

1-1 By: Kent, Miklos (Senate Sponsor - Deuell) H.B. No. 2647
1-2 (In the Senate - Received from the House May 1, 2009;
1-3 May 6, 2009, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 18, 2009, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 18, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2647 By: Patrick

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the quasi-judicial enforcement of certain health and
1-11 safety ordinances.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 54.018(b), Local Government Code, is
1-14 amended to read as follows:

1-15 (b) In an action under this section, the municipality may
1-16 also bring:

1-17 (1) a claim for civil penalties under Section 54.017;
1-18 and

1-19 (2) an action in rem against the structure that may
1-20 result in a judgment against the structure as well as a judgment
1-21 against the defendant.

1-22 SECTION 2. Section 54.040(a), Local Government Code, is
1-23 amended to read as follows:

1-24 (a) An order issued under Section 54.036, including any
1-25 civil penalties assessed under Section 54.036(5), is enforceable in
1-26 the same manner as provided in Sections 214.001(k), (m), (n), and
1-27 (o). An abstract of judgment shall be ordered [issued] against all
1-28 parties found to be the owners of the subject property or in
1-29 possession of that property.

1-30 SECTION 3. Sections 214.003(a), (b), (c), and (i), Local
1-31 Government Code, are amended to read as follows:

1-32 (a) A home-rule municipality may bring an action in district
1-33 court against an owner of property that is not in substantial
1-34 compliance with:

1-35 (1) the municipal ordinances regarding:

1-36 (A) [~~(1)~~] fire protection;

1-37 (B) [~~(2)~~] structural integrity;

1-38 (C) [~~(3)~~] zoning; or

1-39 (D) [~~(4)~~] disposal of refuse; or

1-40 (2) a municipal ordinance described by Section
1-41 54.012(1), (2), (5), (6), (7), or (9).

1-42 (b) Except as provided by Subsection (c), the court may
1-43 appoint as a receiver for the property a nonprofit organization or
1-44 an individual with a demonstrated record of rehabilitating
1-45 properties if the court finds that:

1-46 (1) the structures on the property are in violation of
1-47 the standards set forth in Section 214.001(b) and an ordinance
1-48 described by Subsection (a);

1-49 (2) notice of violation was given to the record owner
1-50 of the property; and

1-51 (3) a public hearing as required by Section 214.001(d)
1-52 has been conducted.

1-53 (c) A receiver appointed under Subsection (b) may act [The
1-54 court may appoint] as a receiver for any property, including
1-55 historic property subject to Section 214.00111 [a nonprofit
1-56 organization or an individual with a demonstrated record of
1-57 rehabilitating historical buildings if the court finds that:

1-58 [(1) the structures on the property are in violation
1-59 of the standards established under Section 214.001(b) and an
1-60 ordinance described by Subsection (a);

1-61 [(2) the structure has been reviewed by the municipal
1-62 historic preservation board and the structure meets the criteria
1-63 set forth in Section 214.00111;

2-1 ~~[(3) notice of the violation was given to the record~~
2-2 ~~owner of the property; and~~
2-3 ~~[(4) a public hearing as required by Section 214.001~~
2-4 ~~has been conducted].~~

2-5 (i) Any record lienholder may, after initiation of an action
2-6 by a municipality:

2-7 (1) intervene in the action; and

2-8 (2) request appointment as a receiver:

2-9 (A) under the same conditions as the nonprofit
2-10 organization or individual; and

2-11 (B) on a demonstration to the court of an ability
2-12 and willingness to rehabilitate the property.

2-13 SECTION 4. This Act takes effect September 1, 2009.

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