

1-1 By: Bohac (Senate Sponsor - Ellis) H.B. No. 3065
1-2 (In the Senate - Received from the House May 18, 2009;
1-3 May 19, 2009, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 23, 2009, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3065 By: Patrick

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

1-10 relating to municipal registration of vacant buildings in certain
1-11 counties; providing a penalty.

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

1-13 SECTION 1. Chapter 214, Local Government Code, is amended
1-14 by adding Subchapter H to read as follows:

1-15 SUBCHAPTER H. REGISTRATION OF VACANT BUILDINGS

1-16 Sec. 214.231. DEFINITIONS. In this subchapter:

1-17 (1) "Building" means any enclosed structure designed
1-18 for use as a habitation or for a commercial use, including engaging
1-19 in trade or manufacture.

1-20 (2) "Owner" means the person that owns the real
1-21 property on which a building is situated, according to:

1-22 (A) the real property records of the county in
1-23 which the property is located; or

1-24 (B) the records of the appraisal district in
1-25 which the property is located.

1-26 (3) "Unit" means an enclosed area designed:

1-27 (A) for habitation by a single family; or

1-28 (B) for a commercial use, including engaging in
1-29 trade or manufacture, by a tenant.

1-30 Sec. 214.232. PRESUMPTION OF VACANCY. A building is
1-31 presumed to be vacant under this subchapter if:

1-32 (1) all lawful residential, commercial, recreational,
1-33 charitable, or construction activity at the building has ceased, or
1-34 reasonably appears to have ceased, for more than 150 days; or

1-35 (2) the building contains more than three units, 75
1-36 percent or more of which have not been used lawfully, or reasonably
1-37 appear not to have been used lawfully, for more than 150 days.

1-38 Sec. 214.233. REGISTRATION. (a) A municipality located in
1-39 a county with a population of 2.2 million or more may adopt an
1-40 ordinance requiring owners of vacant buildings to register their
1-41 buildings by filing a registration form with a designated municipal
1-42 official.

1-43 (b) A municipality, in an ordinance adopted under this
1-44 subchapter, may exempt certain classifications of buildings as
1-45 determined reasonable and appropriate by the governing body of the
1-46 municipality.

1-47 Sec. 214.234. FORM. An ordinance adopted under this
1-48 subchapter may require a designated municipal official to adopt a
1-49 form for registration. The form adopted may require the disclosure
1-50 of information reasonably necessary for the municipality to
1-51 minimize the threat to health, safety, and welfare that a vacant
1-52 building may present to the public.

1-53 Sec. 214.235. FEE. An ordinance adopted under this
1-54 subchapter may require the payment of a fee in an amount
1-55 commensurate with expenses incurred by the municipality to
1-56 administer the registration program.

1-57 Sec. 214.236. OFFENSE. (a) The owner of a vacant building
1-58 commits an offense if the owner violates an ordinance adopted under
1-59 this section.

1-60 (b) An offense under this section is a Class C misdemeanor.

1-61 (c) Each day the violation continues constitutes a separate
1-62 offense.

1-63 (d) Section 3.04(a), Penal Code, does not apply to two or

2-1 more offenses under this section that are consolidated or joined
2-2 for trial under Section 3.02, Penal Code, if each of the offenses
2-3 is:

2-4 (1) for the violation of an ordinance adopted under
2-5 this section;

2-6 (2) punishable by fine only; and

2-7 (3) tried in a municipal court, regardless of whether
2-8 the court is a municipal court of record.

2-9 SECTION 2. This Act takes effect January 1, 2010.

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