

By: Patrick

H.B. No. 2315

A BILL TO BE ENTITLED

AN ACT

relating to authorizing municipalities to assess fees on vacant commercial buildings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 214, Local Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. VACANT COMMERCIAL BUILDINGS

Sec. 214.231. VACANT COMMERCIAL BUILDING. For purposes of this subchapter, a commercial building is vacant if no person, as an owner or tenant, conducts a business or resides in any part of the building on a permanent basis.

Sec. 214.232. AUTHORITY TO ASSESS FEE. (a) A municipality by ordinance may assess a fee on a vacant commercial building as follows:

(1) \$500 for a building that is vacant for 180 days or more but less than two years;

(2) \$1,000 for a building that is vacant for two years or more but less than five years;

(3) \$2,000 for a building that is vacant for five years or more; and

(4) \$500 for each year a building is vacant for more than 10 years.

(b) A fee assessed under this subchapter is in addition to any registration, inspection, or other regulatory fee assessed by a

1 municipality on a vacant commercial building.

2 (c) This subchapter does not apply to a commercial building
3 owned by a governmental entity.

4 Sec. 214.233. LIEN. (a) The municipality may obtain a lien
5 against the property on which a fee is assessed under this
6 subchapter unless the property is designated as homestead property.

7 (b) To obtain a lien against the property, the presiding
8 officer of the governing body of the municipality or the municipal
9 official designated by the presiding officer must file a fee
10 statement with the county clerk of the county in which the property
11 is located. The lien statement must include:

12 (1) the name and address of the owner of the property
13 if that information can be determined through reasonable diligence;

14 (2) a legal description of the property on which the
15 commercial building is located;

16 (3) the amount of the fee assessed; and

17 (4) the amount owed.

18 (c) The lien attaches on the filing of the lien statement
19 with the county clerk.

20 Sec. 214.234. USE OF FEES. (a) A fee assessed under this
21 subchapter may be used only to abate a violation of a municipal
22 ordinance regarding a nuisance condition or minimum standard for
23 use and occupancy of:

24 (1) a vacant commercial building; or

25 (2) a building on property that contains a vacant
26 commercial building.

27 (b) Authorized expenditures under Subsection (a) include:

1 (1) repairing, removing, securing, vacating, and
2 demolishing buildings;

3 (2) filling, draining, or otherwise abating stagnant
4 water conditions on property;

5 (3) cleaning of filth, carrion, or other impure or
6 unwholesome matter on property; or

7 (4) clearing unsightly, unsanitary, or unsafe
8 vegetation from property.

9 (c) A municipality may authorize work and expenditures for
10 work described by this section only after notice to the owner of the
11 property is provided as prescribed by the municipality's abatement
12 ordinance.

13 (d) A fee collected under this section may not be used to
14 abate a condition related to a commercial building owned by a
15 governmental entity.

16 SECTION 2. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2009.