

## **BILL ANALYSIS**

H.B. 489  
By: Pickett  
County Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Abandoned buildings are prime targets for graffiti, and it is often difficult for a city or county to obtain the name and address of an abandoned building's owner to contact him or her to access the property and clean up the graffiti. These buildings can create a dangerous area in a neighborhood where gangs fight over turf or the quality of their work.

H.B. 489 authorizes a county or municipality to remove graffiti from private property at the owner's expense if the graffiti is not removed within seven days.

### **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.

### **ANALYSIS**

H.B. 489 amends the Local Government Code to authorize a county or municipality to require an owner of property within the jurisdiction of the county or municipality to remove graffiti from the owner's property. The bill requires such a requirement to provide that if an owner of property fails to remove graffiti not later than the seventh day after the date of notice, the county or municipality is authorized to perform the work necessary to remove the graffiti or pay for the removal of the graffiti and charge the expense to the owner of the property. The bill requires the notice to be given personally to the owner in writing by letter sent by certified mail, addressed to the owner at the owner's address as contained in the records of the appraisal district in which the property is located, or if service cannot be obtained in person or by certified mail, the notice must be given by publication at least once, by posting the notice on or near the front door of each building on the property to which the notice relates or by posting the notice on a placard attached to a stake driven into the ground on the property to which the notice relates.

H.B. 489 amends the Civil Practice and Remedies Code to add an exclusion to the Texas Tort Claims Act for a claim for property damage caused by the removal of graffiti under the provisions of the bill.

### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.