

1-1 By: West S.B. No. 173
1-2 (In the Senate - Filed November 8, 2010; January 31, 2011,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 7, 2011, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; March 7, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to civil remedy of violations of certain municipal health
1-9 and safety ordinances.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (b), Section 54.018, Local Government
1-12 Code, is amended to read as follows:

1-13 (b) In an action under this section, the municipality may
1-14 also bring:

1-15 (1) a claim for civil penalties under Section 54.017;
1-16 and

1-17 (2) an action in rem against the structure that may
1-18 result in a judgment against the structure as well as a judgment
1-19 against the defendant.

1-20 SECTION 2. Subsections (a), (b), (c), and (i), Section
1-21 214.003, Local Government Code, are amended to read as follows:

1-22 (a) A home-rule municipality may bring an action in district
1-23 court against an owner of property that is not in substantial
1-24 compliance with:

1-25 (1) the municipal ordinances regarding:

1-26 (A) ~~[(1)]~~ fire protection;

1-27 (B) ~~[(2)]~~ structural integrity;

1-28 (C) ~~[(3)]~~ zoning; or

1-29 (D) ~~[(4)]~~ disposal of refuse; or

1-30 (2) a municipal ordinance described by Section
1-31 54.012(1), ~~(2), (5), (6), (7), or (9)~~.

1-32 (b) Except as provided by Subsection (c), the court may
1-33 appoint as a receiver for the property a nonprofit organization or
1-34 an individual with a demonstrated record of rehabilitating
1-35 properties if the court finds that:

1-36 (1) the structures on the property are in violation of
1-37 the standards set forth in Section 214.001(b) and an ordinance
1-38 described by Subsection (a);

1-39 (2) notice of violation was given to the record owner
1-40 of the property; and

1-41 (3) a public hearing as required by Section 214.001(b)
1-42 [~~214.001(d)~~] has been conducted.

1-43 (c) A receiver appointed under Subsection (b) may act [The
1-44 court may appoint] as a receiver for any property, including
1-45 historic property subject to Section 214.00111 [a nonprofit
1-46 organization or an individual with a demonstrated record of
1-47 rehabilitating historical buildings if the court finds that:

1-48 [(1) the structures on the property are in violation
1-49 of the standards established under Section 214.001(b) and an
1-50 ordinance described by Subsection (a);

1-51 [(2) the structure has been reviewed by the municipal
1-52 historic preservation board and the structure meets the criteria
1-53 set forth in Section 214.00111;

1-54 [(3) notice of the violation was given to the record
1-55 owner of the property; and

1-56 [(4) a public hearing as required by Section 214.001
1-57 has been conducted].

1-58 (i) Any record lienholder may, after initiation of an action
1-59 by a municipality:

1-60 (1) intervene in the action; and

1-61 (2) request appointment as a receiver:

1-62 (A) under the same conditions as the nonprofit
1-63 organization or individual; and

1-64 (B) on a demonstration to the court of an ability

2-1 and willingness to rehabilitate the property.

2-2 SECTION 3. This Act takes effect September 1, 2011.

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