

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

February 20, 2007

TO: Honorable Kevin Bailey, Chair, House Committee on Urban Affairs

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

IN RE: HB812 by Dutton (Relating to the remedies available to a person to abate a public nuisance in a municipality.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would allow residents of a municipality to petition the municipality to require it to file suit to take remedial action against a common or public nuisance within the municipality. Procedures required of the municipality in response to receipt of a petition are listed in the provisions of the bill.

If the municipality initiates a suit and 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: issuing a warning to the person whose premise or use of the premise constitutes the nuisance; investigating whether the municipality should file a suit to abate the nuisance; purchasing the property on which the nuisance has occurred; or exercising eminent domain to acquire the property, but only if the acquisition would serve a public purpose.

Local Government Impact

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:

LBB Staff: JOB, DB