

By: Bohac

H.B. No. 3065

A BILL TO BE ENTITLED

AN ACT

relating to municipal registration of vacant buildings; providing a penalty.

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

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

(1) all lawful residential, commercial, recreational,

1 charitable, or construction activity at the building has ceased, or
2 reasonably appears to have ceased, for more than 150 days; or

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

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

11 (1) the building becomes vacant; or

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

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

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

19 (1) expires automatically on the first anniversary of
20 the date the owner filed a registration form under Section 214.233;
21 and

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

25 (b) The ordinance may prohibit an owner from renewing a
26 registration under this subchapter if a citation issued by the
27 municipality relating to a condition of the building alleged by the

1 municipality to constitute a violation of an ordinance, code, or
2 other law has not been paid in full, dismissed, or otherwise legally
3 resolved.

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

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

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

11 (B) any documents submitted with the form;

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

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

18 (B) the physical address of the building;

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

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

26 (3) a statement that the building is secured to
27 prevent unauthorized entry, with a brief description of the means

1 by which the building has been secured;

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

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

10 Sec. 214.236. INSURANCE REQUIREMENT. An ordinance may
11 require an owner to insure a vacant building registered under this
12 subchapter in an amount:

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

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

16 Sec. 214.237. FEE. An ordinance may require the payment of
17 a fee, not to exceed \$250, for a registration or renewal under this
18 subchapter.

19 Sec. 214.238. REGISTRATION SUPPLEMENT OR AMENDMENT. An
20 ordinance may require an owner to supplement or amend a
21 registration under this subchapter not later than the 30th day
22 after the date the owner knows or reasonably should know that a
23 statement on the building's current registration form, or on any
24 document submitted with the building's current registration form,
25 is incomplete or otherwise inaccurate.

26 Sec. 214.239. OFFENSE. (a) The owner of a vacant building
27 commits an offense if the owner violates an ordinance adopted under

1 this section.

2 (b) An offense under this section is a Class C misdemeanor.

3 (c) Each day the violation continues constitutes a separate
4 offense.

5 (d) Section 3.04(a), Penal Code, does not apply to two or
6 more offenses under this section that are consolidated or joined
7 for trial under Section 3.02, Penal Code, if each of the offenses
8 is:

9 (1) for the violation of an ordinance adopted under
10 this section;

11 (2) punishable by fine only; and

12 (3) tried in a municipal court, regardless of whether
13 the court is a municipal court of record.

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