

House Bill 3065
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

SUBCHAPTER H. REGISTRATION OF VACANT BUILDINGS **IN CERTAIN MUNICIPALITIES**

Sec. 214.231. DEFINITIONS. In this subchapter:

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

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

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

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

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

(A) for habitation by a single family; or

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

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

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

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

(2) the building contains more than three units, 75 percent or more of which have not been used lawfully, or

SENATE VERSION

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CONFERENCE

House Bill 3065
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

reasonably appear not to have been used lawfully, for more than 150 days.

Sec. 214.233. REGISTRATION. (a) A municipality by ordinance may require the 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:**

- (1) the building becomes vacant; or
- (2) the person becomes the owner of the building.

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

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

- (1) expires automatically on the first anniversary of the date the owner filed a registration form under Section 214.233; and
- (2) must be renewed on or before the 30th day before the date the registration expires, unless the building is no longer vacant.

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

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

SENATE VERSION

reasonably appear not to have been used lawfully, for more than 150 days.

Sec. 214.233. REGISTRATION. (a) A municipality **located in a county with a population of 1.5 million or more** may adopt an ordinance requiring owners of vacant buildings to register their buildings by filing a registration form with a designated municipal official.

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

Sec. 214.234. FORM. An ordinance adopted under this subchapter **may require a designated municipal official to adopt** a form for registration. The form adopted may

CONFERENCE

House Bill 3065
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (1) the legibly printed name of the owner or the owner's authorized agent and a notarized signature attesting on personal knowledge and under oath to the accuracy of:
- (A) all statements on the registration form; and
 - (B) any documents submitted with the form;
- (2) the disclosure of any information reasonably necessary for the municipality to minimize the threat to health, safety, and welfare that a vacant building may present to the public, which may include:
- (A) a legal description of the real property on which the building is situated;
 - (B) the physical address of the building;
 - (C) the name, mailing address, physical address, and telephone number of the owner of the building; and
 - (D) the name, mailing address, physical address in this state, and telephone number of a natural person at least 21 years of age authorized by the owner of the building as the owner's agent for the receipt of notices from the municipality pertaining to the building and for the receipt of process;
- (3) a statement that the building is secured to prevent unauthorized entry, with a brief description of the means by which the building has been secured;
- (4) a statement that one or more signs have been posted at the entrance to the building, reasonably likely to come to the attention of intruders, stating that unauthorized entry is forbidden; and
- (5) a certificate issued by an insurance company authorized by the Texas Department of Insurance to

SENATE VERSION

require

the disclosure of information reasonably necessary for the municipality to minimize the threat to health, safety, and welfare that a vacant building may present to the public.

CONFERENCE

House Bill 3065
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

transact business in this state evidencing a liability insurance policy covering the building in an amount required under Section 214.236.

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

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

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

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

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

Sec. 214.238. REGISTRATION SUPPLEMENT OR AMENDMENT. An ordinance may require an owner to supplement or amend a registration under this subchapter not later than the 30th day after the date the owner knows or reasonably should know that a statement on the building's current registration form, or on any document submitted with the building's current registration form, is incomplete or otherwise inaccurate.

SENATE VERSION

CONFERENCE

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

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

House Bill 3065
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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

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

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

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

(2) punishable by fine only; and

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

The following row was presented as similar to the language in the engrossed version of Senate Bill 1398, relating to the requirement by a municipality of a license or permit to occupy or lease a dwelling unit.

No equivalent provision.

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

Sec. 214.907. LIMITATION ON MUNICIPAL REQUIREMENTS OF LICENSE OR PERMIT TO OCCUPY DWELLING UNIT. A municipality may not require 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. This section does not prohibit a

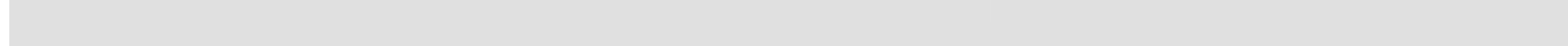
House Bill 3065
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

municipality from requiring a license or permit relating to the nonresidential use or the condition of a dwelling unit.



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

Same as House version.