

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 29, 2013

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 certain municipalities to file a lien for the costs of abatement of a floodplain ordinance violation; providing a civil penalty.),
Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated.

The bill would amend Section 54.012 to the Local Government Code to authorize a municipality that contains more than 75 percent of the population of a county with a population of 1.5 million or more 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 for conduct classified by statute 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 that contains more than 75 percent of the population of a county with a population of 1.5 million or more 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.

Based on the applicability criteria, the provisions would only apply to a municipality in Bexar County.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: UP, KKR, TP