

BILL ANALYSIS

H.B. 3871
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Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised with regard to the compromised safety of certain residential buildings owned by out-of-state corporations due to a lack of maintenance. Informed observers assert that municipalities need greater flexibility to take enforcement actions against substandard living conditions. H.B. 3871 seeks to provide this flexibility by authorizing the imposition of substandard housing liens in certain municipalities.

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

H.B. 3871 amends the Local Government Code to make an owner of a substandard residential building in a municipality located in a county with a population of 3.3 million or more personally liable for the payment of a substandard residential building fine imposed for the owner's building by a municipality under a municipal ordinance applicable to the condition of the building. The bill defines "substandard residential building" as a residential building that is dilapidated or unfit for human habitation and is a hazard to the public health, safety, or welfare.

H.B. 3871 authorizes a municipality to file a lien on the property on which a substandard residential building is located, and for which the owner has received a substandard residential building fine, for the amount of the fine and establishes that the lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The bill requires the notice to contain the name and address of the owner if that information can be determined with reasonable effort, a legal description of the property, and the amount of the unpaid balance of the fine imposed by the municipality. The bill extinguishes the lien if the property owner or another person having an interest in the legal title to the property pays the fine. The bill makes the lien inferior to any previously recorded bona fide mortgage lien attached to the property to which the municipality's lien attaches if the mortgage lien was filed for record in the office of the county clerk of the county in which the property is located before the date the fine was imposed by the municipality. The bill makes the municipality's lien superior to all other previously recorded judgment liens.

EFFECTIVE DATE

September 1, 2017.