

## **BILL ANALYSIS**

H.B. 3160  
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Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties point out that if the owner of a property dies without a will and no heir steps forward to maintain the property, it may become abandoned and dilapidated and can quickly become an eyesore or even a danger to the surrounding community. The parties add that the same situation can occur when there are multiple or unknown heirs and the estate is never administered, in which case a property can also sit vacant and abandoned for years. The parties report that cities such as Dallas are forced to become the caretakers of such abandoned properties and often will file a lien against a property to secure the debt incurred by the city for the city's maintenance of the property. The parties contend that in these instances the city essentially becomes a creditor of the estate and has standing to file an application for administration of the estate in order to initiate the disposition of the property. However, the parties assert that an application for administration of an estate must be filed by a certain date after the decedent's death, often preventing a city from seeking the administration of an estate that could potentially become a danger to the general public because the owner has been deceased for a longer period than the period allowed for applying for administration of an estate. H.B. 3160 addresses these concerns.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 3160 amends the Estates Code to establish that the period for filing an application for the grant of letters testamentary or of administration of an estate does not apply if administration is necessary to prevent real property in a decedent's estate from becoming a danger to the health, safety, or welfare of the general public and the applicant for the issuance of letters testamentary or of administration is a home-rule municipality that is a creditor of the estate. The bill specifies that a necessity for a grant of letters of administration is considered to exist if the administration is necessary to prevent real property in a decedent's estate from becoming a danger to the health, safety, or welfare of the general public.

### **EFFECTIVE DATE**

September 1, 2015.