

By: West

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. Section 54.018(b), 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. Sections 214.003(a), (b), (c), and (i), 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.