

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 36
By: Ortega et al. (Rodríguez)
Intergovernmental Relations
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been reported that certain court proceedings for cases involving dangerously damaged or deteriorated or substandard buildings can take several years to be resolved. If a structure is considered dangerous at the time the judicial process begins, it may become even more unsafe while the process is ongoing and may create secondary effects leading to public welfare risks. H.B. 36 seeks to remedy this problem and prevent prolonged litigation by expediting court proceedings related to the enforcement of a municipal ordinance concerning dangerously damaged or deteriorated or substandard structures or improvements.

C.S.H.B. 36 amends the Civil Practice and Remedies Code and the Local Government Code to expedite certain court proceedings for cities with a population of 500,000 or more.

C.S.H.B. 36 amends current law relating to expedited proceedings in cases involving dangerously damaged or deteriorated or substandard buildings or improvements in a municipality.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.014(a), Civil Practice and Remedies Code, as follows:

(a) Authorizes a person to appeal from an interlocutory order of a district court, county court at law, statutory probate court, or county court that:

(1)–(11) makes no changes to these subdivisions;

(12)–(13) makes nonsubstantive changes to these subdivisions; or

(14) denies a motion filed by a municipality with a population of 500,000 or more in an action filed under Section 54.012(6) (relating to authorizing a municipality to bring a civil action for the enforcement of an ordinance relating to dangerously damaged or deteriorated structures or improvements) or 214.0012 (Judicial Review), Local Government Code.

SECTION 2. Amends Subchapter B, Chapter 54, Local Government Code, by adding Section 54.0155, as follows:

Sec. 54.0155. EXPEDITED PROCEEDINGS FOR CERTAIN CIVIL ACTIONS. (a) Requires a court to expedite any proceeding, including an appeal in accordance with Subsection (b), related to a suit brought under this subchapter (Municipal Health and Safety Ordinances) for the enforcement of an ordinance adopted by a municipality with a population of 500,000 or more relating to dangerously damaged or deteriorated structures or improvements as described by Section 54.012(6).

(b) Provides that an appeal of a suit described by Subsection (a) is governed by the procedures for accelerated appeals in civil cases under the Texas Rules of Appellate Procedure. Requires the appellate court to render its final order or judgment with the least possible delay.

SECTION 3. Amends Section 214.001, Local Government Code, by adding Subsection (s) to require a court to expedite any proceeding, including an appeal in accordance with Section 214.0012, related to a substandard building determination under this section (Authority Regarding Substandard Building) by a municipality with a population of 500,000 or more.

SECTION 4. Amends Section 214.0012, Local Government Code, by adding Subsection (i) provide that an appeal under this section for an action in which a municipality with a population of 500,000 or more is a party is governed by the procedures for accelerated appeals in civil cases under the Texas Rules of Appellate Procedure. Requires the district court to render its final order or judgment with the least possible delay.

SECTION 5. Effective date: upon passage or September 1, 2019.