

BILL ANALYSIS

C.S.H.B. 1892
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that court proceedings for substandard buildings can take several years to be resolved, often posing further risks to public health and safety as the buildings may become even more dangerous while the judicial process is ongoing. C.S.H.B. 1892 seeks to remedy this situation by requiring the expedition of any court proceeding, including an appeal, relating to certain health and safety municipal ordinances and substandard-building determinations made by a municipality.

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

C.S.H.B. 1892 amends the Local Government Code to require a court to expedite any proceeding, including an appeal, related to a suit brought for the enforcement of a municipal health and safety ordinance relating to dangerously damaged or deteriorated structures or improvements or related to a substandard building determination made by a municipality. The bill establishes that appeals of such suits are governed by the procedures for accelerated appeals in civil cases under the Texas Rules of Appellate Procedure and requires the appellate court to render the applicable final order or judgment with the least possible delay.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1892 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter B, Chapter 54, Local Government Code, is amended by

adding Section 54.0155 to read as follows:
Sec. 54.0155. EXPEDITED PROCEEDINGS FOR CERTAIN CIVIL ACTIONS. (a) A court shall expedite any proceeding, including an appeal in accordance with Subsection (b), related to a suit brought under this subchapter for the enforcement of an ordinance relating to dangerously damaged or deteriorated structures or improvements as described by Section 54.012(6).
(b) 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. The appellate court shall render its final order or judgment with the least possible delay.

SECTION 1. Section 214.001, Local Government Code, is amended by adding Subsection (s) to read as follows:

(s) A court shall expedite any proceeding, including all appeals, related to a substandard building determination under this section.

No equivalent provision.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SECTION 2. Section 214.001, Local Government Code, is amended by adding Subsection (s) to read as follows:

(s) A court shall expedite any proceeding, including an appeal in accordance with Section 214.0012, related to a substandard building determination under this section.

SECTION 3. Section 214.0012, Local Government Code, is amended by adding Subsection (i) to read as follows:

(i) An appeal of a suit brought under Section 214.001 is governed by the procedures for accelerated appeals in civil cases under the Texas Rules of Appellate Procedure. The appellate court shall render its final order or judgment with the least possible delay.

SECTION 4. Same as introduced version.