

BILL ANALYSIS

H.B. 1089
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Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Recent legislative action affects the way that many cities and counties combat graffiti. Under current law, a city or county may require a property owner to remove graffiti from the owner's property only if the city or county has first offered to abate the graffiti free of charge. This has prevented cities and counties from using every tool at their disposal to remove graffiti. Graffiti contributes to lost revenue associated with reduced ridership on transit systems, reduced retail sales, and declines in property values, generates the perception of blight, and heightens fear of gang activity. Timely removal is the key to successful graffiti prevention.

H.B. 1089 strikes a balance between property owners and cities and counties. The bill removes the mandate that a city or county offer abatement free of charge. A city or county may still offer abatement but is not required to do so. This will mean more removal, less graffiti, and much less damage done to communities by vandalism.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1089 amends the Local Government Code to authorize, rather than require, a county order or municipal ordinance that requires the owner of property within the jurisdiction of the county or municipality to remove graffiti from the owner's property on receipt of notice from the county or municipality to provide that a county or municipality is prohibited from giving such notice to a property owner unless the county or municipality has offered to remove the graffiti from the owner's property free of charge and the property owner has refused the offer.

EFFECTIVE DATE

September 1, 2011.