

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 3, 2009

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB489 by Pickett (Relating to the authority of a county or municipality to remove graffiti from private property at the owner's expense.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to authorize a county or municipality to require a private property owner within the local government entity's jurisdiction to remove graffiti from the property owner's property. If the property owner fails to remove the graffiti in the prescribed amount of time, the county or municipality would be allowed to perform the necessary work or pay to have the graffiti removed and charge the expense to the property owner. Provisions of the bill would establish requirements for giving notice to the property owner.

The bill would provide that Chapter 101, Civil Practice and Remedies Code (Tort Claims), would not apply to a claim for property damage caused by the removal of graffiti by a county or municipality.

Local Government Impact

A county or municipality would not be required to establish a graffiti removal program, but if the local government entity were to do so, some costs associated with graffiti removal would be offset by requiring a property owner to remove the graffiti or to reimburse the county or municipality for the costs of the local government entities removing the graffiti. However, the extent to which costs would be offset would depend on how successful the entity would be in collecting the costs from a property owner.

A county or municipality would incur costs involved in sending the notifications required by provisions of the bill, although those costs are not anticipated to be significant. In addition, if a county or municipality does not currently have staffing and equipment for graffiti removal, and the county or municipality were to establish a removal program, there would be additional costs, which could be moderate to significant.

As an example of potential costs, Hays County estimates one-time equipment costs would be \$40,000; operational costs (e.g., sodium bicarbonate used in the equipment) would be \$5,000 the first year, increasing \$1,000 each year thereafter; and equipment maintenance costs would be \$1,000 annually, for a total cost of \$105,000 in fiscal year 2010 and from \$70,000 in fiscal year 2011 to \$82,000 by fiscal year 2014. Hays County assumed a loss of \$50,000 from cleanup for which a property owner cannot be located.

The City of Amarillo assumed if the city were to implement the provisions of the bill, rather than the city's police department handling graffiti complaints, the duties would shift to the city's Department of Building Safety and would require two new staff and associated capital outlay, as well as costs of notices and cleaning graffiti, and assumed only half of the property owners would pay for the removal, resulting in total costs of \$331,420 in fiscal year 2010 and increasing incrementally each of the next two fiscal years.

It is assumed a county or a municipality would establish a graffiti removal program and implement the provisions of the bill if graffiti is a problem and if sufficient resources are available in the event not all property owners would pay for the removal.

Source Agencies:

LBB Staff: JOB, DB