

By: Gates

H.B. No. 1877

A BILL TO BE ENTITLED

AN ACT

relating to county and municipal regulation of repairs to vacant residential buildings.

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

SECTION 1. Chapter 250, Local Government Code, is amended by adding Section 250.011 to read as follows:

Sec. 250.011. AUTHORITY TO REGULATE REPAIRS TO VACANT RESIDENTIAL BUILDINGS. (a) A county or municipality may not adopt or enforce an order, ordinance, or other regulation that requires an owner of a vacant residential building, when repairing damage to the building, to improve the building to a condition that is better than would have been legally acceptable before the damage occurred, including by requiring conformance to updated building code standards.

(b) The governor may not exempt a county or municipality from the prohibition described by Subsection (a) by an executive order issued under Chapter 418, Government Code.

(c) An owner of a vacant residential building who is required to improve the building in violation of Subsection (a) may bring an action against the county or municipality that violated that subsection for damages incurred due to the violation. The owner may recover reasonable attorney's fees and litigation costs if the owner prevails in the action. Governmental immunity of the county or municipality to suit and from liability is waived to the

1 extent of liability created by this subsection.

2 SECTION 2. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2021.