

BILL ANALYSIS

Senate Research Center

H.B. 3065
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3065 amends current law relating to municipal registration of vacant buildings in certain municipalities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 214, Local Government Code, by adding Subchapter H, as follows:

SUBCHAPTER H. REGISTRATION OF VACANT BUILDINGS IN CERTAIN MUNICIPALITIES

Sec. 214.231. DEFINITIONS. Defines "building," "owner," and "unit."

Sec. 214.2315. APPLICABILITY. Provides that this subchapter applies only to a municipality with a population greater than 1.9 million.

Sec. 214.232. PRESUMPTION OF VACANCY. Provides that a building is presumed to be vacant under this subchapter if all lawful residential, commercial, recreational, charitable, or construction activity at the building has ceased, or reasonably appears to have ceased, for more than 150 days; or the building contains more than three units, 75 percent or more of which have not been used lawfully, or reasonably appear not to have been used lawfully, for more than 150 days.

Sec. 214.233. REGISTRATION. (a) Authorizes a municipality by ordinance to require the owner of a vacant building to register the building by filing a completed registration form with a designated municipal official not later than the later of the 30th day after the date the building becomes vacant or the person becomes the owner of the building.

(b) Authorizes a municipality, in the ordinance adopted under this subchapter, to exempt certain classifications of buildings as determined reasonable and appropriate by the governing body of the municipality.

Sec. 214.234. EXPIRATION AND RENEWAL. (a) Authorizes the ordinance to provide that a registration under this subchapter expires automatically on the first anniversary of the date the owner filed a registration form under Section 214.233, and must be renewed on or before the 30th day before the date the registration expires, unless the building is no longer vacant.

(b) Authorizes the ordinance to prohibit an owner from renewing a registration under this subchapter if a violation of an ordinance that resulted in the issuance of a citation has not been remedied in compliance with all applicable municipal ordinances or codes.

Sec. 214.235. FORM. (a) Requires a designated municipal official to adopt a form for registration under this subchapter, which may require:

(1) the legibly printed name of the owner or the owner's authorized agent and a notarized signature attesting on personal knowledge and under oath to the accuracy of all statements on the registration form and any documents submitted with the form;

(2) the disclosure of any information reasonably necessary for the municipality to minimize the threat to health, safety, and welfare that a vacant building may present to the public, which may include a legal description of the real property on which the building is situated, the physical address of the building, the name, mailing address, physical address, and telephone number of the owner of the building, and the name, mailing address, physical address in this state, and telephone number of a natural person at least 21 years of age authorized by the owner of the building as the owner's agent for the receipt of notices from the municipality pertaining to the building and for the receipt of process;

(3) a statement that the building is secured to prevent unauthorized entry, with a brief description of the means by which the building has been secured;

(4) a statement that one or more signs have been posted at the entrance to the building, reasonably likely to come to the attention of intruders, stating that unauthorized entry is forbidden; and

(5) a certificate issued by an insurance company authorized by the Texas Department of Insurance to transact business in this state evidencing a liability insurance policy covering the building in an amount required under Section 214.236.

(b) Authorizes an owner whose net worth exceeds \$100 million to submit a letter evidencing self-insurance in an amount required by Section 214.236 in lieu of a certificate issued by the Texas Department of Insurance under Subsection (a)(5).

Sec. 214.236. INSURANCE REQUIREMENT. Authorizes an ordinance to require an owner to insure a vacant building registered under this subchapter in an amount not less than \$250,000 for a building containing more than two but fewer than 20 units designed for habitation, or not less than \$500,000 for any other building.

Sec. 214.237. FEE PROHIBITED. Prohibits an ordinance from requiring the payment of a fee for a registration or renewal under this subchapter.

Sec. 214.238. REGISTRATION SUPPLEMENT OR AMENDMENT. Authorizes an ordinance to require an owner to supplement or amend a registration under this subchapter not later than the 30th day after the date the owner knows or reasonably should know that a statement on the building's current registration form, or on any document submitted with the building's current registration form, is incomplete or otherwise inaccurate.

SECTION 2. Effective date: January 1, 2010.