

By: West  
(Dutton)

S.B. No. 173

A BILL TO BE ENTITLED

AN ACT

relating to civil remedy of violations of certain municipal health  
and safety ordinances.

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

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

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

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

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

SECTION 2. Subsections (a), (b), (c), and (i), Section  
214.003, Local Government Code, are amended to read as follows:

(a) A home-rule municipality may bring an action in district  
court against an owner of property that is not in substantial  
compliance with:

(1) the municipal ordinances regarding:

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

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

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

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

(2) a municipal ordinance described by Section

1 54.012(1), (2), (5), (6), (7), or (9).

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

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

9 (2) notice of violation was given to the record owner  
10 of the property; and

11 (3) a public hearing as required by Section 214.001(b)  
12 [~~214.001(d)~~] has been conducted.

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

18 [~~(1) the structures on the property are in violation~~  
19 ~~of the standards established under Section 214.001(b) and an~~  
20 ~~ordinance described by Subsection (a);~~

21 [~~(2) the structure has been reviewed by the municipal~~  
22 ~~historic preservation board and the structure meets the criteria~~  
23 ~~set forth in Section 214.00111;~~

24 [~~(3) notice of the violation was given to the record~~  
25 ~~owner of the property; and~~

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

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

3                 (1) intervene in the action; and

4                 (2) request appointment as a receiver:

5                     (A) under the same conditions as the nonprofit  
6 organization or individual; and

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

9           SECTION 3. This Act takes effect September 1, 2011.