

By: Gates

H.B. No. 1878

A BILL TO BE ENTITLED

AN ACT

relating to municipal and county permitting requirements to conduct certain repairs on vacant residential buildings.

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 214.909 to read as follows:

Sec. 214.909. REPAIRS TO VACANT RESIDENTIAL BUILDINGS. (a)

A municipality may not adopt or enforce an ordinance or other regulation that requires an owner of a vacant residential building to obtain a permit to conduct repairs to the building if the repairs are necessary to:

(1) protect public safety; or

(2) prevent further damage to the building.

(b) The governor may not exempt a 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 obtain a permit in violation of Subsection (a) may bring an action against the 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 municipality to suit and from liability is waived to the extent of liability created by this subsection.

1 SECTION 2. Subchapter 2, Chapter 233, Local Government
2 Code, is amended by adding Section 233.902 to read as follows:

3 Sec. 233.902. REPAIRS TO VACANT RESIDENTIAL BUILDINGS. (a)
4 A county may not adopt or enforce an order or other regulation that
5 requires an owner of a vacant residential building to obtain a
6 permit to conduct repairs to the building if the repairs are
7 necessary to:

8 (1) protect public safety; or

9 (2) prevent further damage to the building.

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

13 (c) An owner of a vacant residential building who is
14 required to obtain a permit in violation of Subsection (a) may bring
15 an action against the county that violated that subsection for
16 damages incurred due to the violation. The owner may recover
17 reasonable attorney's fees and litigation costs if the owner
18 prevails in the action. Governmental immunity of the county to suit
19 and from liability is waived to the extent of liability created by
20 this subsection.

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