

By: Riddle

H.B. No. 3682

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of uninhabitable, unsafe, or abandoned structures by certain counties; providing a penalty.

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

SECTION 1. Chapter 233, Local Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. UNINHABITABLE, UNSAFE, OR ABANDONED STRUCTURES

Sec. 233.121. APPLICABILITY. This subchapter applies only to a county with a population of 3.3 million or more.

Sec. 233.122. AUTHORITY TO REGULATE. To promote public health, safety, and welfare, the commissioners court of a county by order may prohibit or otherwise regulate uninhabitable, unsafe, or abandoned structures.

Sec. 233.123. REQUIRING REPAIR, REMOVAL, OR DEMOLITION OF BUILDING OR OTHER STRUCTURE. (a) If the commissioners court of a county finds that a structure, or part of a structure, is likely to endanger persons or property, the commissioners court may:

(1) order the owner of the structure, the owner's agent, or the owner or occupant of the property on which the structure is located to repair, remove, or demolish the structure, or the part of the structure, within a specified time; or

(2) repair, remove, or demolish the structure, or the part of the structure, at the expense of the county, on behalf of the owner of the structure or the owner of the property on which the

1 structure is located, and assess the repair, removal, or demolition
2 expenses on the property on which the structure was located.

3 (b) The commissioners court shall provide by order for:

4 (1) the assessment of repair, removal, or demolition
5 expenses incurred under Subsection (a)(2);

6 (2) a method of giving notice of the assessment; and

7 (3) a method of recovering the expenses.

8 Sec. 233.124. CIVIL PENALTY. (a) A person who violates an
9 order issued by the county under this subchapter is liable to the
10 county for a civil penalty of not more than \$100 for each violation.
11 Each day a violation continues is considered a separate violation
12 for purposes of assessing the civil penalty.

13 (b) A county may bring suit in a district court to recover a
14 civil penalty authorized by Subsection (a).

15 Sec. 233.125. CUMULATIVE EFFECT. Authority under this
16 subchapter is cumulative of other authority that a county has to
17 regulate structures and does not limit that other authority.

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