

By: Ortega, Neave, Farrar, White

H.B. No. 36

A BILL TO BE ENTITLED

1 AN ACT

2 relating to expedited proceedings in cases involving dangerously
3 damaged or deteriorated or substandard buildings or improvements in
4 a municipality.

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

6 SECTION 1. Section 51.014(a), Civil Practice and Remedies
7 Code, is amended to read as follows:

8 (a) A person may appeal from an interlocutory order of a
9 district court, county court at law, statutory probate court, or
10 county court that:

11 (1) appoints a receiver or trustee;

12 (2) overrules a motion to vacate an order that
13 appoints a receiver or trustee;

14 (3) certifies or refuses to certify a class in a suit
15 brought under Rule 42 of the Texas Rules of Civil Procedure;

16 (4) grants or refuses a temporary injunction or grants
17 or overrules a motion to dissolve a temporary injunction as
18 provided by Chapter 65;

19 (5) denies a motion for summary judgment that is based
20 on an assertion of immunity by an individual who is an officer or
21 employee of the state or a political subdivision of the state;

22 (6) denies a motion for summary judgment that is based
23 in whole or in part upon a claim against or defense by a member of
24 the electronic or print media, acting in such capacity, or a person

1 whose communication appears in or is published by the electronic or
2 print media, arising under the free speech or free press clause of
3 the First Amendment to the United States Constitution, or Article
4 I, Section 8, of the Texas Constitution, or Chapter 73;

5 (7) grants or denies the special appearance of a
6 defendant under Rule 120a, Texas Rules of Civil Procedure, except
7 in a suit brought under the Family Code;

8 (8) grants or denies a plea to the jurisdiction by a
9 governmental unit as that term is defined in Section 101.001;

10 (9) denies all or part of the relief sought by a motion
11 under Section 74.351(b), except that an appeal may not be taken from
12 an order granting an extension under Section 74.351;

13 (10) grants relief sought by a motion under Section
14 74.351(1);

15 (11) denies a motion to dismiss filed under Section
16 90.007;

17 (12) denies a motion to dismiss filed under Section
18 27.003; ~~or~~

19 (13) denies a motion for summary judgment filed by an
20 electric utility regarding liability in a suit subject to Section
21 75.0022; or

22 (14) denies a motion filed by a governmental unit as
23 defined by Section 101.001 of this code in an action filed under
24 Section 54.012(6) or 214.0012, Local Government Code.

25 SECTION 2. Subchapter B, Chapter 54, Local Government Code,
26 is amended by adding Section 54.0155 to read as follows:

27 Sec. 54.0155. EXPEDITED PROCEEDINGS FOR CERTAIN CIVIL

1 ACTIONS. (a) A court shall expedite any proceeding, including an
2 appeal in accordance with Subsection (b), related to a suit brought
3 under this subchapter for the enforcement of an ordinance relating
4 to dangerously damaged or deteriorated structures or improvements
5 as described by Section 54.012(6).

6 (b) An appeal of a suit described by Subsection (a) is
7 governed by the procedures for accelerated appeals in civil cases
8 under the Texas Rules of Appellate Procedure. The appellate court
9 shall render its final order or judgment with the least possible
10 delay.

11 SECTION 3. Section 214.001, Local Government Code, is
12 amended by adding Subsection (s) to read as follows:

13 (s) A court shall expedite any proceeding, including an
14 appeal in accordance with Section 214.0012, related to a
15 substandard building determination under this section.

16 SECTION 4. Section 214.0012, Local Government Code, is
17 amended by adding Subsection (i) to read as follows:

18 (i) An appeal under this section is governed by the
19 procedures for accelerated appeals in civil cases under the Texas
20 Rules of Appellate Procedure. The district court shall render its
21 final order or judgment with the least possible delay.

22 SECTION 5. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2019.