

By: Bohac

H.B. No. 3065

A BILL TO BE ENTITLED

AN ACT

relating to municipal registration of vacant buildings in certain municipalities.

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. REGISTRATION OF VACANT BUILDINGS IN CERTAIN MUNICIPALITIES

Sec. 214.231. DEFINITIONS. In this subchapter:

(1) "Building" means any enclosed structure designed for use as a habitation or for a commercial use, including engaging in trade or manufacture.

(2) "Owner" means the person that owns the real property on which a building is situated, according to:

(A) the real property records of the county in which the property is located; or

(B) the records of the appraisal district in which the property is located.

(3) "Unit" means an enclosed area designed:

(A) for habitation by a single family; or

(B) for a commercial use, including engaging in trade or manufacture, by a tenant.

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

1 Sec. 214.232. PRESUMPTION OF VACANCY. A building is
2 presumed to be vacant under this subchapter if:

3 (1) all lawful residential, commercial, recreational,
4 charitable, or construction activity at the building has ceased, or
5 reasonably appears to have ceased, for more than 150 days; or

6 (2) the building contains more than three units, 75
7 percent or more of which have not been used lawfully, or reasonably
8 appear not to have been used lawfully, for more than 150 days.

9 Sec. 214.233. REGISTRATION. (a) A municipality by
10 ordinance may require the owner of a vacant building to register the
11 building by filing a completed registration form with a designated
12 municipal official not later than the later of the 30th day after
13 the date:

14 (1) the building becomes vacant; or

15 (2) the person becomes the owner of the building.

16 (b) A municipality, in the ordinance adopted under this
17 subchapter, may exempt certain classifications of buildings as
18 determined reasonable and appropriate by the governing body of the
19 municipality.

20 Sec. 214.234. EXPIRATION AND RENEWAL. (a) The ordinance
21 may provide that a registration under this subchapter:

22 (1) expires automatically on the first anniversary of
23 the date the owner filed a registration form under Section 214.233;
24 and

25 (2) must be renewed on or before the 30th day before
26 the date the registration expires, unless the building is no longer
27 vacant.

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

5 Sec. 214.235. FORM. (a) A designated municipal official
6 shall adopt a form for registration under this subchapter, which
7 may require:

8 (1) the legibly printed name of the owner or the
9 owner's authorized agent and a notarized signature attesting on
10 personal knowledge and under oath to the accuracy of:

11 (A) all statements on the registration form; and

12 (B) any documents submitted with the form;

13 (2) the disclosure of any information reasonably
14 necessary for the municipality to minimize the threat to health,
15 safety, and welfare that a vacant building may present to the
16 public, which may include:

17 (A) a legal description of the real property on
18 which the building is situated;

19 (B) the physical address of the building;

20 (C) the name, mailing address, physical address,
21 and telephone number of the owner of the building; and

22 (D) the name, mailing address, physical address
23 in this state, and telephone number of a natural person at least 21
24 years of age authorized by the owner of the building as the owner's
25 agent for the receipt of notices from the municipality pertaining
26 to the building and for the receipt of process;

27 (3) a statement that the building is secured to

1 prevent unauthorized entry, with a brief description of the means
2 by which the building has been secured;

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

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

11 (b) An owner whose net worth exceeds \$100 million may submit
12 a letter evidencing self-insurance in an amount required by Section
13 214.236 in lieu of a certificate issued by the Texas Department of
14 Insurance under Subsection (a)(5).

15 Sec. 214.236. INSURANCE REQUIREMENT. An ordinance may
16 require an owner to insure a vacant building registered under this
17 subchapter in an amount:

18 (1) not less than \$250,000 for a building containing
19 more than 2 but fewer than 20 units designed for habitation; or

20 (2) not less than \$500,000 for any other building.

21 Sec. 214.237. FEE PROHIBITED. An ordinance may not require
22 the payment of a fee for a registration or renewal under this
23 subchapter.

24 Sec. 214.238. REGISTRATION SUPPLEMENT OR AMENDMENT. An
25 ordinance may require an owner to supplement or amend a
26 registration under this subchapter not later than the 30th day
27 after the date the owner knows or reasonably should know that a

1 statement on the building's current registration form, or on any
2 document submitted with the building's current registration form,
3 is incomplete or otherwise inaccurate.

4 SECTION 2. This Act takes effect January 1, 2010.