

BILL ANALYSIS

S.B. 1945
By: West
Business & Industry
Committee Report (Amended)

BACKGROUND AND PURPOSE

Current law contains a loophole whereby municipal authorities are unable to serve legal notice of code violations at certain apartment developments.

S.B. 1945 amends current law relating to the issuance of a citation to an owner or management company of real property for a violation of a county or municipal rule or ordinance.

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

S.B. 1945 amends the Local Government Code provision establishing that an employee of the owner of real property for which a citation for a violation of a county or municipal rule or ordinance is issued, or of a company managing property on behalf of the owner, is not personally liable for criminal or civil penalties resulting from the violation if the owner's contact information is provided to the enforcement official who issues the citation or the official's superior to specify that such information must be provided not later than the second business day after the date the citation is issued, and specifying that the owner's street address which is included in the contact information, is the current address. The bill removes language specifying that the employee to whom such a citation is issued is considered the property owner's agent for accepting service of the citation only if the owner's street address is not in Texas. The bill requires the county or municipality issuing the citation to mail notice of the citation to the property owner at the address most recently provided to the county or municipality by the property owner or by the employee of the owner or management company and specifies that this provision does not require the county or municipality to mail notice using a service that provides delivery confirmation.

EFFECTIVE DATE

January 1, 2010.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1:

S.B. 1945 is amended to change the date by which the employee must provide the information from not later than the second business day after the date the citation is issued to not later than the fifth calendar day after the date the citation is issued.