated, secured, repaired, removed,

or demolished by the owner within a reasonable time as provided by this section. The municipality also may order that the occupants be relocated within a reasonable time. If the owner does not take the ordered action within the allotted time, the municipality shall make a diligent effort to discover each mortgagee and lienholder having an interest in the building or in the property on which the building is located. The municipality shall personally deliver, ~~or~~ send by certified mail with ~~7~~ return receipt requested, or deliver by the United States Postal Service using signature confirmation service, to each identified mortgagee and lienholder a notice containing:

(1) an identification, which is not required to be a legal description, of the building and the property on which it is located;

(2) a description of the violation of municipal standards that is present at the building; and

(3) a statement that the municipality will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time.

(g) After the hearing, the municipality shall promptly mail by certified mail with ~~7~~ return receipt requested, deliver by the United States Postal Service using signature confirmation service, or personally deliver a copy of the order to the owner of the building and to any lienholder or mortgagee of the building. The municipality shall use its best efforts to determine the identity and address of any owner, lienholder, or mortgagee of the building.

1 SECTION 4. Subsection (a), Section 214.0012, Local
2 Government Code, is amended to read as follows:

3 (a) Any owner, lienholder, or mortgagee of record of
4 property jointly or severally aggrieved by an order of a
5 municipality issued under Section 214.001 may file in district
6 court a verified petition setting forth that the decision is
7 illegal, in whole or in part, and specifying the grounds of the
8 illegality. The petition must be filed by an owner, lienholder, or
9 mortgagee within 30 calendar days after the respective dates a copy
10 of the final decision of the municipality is personally delivered
11 to them, ~~[or]~~ mailed to them by first class mail with~~[7]~~ certified
12 return receipt requested, or delivered to them by the United States
13 Postal Service using signature confirmation service, or such
14 decision shall become final as to each of them upon the expiration
15 of each such 30 calendar day period.

16 SECTION 5. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2007.