TO: Honorable Juan Hinojosa, Chair, Senate Committee on Intergovernmental Relations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **SB1087** by Campbell (Relating to the authority of a municipality to file a lien for the costs of abatement of a floodplain ordinance violation; providing a civil penalty.), **As Introduced**

> **No fiscal implication to the State is anticipated.**

The bill would amend Section 54.012 of the Local Government Code to authorize a municipality to bring a civil action for the enforcement of an ordinance for the preservation of public safety or public health relating to floodplain control and administration. A civil penalty under this subchapter would be a Class C misdemeanor punishable by a fine of not more than $500.

The bill would add Section 54.020 to the Local Government Code to authorize a municipality to abate a violation of a floodplain management ordinance to bring real property into compliance if the owner fails to comply after receiving notice and opportunity to comply. A municipality could assess the costs incurred against the property and would have a lien on the property at an annual rate of 10 percent on the amount due until the municipality is paid. A municipality may file suit to foreclose the lien to recover the unpaid costs and interest.

Local Government Impact

There would be costs incurred by a municipality that brings real property into floodplain management compliance if an owner fails to do so; however, the amounts would vary depending on the costs for abatement and the number of instances. In addition, costs incurred may be offset by recovered costs and the interest earned.

Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact.

Source Agencies:
LBB Staff: UP, KKR, TP