

**SUBJECT:** Authority of cities to abate nuisances

**COMMITTEE:** Urban Affairs — substitute recommended

**VOTE:** 7 ayes — Hill, Conley, Bailey, Ehrhardt, Staples, Thompson, Woolley  
0 nays  
1 present, not voting — Tillery  
1 absent — Davila

**WITNESSES:** For — Beatrice Link, City of Houston; Joan Douglas, City of Houston  
Against — None  
On — Pamela Brown, Texas Legal Services Center

**DIGEST:** CSHB 2097 would allow lienholders and mortgagees to relocate tenants of a building classified as substandard by a city if the building's owner did not follow the city's orders to relocate the tenants in a certain amount of time.

After the expiration of the time allotted for the repair, removal or demolition of a building, a city — during an administrative hearing — could assess and recover from a property owner a civil penalty of up to \$1,000 a day for each violation, or if the property was the owner's homestead, up to \$10 a day. The city must prove that the property owner was notified of and failed to comply with the requirements of the ordinance. Assessment of the civil penalty would be final and binding and would constitute prima facie evidence for the penalty in any lawsuit brought by the city for a final judgment in accordance with the assessed penalty. The substitute provides that to enforce a civil penalty, the city clerk or secretary must file with the city's home county district clerk a copy of the order stating the amount and duration of a penalty assessed against a property owner who violates the city's building ordinances.

A city would be authorized — without giving notice to the property owner — to cut down weeds that have grown higher than 48 inches and are an

immediate danger to the health, life, or safety of any person. The city would be required to give notice to the property owner after the weeds have been cut and the property owner could request an administrative hearing concerning the cutting of the weeds.

**SUPPORTERS  
SAY:**

CSHB 2097 would help cities hasten the rehabilitation, securing or demolition of abandoned dangerous buildings, the cutting of severely weeded lots and the removal of endangered occupants from buildings that are dilapidated and unsafe. Granting cities this authority would help curb crime and abate health and safety hazards and neighborhood deterioration.

**OPPONENTS  
SAY:**

No apparent opposition.

**NOTES:**

The substitute would reduce the maximum daily civil penalty for homestead property from \$1,000 to \$10, add provisions that civil penalty assessments constitute prima facie evidence in judicial proceedings and provide that to enforce a civil penalty, the city's clerk or secretary must file with the city's home county district clerk a copy of the order stating the amount and duration of a penalty assessed against a property owner who violates the city's building ordinances.