

By: Hinojosa

S.B. No. 1406

A BILL TO BE ENTITLED

AN ACT

relating to county regulation of property maintenance; imposing a penalty.

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

SECTION 1. Subchapter Z, Chapter 233, Local Government Code, is amended by adding Section 233.902 to read as follows:

Sec. 233.902. PROPERTY MAINTENANCE STANDARDS; REQUIRING REPAIR, REMOVAL, OR DEMOLITION OF BUILDING OR OTHER STRUCTURE.

(a) A county may by order establish minimum standards for property maintenance in the unincorporated area of the county.

(b) If the county finds that a building, bulkhead or other method of shoreline protection, fence, shed, awning, or other structure, or part of a structure, is likely to endanger persons or property, the county may:

(1) order the owner of the structure, the owner's agent, or the owner or occupant of the property on which the structure is located to repair, remove, or demolish the structure, or the part of the structure, within a specified time; or

(2) repair, remove, or demolish the structure, or the part of the structure, at the expense of the county, on behalf of the owner of the structure or the owner of the property on which the structure is located, and assess the repair, removal, or demolition expenses on the property on which the structure is located.

(c) The county by order shall provide for:

1           (1) the assessment of repair, removal, or demolition  
2 expenses incurred under Subsection (b)(2);

3           (2) a method of giving notice of the assessment; and

4           (3) a method of recovering the expenses.

5           (d) If a county incurs expenses under Subsection (b), the  
6 county may assess the expenses on the property on which the  
7 structure is located. The county may obtain a lien against the  
8 property to secure the assessment, unless it is a homestead as  
9 protected by the Texas Constitution, by filing a notice of lien.  
10 The notice must contain the name and address of the owner if that  
11 information can be determined with a reasonable effort, a legal  
12 description of the real property on which the structure is located,  
13 the amount of expenses incurred by the county, and the balance due.  
14 The lien arises and attaches to the property at the time the notice  
15 is recorded and indexed in the office of the county clerk in each  
16 county in which the property is located.

17           (e) The county may punish by fine a person who does not  
18 comply with an order issued under Subsection (b)(1).

19           SECTION 2. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2011.