

BILL ANALYSIS

Senate Research Center

H.B. 1138
By: Puente (Gallegos)
Intergovernmental Relations
5-5-97
Engrossed

DIGEST

Currently, the only recourse citizens can take when municipal safety and health ordinances are violated in their neighborhoods is to contact their city's Code Compliance Department. This bill provides a municipality the power to use volunteers from a neighborhood association (association) to help enforce municipal ordinances that concern health and safety in the association's neighborhood.

PURPOSE

As proposed, H.B. 1138 sets forth provisions regarding the use of neighborhood associations in the enforcement of certain municipal health and safety ordinances.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 54B, Local Government Code, by adding Section 54.020, as follows:

Sec. 54.020. USE OF NEIGHBORHOOD ASSOCIATIONS IN ENFORCEMENT OF CERTAIN ORDINANCES. Defines "neighborhood association." Authorizes a municipality to institute a program to use volunteers from a neighborhood association (association) to help enforce certain municipal ordinances that concern health and safety in the association's neighborhood. Authorizes the health and safety ordinances included in the program to be only those for which a violation can be observed without entering the property at which the violation occurs. Requires the municipality to establish a training program for volunteers that includes certain methods of instruction. Authorizes a person trained under Subsection (c) who observes a suspected violation of an ordinance covered by the program to inform certain people or agencies. Provides that a person trained under Subsection (c) is prohibited from acting in a certain capacity. Authorizes a municipality by ordinance to provide that the notice of violation served on the suspected violator is considered the first warning of a violation of a municipal ordinance. Provides that a person trained under Subsection (c) is not entitled to certain compensation or indemnification. Provides that the municipality and the state are not liable for any damages that result under this section. Requires the volunteer to be held liable under certain conditions.

SECTION 2. Emergency clause.
Effective date: upon passage.