

SENATE AMENDMENTS

2nd Printing

By: Bohac

H.B. No. 3065

A BILL TO BE ENTITLED

1 AN ACT

2 relating to municipal registration of vacant buildings in certain
3 municipalities.

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

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

7 SUBCHAPTER H. REGISTRATION OF VACANT BUILDINGS IN CERTAIN
8 MUNICIPALITIES

9 Sec. 214.231. DEFINITIONS. In this subchapter:

10 (1) "Building" means any enclosed structure designed
11 for use as a habitation or for a commercial use, including engaging
12 in trade or manufacture.

13 (2) "Owner" means the person that owns the real
14 property on which a building is situated, according to:

15 (A) the real property records of the county in
16 which the property is located; or

17 (B) the records of the appraisal district in
18 which the property is located.

19 (3) "Unit" means an enclosed area designed:

20 (A) for habitation by a single family; or

21 (B) for a commercial use, including engaging in
22 trade or manufacture, by a tenant.

23 Sec. 214.2315. APPLICABILITY. This subchapter applies only
24 to a municipality with a population greater than 1.9 million.

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

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

6 (2) the building contains more than three units, 75
7 percent or more of which have not been used lawfully, or reasonably
8 appear not to have been used lawfully, for more than 150 days.

9 Sec. 214.233. REGISTRATION. (a) A municipality by
10 ordinance may require the owner of a vacant building to register the
11 building by filing a completed registration form with a designated
12 municipal official not later than the later of the 30th day after
13 the date:

14 (1) the building becomes vacant; or

15 (2) the person becomes the owner of the building.

16 (b) A municipality, in the ordinance adopted under this
17 subchapter, may exempt certain classifications of buildings as
18 determined reasonable and appropriate by the governing body of the
19 municipality.

20 Sec. 214.234. EXPIRATION AND RENEWAL. (a) The ordinance
21 may provide that a registration under this subchapter:

22 (1) expires automatically on the first anniversary of
23 the date the owner filed a registration form under Section 214.233;
24 and

25 (2) must be renewed on or before the 30th day before
26 the date the registration expires, unless the building is no longer
27 vacant.

1 (b) The ordinance may prohibit an owner from renewing a
2 registration under this subchapter if a violation of an ordinance
3 that resulted in the issuance of a citation has not been remedied in
4 compliance with all applicable municipal ordinances or codes.

5 Sec. 214.235. FORM. (a) A designated municipal official
6 shall adopt a form for registration under this subchapter, which
7 may require:

8 (1) the legibly printed name of the owner or the
9 owner's authorized agent and a notarized signature attesting on
10 personal knowledge and under oath to the accuracy of:

11 (A) all statements on the registration form; and

12 (B) any documents submitted with the form;

13 (2) the disclosure of any information reasonably
14 necessary for the municipality to minimize the threat to health,
15 safety, and welfare that a vacant building may present to the
16 public, which may include:

17 (A) a legal description of the real property on
18 which the building is situated;

19 (B) the physical address of the building;

20 (C) the name, mailing address, physical address,
21 and telephone number of the owner of the building; and

22 (D) the name, mailing address, physical address
23 in this state, and telephone number of a natural person at least 21
24 years of age authorized by the owner of the building as the owner's
25 agent for the receipt of notices from the municipality pertaining
26 to the building and for the receipt of process;

27 (3) a statement that the building is secured to

1 prevent unauthorized entry, with a brief description of the means
2 by which the building has been secured;

3 (4) a statement that one or more signs have been posted
4 at the entrance to the building, reasonably likely to come to the
5 attention of intruders, stating that unauthorized entry is
6 forbidden; and

7 (5) a certificate issued by an insurance company
8 authorized by the Texas Department of Insurance to transact
9 business in this state evidencing a liability insurance policy
10 covering the building in an amount required under Section 214.236.

11 (b) An owner whose net worth exceeds \$100 million may submit
12 a letter evidencing self-insurance in an amount required by Section
13 214.236 in lieu of a certificate issued by the Texas Department of
14 Insurance under Subsection (a)(5).

15 Sec. 214.236. INSURANCE REQUIREMENT. An ordinance may
16 require an owner to insure a vacant building registered under this
17 subchapter in an amount:

18 (1) not less than \$250,000 for a building containing
19 more than 2 but fewer than 20 units designed for habitation; or

20 (2) not less than \$500,000 for any other building.

21 Sec. 214.237. FEE PROHIBITED. An ordinance may not require
22 the payment of a fee for a registration or renewal under this
23 subchapter.

24 Sec. 214.238. REGISTRATION SUPPLEMENT OR AMENDMENT. An
25 ordinance may require an owner to supplement or amend a
26 registration under this subchapter not later than the 30th day
27 after the date the owner knows or reasonably should know that a

1 statement on the building's current registration form, or on any
2 document submitted with the building's current registration form,
3 is incomplete or otherwise inaccurate.

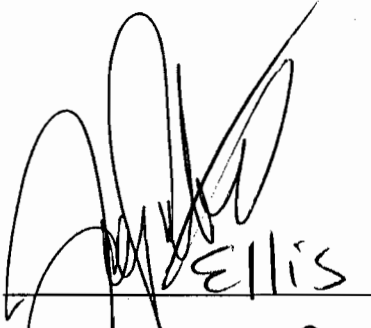
4 SECTION 2. This Act takes effect January 1, 2010.

ADOPTED

MAY 26 2009

Atty. Gen.
Secretary of the Senate

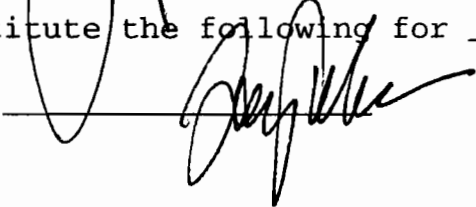
By:


ELLIS

H.B. No. 3005

Substitute the following for H.B. No. 3005:

By:



C.S. H.B. No. 3065

A BILL TO BE ENTITLED

1 AN ACT
2 relating to municipal registration of vacant buildings in
3 certain counties; providing a penalty.

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

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

7 SUBCHAPTER H. REGISTRATION OF VACANT BUILDINGS

8 Sec. 214.231. DEFINITIONS. In this subchapter:

9 (1) "Building" means any enclosed structure designed
10 for use as a habitation or for a commercial use, including
11 engaging in trade or manufacture.

12 (2) "Owner" means the person that owns the real
13 property on which a building is situated, according to:

14 (A) the real property records of the county in
15 which the property is located; or

16 (B) the records of the appraisal district in
17 which the property is located.

18 (3) "Unit" means an enclosed area designed:

19 (A) for habitation by a single family; or

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

3 Sec. 214.232. PRESUMPTION OF VACANCY. A building is
4 presumed to be vacant under this subchapter if:

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

8 (2) the building contains more than three units, 75
9 percent or more of which have not been used lawfully, or
10 reasonably appear not to have been used lawfully, for more than
11 150 days.

12 Sec. 214.233. REGISTRATION. (a) A municipality located
13 in a county with a population of 2.2 million or more may adopt
14 an ordinance requiring owners of vacant buildings to register
15 their buildings by filing a registration form with a designated
16 municipal official.

17 (b) A municipality, in an ordinance adopted under this
18 subchapter, may exempt certain classifications of buildings as
19 determined reasonable and appropriate by the governing body of
20 the municipality.

21 Sec. 214.234. FORM. An ordinance adopted under this
22 subchapter may require a designated municipal official to adopt
23 a form for registration. The form adopted may require the
24 disclosure of information reasonably necessary for the

1 municipality to minimize the threat to health, safety, and
2 welfare that a vacant building may present to the public.

3 Sec. 214.235. FEE. An ordinance adopted under this
4 subchapter may require the payment of a fee in an amount
5 commensurate with expenses incurred by the municipality to
6 administer the registration program.

7 Sec. 214.236. OFFENSE. (a) The owner of a vacant
8 building commits an offense if the owner violates an ordinance
9 adopted under this section.

10 (b) An offense under this section is a Class C
11 misdemeanor.

12 (c) Each day the violation continues constitutes a
13 separate offense.

14 (d) Section 3.04(a), Penal Code, does not apply to two or
15 more offenses under this section that are consolidated or joined
16 for trial under Section 3.02, Penal Code, if each of the
17 offenses is:

18 (1) for the violation of an ordinance adopted under
19 this section;

20 (2) punishable by fine only; and

21 (3) tried in a municipal court, regardless of whether
22 the court is a municipal court of record.

23 SECTION 2. This Act takes effect January 1, 2010

FLOOR AMENDMENT NO. 1

BY: Wendy R Davis

1 Amend H.B. 3065 (senate committee report) in SECTION 1 of
2 the bill, in added Sec. 214.233 (a), Local Government Code (page
3 1, line 39), by striking "2.2" and substituting "1.5".

ADOPTED

MAY 26 2009

Astley Spaw
Secretary of the Senate

ADOPTED

MAY 26 2009

FLOOR AMENDMENT NO. 2

Robert W. N. BY: Robert W. N.
Secretary of the Senate

1 Amend C.S.H.B 3065 (senate committee printing) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering appropriately numbered SECTIONS of the bill
4 accordingly:

5 SECTION _____. Subchapter Z, Chapter 214, Local Government
6 Code, is amended by adding Section 214.907 to read as follows:

7 Sec. 214.907. LIMITATION ON MUNICIPAL REQUIREMENTS OF
8 LICENSE OR PERMIT TO OCCUPY DWELLING UNIT. A municipality may
9 not require a tenant to acquire a license or permit issued by
10 the municipality as a condition for occupying or leasing an
11 individual dwelling unit in a single-family, duplex, or
12 multifamily structure. This section does not prohibit a
13 municipality from requiring a license or permit relating to the
14 nonresidential use or the condition of a dwelling unit.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

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

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

IN RE: HB3065 by Bohac (Relating to municipal registration of vacant buildings in certain counties; providing a penalty.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would add Subchapter H to Chapter 214 of the Local Government Code to authorize a municipality located in a county with a population of 1.5 million or more to adopt an ordinance to require an owner of a vacant building to register the building by filing a completed registration form with a designated municipal official. The bill would establish the minimum requirements for an ordinance governing registration of a vacant building and would allow the municipality to charge a fee in an amount commensurate with expenses incurred by the municipality to administer the registration program. A violation of a registration ordinance would be a Class C misdemeanor.

The bill would amend Subchapter Z, Chapter 214, Local Government Code, to prohibit a municipality from requiring a tenant to acquire a license or permit issued by the municipality as a condition for occupying or leasing an individual dwelling unit in a single-family, duplex, or multifamily structure. The bill would allow a municipality to require a license or permit for the nonresidential use of a dwelling unit.

The bill would take effect January 1, 2010.

Local Government Impact

Based on the population criteria and the 2000 U.S. Census, the new Subchapter H would apply to municipalities located in Dallas and Harris counties. It is assumed that upon release of the 2010 U.S. Census, Subchapter H would also apply to municipalities located in Tarrant County. No significant fiscal implication to units of local government is anticipated.

There would be no fiscal impact to a municipality as a result of the proposed changes to Subchapter Z unless a municipality has such a policy in place, in which case the municipality would experience a revenue loss. The amount of loss would depend on the number of licenses or permits that otherwise would have been issued, but is not expected to be significant.

Source Agencies:

LBB Staff: JOB, DB, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 23, 2009

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

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

IN RE: HB3065 by Bohac (Relating to municipal registration of vacant buildings in certain counties; providing a penalty.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would add Subchapter H to Chapter 214 of the Local Government Code to authorize a municipality located in a county with a population of 2.2 million or more to adopt an ordinance to require an owner of a vacant building to register the building by filing a completed registration form with a designated municipal official. The bill would establish the minimum requirements for an ordinance governing registration of a vacant building and would allow the municipality to charge a fee in an amount commensurate with expenses incurred by the municipality to administer the registration program.

A violation of a registration ordinance would be a Class C misdemeanor.

The bill would take effect January 1, 2010.

Local Government Impact

Based on the population criteria, the bill would apply to municipalities located in Dallas and Harris counties.

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, DB, SD, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 21, 2009

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

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

IN RE: HB3065 by Bohac (Relating to municipal registration of vacant buildings in certain municipalities.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would add Subchapter H to Chapter 214 of the Local Government Code to authorize a municipality with a population greater than 1.9 million to by ordinance require an owner of a vacant building to register the building by filing a completed registration form with a designated municipal official not later than the later of the 30th day after the date the building becomes vacant or the person becomes the owner of the building. The bill would establish the minimum requirements for an ordinance governing registration of a vacant building. The bill would take effect January 1, 2010.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, DB, SD, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 1, 2009

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

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

IN RE: HB3065 by Bohac (Relating to municipal registration of vacant buildings in certain municipalities.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would add Subchapter H to Chapter 214 of the Local Government Code to authorize a municipality with a population greater than 1.9 million to by ordinance require an owner of a vacant building to register the building by filing a completed registration form with a designated municipal official not later than the later of the 30th day after the date the building becomes vacant or the person becomes the owner of the building. The bill would establish the minimum requirements for an ordinance governing registration of a vacant building. The bill would take effect January 1, 2010.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SD, TP

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 20, 2009

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

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

IN RE: HB3065 by Bohac (Relating to municipal registration of vacant buildings; providing a penalty.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would add Subchapter H to Chapter 214, Local Government Code, to authorize a municipality to by ordinance require an owner of a vacant building to register the building by filing a completed registration form with a designated municipal official not later than the later of the 30th day after the date the building becomes vacant or the person becomes the owner of the building. The bill establishes the minimum requirements for an ordinance governing registration of a vacant building. If the owner of a vacant building fails to comply with the ordinance, it would be a Class C misdemeanor. Each day of violation would constitute a separate offense. The bill would take effect January 1, 2010.

A Class C misdemeanor is punishable by a fine not to exceed \$500. Fines and court costs would generate a revenue gain dependant on the number of offenses and the discretion of the judge.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, DB