

By: Bonnen of Brazoria

H.B. No. 2757

A BILL TO BE ENTITLED

1 AN ACT

2 relating to authorizing a municipality to file a lien on homestead  
3 property for the costs incurred by the municipality related to a  
4 dangerous structure on the property.

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

6 SECTION 1. Section 214.001(n), Local Government Code, is  
7 amended to read as follows:

8 (n) If a municipality incurs expenses under Subsection (m),  
9 the municipality may assess the expenses on, and the municipality  
10 has a lien against, [~~unless it is a homestead as protected by the~~  
11 ~~Texas Constitution,~~] the property on which the building was  
12 located. The lien is extinguished if the property owner or another  
13 person having an interest in the legal title to the property  
14 reimburses the municipality for the expenses. The lien arises and  
15 attaches to the property at the time the notice of the lien is  
16 recorded and indexed in the office of the county clerk in the county  
17 in which the property is located. The notice must contain the name  
18 and address of the owner if that information can be determined with  
19 a reasonable effort, a legal description of the real property on  
20 which the building was located, the amount of expenses incurred by  
21 the municipality, and the balance due.

22 SECTION 2. Section 214.0015(d), Local Government Code, is  
23 amended to read as follows:

24 (d) The municipality shall impose a lien against the land on

1 which the building stands or stood[~~, unless it is a homestead as~~  
2 ~~protected by the Texas Constitution,~~] to secure the payment of the  
3 repair, removal, or demolition expenses or the civil penalty.  
4 Promptly after the imposition of the lien, the municipality must  
5 file for record, in recordable form in the office of the county  
6 clerk of the county in which the land is located, a written notice  
7 of the imposition of the lien. The notice must contain a legal  
8 description of the land.

9 SECTION 3. Section 214.101(e), Local Government Code, is  
10 amended to read as follows:

11 (e) If a municipality incurs expenses under this  
12 subchapter, the municipality may assess the expenses on, and the  
13 municipality has a lien against, [~~unless it is a homestead as~~  
14 ~~protected by the Texas Constitution,~~] the property on which the  
15 swimming pool or the enclosure or fence is situated. The lien is  
16 extinguished if the property owner or another person having an  
17 interest in the legal title to the property reimburses the  
18 municipality for the expenses. The lien arises and attaches to the  
19 property at the time the notice of the lien is recorded in the  
20 office of the county clerk in the county in which the property is  
21 situated. The notice must contain the name and address of the owner  
22 if that information can be determined with a reasonable effort, a  
23 legal description of the real property on which the swimming pool or  
24 the enclosure or fence is situated, the amount of expenses incurred  
25 by the municipality, and the balance due. The lien is a privileged  
26 lien subordinate only to tax liens and all previously recorded bona  
27 fide mortgage liens attached to the real property to which the

1 municipality's lien attaches.

2           SECTION 4. This Act takes effect January 1, 2014, but only  
3 if the constitutional amendment proposed by the 83rd Legislature,  
4 Regular Session, 2013, authorizing the foreclosure of a lien  
5 against homestead property for costs incurred by a municipality to  
6 vacate, secure, repair, remove, or demolish a dangerous structure  
7 on the homestead property is approved by the voters. If that  
8 amendment is not approved by the voters, this Act has no effect.