

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 27, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

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

IN RE: HB2647 by Kent (Relating to the quasi-judicial enforcement of certain health and safety ordinances.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend Section 54.018(b), Local Government Code, to authorize a municipality to bring an action in rem against a structure that is in violation of a health and safety ordinance as well as a judgment against a defendant.

The bill would amend Section 54.040(a), Local Government Code, to authorize enforcement of certain health and safety ordinances in the same manner as a municipality enforces certain regulations of housing and other structures.

The bill amend Sections 214.003(a), (b), (c), and (i), Local Government Code, to authorize a home-rule municipality to bring an action in district court against an owner of property that is not in substantial compliance with certain municipal health and safety ordinances.

Local Government Impact

The fiscal impact from the proposed changes to Section 54.018(b) and to the various subsections of Section 214.003 would depend on how many such cases a municipality were to pursue and the outcome of each.

The fiscal impact from the proposed change to Section 54.040(a) would depend on the number of violations to be enforced; however, the statutes under which enforcement may occur include provisions related to collecting a bond or other financial guaranty or to assess expenses on a lien against non-homestead property. Therefore, associated costs of enforcement may be offset to a certain extent by imposition of a bond, other financial guaranty, or assessment.

Source Agencies:

LBB Staff: JOB, SD, DB