

BILL ANALYSIS

H.B. 2647
By: Kent
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Local Government Code currently enables a municipality to address substandard and dangerous buildings in two different provisions in the code. The provisions are parallel and similar, but not the congruent. For example, both provide a means through which owners are afforded notice and an opportunity for public hearing and judicial review of the outcome of those hearings. Both provisions authorize municipalities to order dangerous buildings be repaired or demolished, and owners may be assessed civil penalties for failure to make repairs. Similarly, both provisions allow the municipality to impose a lien against the subject property in the event the municipality incurs the costs of making the ordered repairs or the costs of demolition.

However, the remedies available to a municipality under municipal regulation of housing and other structures in Chapter 214, Local Government Code, differ substantially from those available under enforcement of health and safety ordinances in Chapter 54, Local Government Code, in a significant manner. Section 214.001(k) allows a municipality to require an owner to post a bond or other security if the owner is given more than 90 days to make repairs and the owner owns property within the municipality with a value in excess of \$100,000. Chapter 54 contains no similar provision. Section 214.001(m) clearly specifies that, if the affected building is not vacated, secured, repaired, removed or demolished within the allotted time, the municipality must do those things at its expense. Sections 214.001(n) and 214.001(o) subsequently give the municipality the authority to impose a privileged lien against the subject property. Chapter 54 only provides for the filing of an abstract of judgment in those situations.

H.B. 2647 provides that a municipality that operates under the authority of Subchapter C, Chapter 54, Local Government Code, relating to quasi-judicial enforcement of health and safety ordinances, has the same enforcement remedies as a municipality operating under the authority of Subchapter A, Chapter 214, Local Government Code, relating to municipal regulatory authority regarding substandard buildings and other dangerous structures.

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. 2647 amends the Local Government Code to establish that an order issued by a panel of the building and standards commission of a municipality in connection with a violation of a health and safety ordinance subject to quasi-judicial enforcement, including any civil penalties assessed in connection with the violation, is enforceable in the same manner as provided in provisions relating to the authority of a municipality to take certain actions regarding substandard buildings..

EFFECTIVE DATE

September 1, 2009.