

By: Thierry

H.B. No. 3871

A BILL TO BE ENTITLED

AN ACT

relating to substandard residential building fines issued by certain municipalities.

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

SECTION 1. Subchapter Z, Chapter 214, Local Government Code, is amended by adding Section 214.906 to read as follows:

Sec. 214.906. SUBSTANDARD RESIDENTIAL BUILDING FINE ISSUED BY CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality located in a county with a population of 3.3 million or more.

(b) In this section:

(1) "Residential building" means:

(A) a single-family residential building leased or rented by the owner of the building to another person; or

(B) a multifamily residential building containing more than one dwelling unit leased or rented by the owner of the building to another person.

(2) "Substandard residential building" means a residential building that is:

(A) dilapidated or unfit for human habitation; and

(B) a hazard to the public health, safety, or welfare.

(3) "Substandard residential building fine" means a

1 fine or penalty imposed by a municipality on the owner of a
2 substandard residential building under a municipal ordinance
3 applicable to the condition of the building.

4 (c) An owner of a substandard residential building is
5 personally liable for the payment of a substandard residential
6 building fine imposed for the owner's building.

7 (d) A municipality may file a lien on the property on which a
8 substandard residential building is located, and for which the
9 owner has received a substandard residential building fine, for the
10 amount of the fine. The lien arises and attaches to the property at
11 the time the notice of the lien is recorded and indexed in the
12 office of the county clerk in the county in which the property is
13 located. The notice must contain the name and address of the owner
14 if that information can be determined with reasonable effort, a
15 legal description of the property, and the amount of the unpaid
16 balance of the fine imposed by the municipality. The lien is
17 extinguished if the property owner or another person having an
18 interest in the legal title to the property pays the fine. The lien
19 is inferior to any previously recorded bona fide mortgage lien
20 attached to the property to which the municipality's lien attaches
21 if the mortgage lien was filed for record in the office of the
22 county clerk of the county in which the property is located before
23 the date the fine was imposed by the municipality. The
24 municipality's lien is superior to all other previously recorded
25 judgment liens.

26 SECTION 2. The change in law made by this Act applies only
27 to a substandard residential building fine, as defined by Section

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1 214.906, Local Government Code, as added by this Act, that is issued
2 by a municipality on or after the effective date of this Act.

3 SECTION 3. This Act takes effect September 1, 2017.