

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Kent, Miklos

H.B. No. 2647

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the quasi-judicial enforcement of certain health and  
3 safety ordinances.

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

5 SECTION 1. Section 54.040(a), Local Government Code, is  
6 amended to read as follows:

7 (a) An order issued under Section 54.036, including any  
8 civil penalties assessed under Section 54.036(5), is enforceable in  
9 the same manner as provided in Sections 214.001(k), (m), (n), and  
10 (o). An abstract of judgment shall be ordered [~~issued~~] against all  
11 parties found to be the owners of the subject property or in  
12 possession of that property.

13 SECTION 2. This Act takes effect September 1, 2009.

# ADOPTED

MAY 26 2009

*Atty. Gen.*  
Secretary of the Senate

By: \_\_\_\_\_

H.B. No. 2647

Substitute the following for H.B. No. 2647:

By: \_\_\_\_\_

C.S. H.B. No. 2647

## A BILL TO BE ENTITLED

1

### AN ACT

2 relating to the quasi-judicial enforcement of certain health and  
3 safety ordinances.

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

5 SECTION 1. Section 54.018(b), Local Government Code, is  
6 amended to read as follows:

7 (b) In an action under this section, the municipality may  
8 also bring:

9 (1) a claim for civil penalties under Section 54.017;  
10 and

11 (2) an action in rem against the structure that may  
12 result in a judgment against the structure as well as a judgment  
13 against the defendant.

14 SECTION 2. Section 54.040(a), Local Government Code, is  
15 amended to read as follows:

16 (a) An order issued under Section 54.036, including any  
17 civil penalties assessed under Section 54.036(5), is enforceable in  
18 the same manner as provided in Sections 214.001(k), (m), (n), and  
19 (o). An abstract of judgment shall be ordered [~~issued~~] against all  
20 parties found to be the owners of the subject property or in  
21 possession of that property.

22 SECTION 3. Sections 214.003(a), (b), (c), and (i), Local  
23 Government Code, are amended to read as follows:

24 (a) A home-rule municipality may bring an action in district

1 court against an owner of property that is not in substantial  
2 compliance with:

3 (1) the municipal ordinances regarding:

4 (A) [~~(1)~~] fire protection;

5 (B) [~~(2)~~] structural integrity;

6 (C) [~~(3)~~] zoning; or

7 (D) [~~(4)~~] disposal of refuse; or

8 (2) a municipal ordinance described by Section  
9 54.012(1), (2), (5), (6), (7), or (9).

10 (b) Except as provided by Subsection (c), the court may  
11 appoint as a receiver for the property a nonprofit organization or  
12 an individual with a demonstrated record of rehabilitating  
13 properties if the court finds that:

14 (1) the structures on the property are in violation of  
15 the standards set forth in Section 214.001(b) and an ordinance  
16 described by Subsection (a);

17 (2) notice of violation was given to the record owner  
18 of the property; and

19 (3) a public hearing as required by Section 214.001(d)  
20 has been conducted.

21 (c) A receiver appointed under Subsection (b) may act [The  
22 ~~court may appoint~~] as a receiver for any property, including  
23 historic property subject to Section 214.00111 [~~a nonprofit~~  
24 ~~organization or an individual with a demonstrated record of~~  
25 ~~rehabilitating historical buildings if the court finds that:~~

26 [~~(1) the structures on the property are in violation~~  
27 ~~of the standards established under Section 214.001(b) and an~~

1 ~~ordinance described by Subsection (a),~~

2 ~~[(2) the structure has been reviewed by the municipal~~  
3 ~~historic preservation board and the structure meets the criteria~~  
4 ~~set forth in Section 214.00111,~~

5 ~~[(3) notice of the violation was given to the record~~  
6 ~~owner of the property, and~~

7 ~~[(4) a public hearing as required by Section 214.001~~  
8 ~~has been conducted].~~

9 (i) Any record lienholder may, after initiation of an action  
10 by a municipality:

11 (1) intervene in the action; and

12 (2) request appointment as a receiver:

13 (A) under the same conditions as the nonprofit  
14 organization or individual; and

15 (B) on a demonstration to the court of an ability  
16 and willingness to rehabilitate the property.

17 SECTION 4. This Act takes effect September 1, 2009.

**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

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 14, 2009**

**TO:** Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

**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.), **Committee Report 2nd House, Substituted**

**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**

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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, DB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 11, 2009**

**TO:** Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

**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 Engrossed**

**No fiscal implication to the State is anticipated.**

The bill would amend the 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.

**Local Government Impact**

The fiscal impact 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, DB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 13, 2009**

**TO:** Honorable Yvonne Davis, Chair, House Committee on Urban Affairs

**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 Introduced**

**No fiscal implication to the State is anticipated.**

The bill would amend the 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.

**Local Government Impact**

The fiscal impact 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, DB