

**SUBJECT:** Exempting Houston from city filing requirement for building orders

**COMMITTEE:** Urban Affairs — favorable, without amendment

**VOTE:** 6 ayes — Talton, Van Arsdale, Bailey, Edwards, Hunter, Wong

0 nays

1 absent — Menendez

**WITNESSES:** None

**BACKGROUND:** Local Government Code, Ch. 214, subch. A, applies to dangerous structures within a municipality. Sec. 214.001(d) authorizes a municipality, after public hearing, to order that a building be vacated, secured, repaired, removed, or demolished within a reasonable time. It also authorizes a municipality to order the relocation of a building's occupants within a reasonable time. A notice of the hearing must be sent to the building owner, lienholder, or mortgagee. The statute requires the municipality to personally deliver or send by certified mail, return receipt requested, notice to each identified mortgagee and lienholder containing:

- an identification of the building and property on which it is located;
- a description of the violation of municipal standards; and
- a statement that the municipality will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time.

Sec. 214.001(f) requires the municipality to file a copy of its order, within 10 days of issuing it, in the office of the municipal secretary or clerk and to publish a summary of the order in a newspaper of general circulation.

Local Government Code, sec. 54.033 authorizes municipalities to provide for the appointment of a building and standards commission to hear and determine cases concerning alleged ordinance violations. Houston has appointed a commission for this purpose.

Sec. 54.035 requires the commission to promptly deliver or mail a copy of its decision (order), after it becomes final, to the record owners and each holder of a recorded lien against the affected property. It requires the notification of all unknown owners by posting a copy of the order on the front door of each improvement situation on the affected property or as close to the front door as practicable.

Sec. 54.039 requires the commission to publish an abbreviated copy of the order one time in a newspaper of general circulation in the municipality within 10 calendar days after the date of the delivery or mailing of the order, including a brief statement indicating the results of the order, and instructions stating where a complete copy of the order may be obtained. The commission also must file a copy in the office of the municipal secretary or clerk.

The statute authorizes the owner, lien-holder, or mortgagee of record aggrieved by any order of the commission to appeal the order to district court.

**DIGEST:**

HB 2732 would exempt a municipality with a population of 1.9 million or more (Houston) from the requirement that the building and standards commission file copies of its orders with the municipal secretary or clerk.

The bill also would exempt Houston from the requirement that a city file copies with the municipal secretary or clerk of its orders to vacate, secure, repair, remove, or demolish a building or remove its occupants.

The bill would take effect September 1, 2003.

**SUPPORTERS  
SAY:**

HB 2732 would eliminate an unnecessary requirement that the building and standards commission of Houston file copies of its orders in the office of the municipal clerk. The city secretary has received just two requests to examine commission's orders in eight years. The requirement for the secretary to continue accumulating boxes of the orders is inconvenient and wasteful, particularly in Houston where a large number of these orders are filed.

In addition, the principal reason for needing a copy of an order of the commission is to appeal that order to district court. The statute already requires that all owners and lien-holders of the property receive their own copies of the commission's order, which they can use for filing an appeal. The

Houston Planning and Development Department, which houses the city's building and standards commission, also keeps copies of the orders, which the department can provide upon request.

Notices in newspapers provide another method for the public to receive notice of a commission's order. Also, when a city demolishes a building, its files a lien on the property with the county clerk.

**OPPONENTS  
SAY:**

No apparent opposition.