

BILL ANALYSIS

C.S.H.B. 3682
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, uninhabitable and abandoned structures are not under the jurisdiction of the commissioners court in a county where such structures are located. Not only are abandoned buildings ugly and unsafe, they also lower property values in surrounding areas.

C.S.H.B. 3682 authorizes the commissioners court of a county with a population of 3.3 million or more to regulate uninhabitable, unsafe, or abandoned 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

C.S.H.B. 3682 amends the Local Government Code to authorize the commissioners court of a county with a population of 3.3 million or more, to promote public health, safety, and welfare, by order to prohibit or otherwise regulate uninhabitable, unsafe, or abandoned structures.

C.S.H.B. 3682 authorizes the commissioners court of such a county, if the commissioners court finds that a structure, or part of a structure, is likely to endanger persons or property, to order the owner of the structure, the owner's agent, or the owner or occupant of the property on which the structure is located to repair, remove, or demolish the structure, or the part of the structure, within a specified time or repair, remove, or demolish the structure, or the part of the structure, at the expense of the county, on behalf of the owner of the structure or the owner of the property on which the structure is located, and assess the repair, removal, or demolition expenses on the property on which the structure was located. The bill requires the commissioners court by order to provide for the assessment of repair, removal, or demolition expenses incurred under the above provisions; a method of giving notice of the assessment; and a method of recovering the expenses.

C.S.H.B. 3682 establishes that authority under the bill's provisions is cumulative of other authority that a county has to regulate structures and does not limit that other authority.

EFFECTIVE DATE

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

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3682 differs from the original by removing provisions providing a civil penalty for violating the bill's provisions relating to uninhabitable, unsafe, or abandoned structures and authorizing a county to bring suit in a district court to recover a civil penalty.