

## **BILL ANALYSIS**

H.J.R. 123  
By: Bonnen, Dennis  
Urban Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties have raised concerns regarding the prohibition against a municipality placing a lien on a homestead property, even when the municipality incurs expenses to abate a substandard building, and they contend that as a result municipalities may be left in an unprotected position. The parties further contend that structures declared substandard and dangerous must be secured, repaired, or demolished for the safety of the neighboring structures, in addition to ensuring that the neighborhood does not become a blighted area. They note that the municipality must act regardless of whether the substandard structure is located on a homestead property and that the money spent on abating a substandard building on homestead property rarely is recovered. The parties believe that providing municipalities with the authority to place a valid lien on a homestead property will allow the proceeds of the sale of any homestead to return previously spent public funds and that the placing of such a lien may motivate property owners to address the substandard structure themselves. H.J.R. 123, in conjunction with H.B. 2757, seeks to authorize a municipality to place a lien on homestead property for expenses incurred in addressing a substandard building on the homestead property.

### **RULEMAKING AUTHORITY**

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

### **ANALYSIS**

H.J.R. 123 proposes an amendment to the Texas Constitution to establish that the homestead of a family, or of a single adult person, is not protected from forced sale for the payment of the costs incurred by a municipality to vacate, secure, repair, remove, or demolish a dangerous structure on the homestead property as authorized by the legislature by general law.

### **ELECTION DATE**

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 5, 2013.