

- SUBJECT:** Mosquito abatement on abandoned or foreclosed residential property
- COMMITTEE:** Urban Affairs — favorable, without amendment
- VOTE:** 5 ayes — Dutton, Alvarado, Elkins, Leach, J. Rodriguez  
0 nays  
2 absent — Anchia, Sanford
- WITNESSES:** For — Craig Pardue, Dallas County; Ender Reed, Texas Association of Counties; Zachary Thompson, Dallas County Health and Human Services; (*Registered, but did not testify:* Windy Johnson, Texas Conference of Urban Counties; TJ Patterson, City of Fort Worth; David Reynolds, Texas Medical Association; Sonya Hughes)  
Against — None
- BACKGROUND:** Health and Safety Code, Sec. 341.011(7), designates as a public health nuisance a “collection of water in which mosquitoes are breeding in the limits of a municipality or a collection of water that is a breeding area for *Culex quinquefasciatus* mosquitoes that can transmit diseases regardless of the collection’s location,” other than property used to produce agricultural crops.
- DIGEST:** HB 832 would allow a public official, agent, or employee of a city, county, or other local health authority to enter, without notice, the premises of a residence that was presumed to be abandoned or uninhabited due to foreclosure to inspect, investigate, and treat with larvicide any stagnant water in which mosquitoes were breeding that posed an immediate danger to the health, life, or safety of any person.
- The person entering the premises would post on the front door of the residence:
- the identity of the treating authority;
  - the purpose and date of the treatment;
  - a description of the areas of the property treated with larvicide;

- the type of larvicide used; and
- any known risks of the larvicide to humans or animals.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

**SUPPORTERS  
SAY:**

HB 832 would give another tool to counties and municipalities to proactively treat mosquito breeding grounds immediately without waiting for a court order to enter foreclosed or abandoned residential property. The bill would not require officials to notify owners of abandoned or foreclosed homes before entering the premises because delaying treatment could increase the risk of West Nile virus infection for everyone in the neighborhood. Mosquitoes have a short life cycle, which makes immediate treatment necessary.

HB 832 could help save lives by reducing the spread of mosquitoes that carry West Nile virus in Texas. In 2012, 36 people died from severe West Nile infections in a four-county area of North Texas. At the same time, a large number of homes in North Texas were abandoned or foreclosed, leaving stagnant swimming pools or other standing water to become breeding grounds for mosquitoes.

HB 832 would allow local health authority employees to enter the premises of abandoned or foreclosed residences for the sole purpose of inspecting, investigating, and treating stagnant water with mosquito larvicide. Early treatment would reduce the risk for the virus by preventing mosquitoes from breeding or eliminating them at the larval stage.

Under the bill, property owners still would be notified of any mosquito treatment on their property. The larvicide used by Dallas Health and Human Services is not a pesticide, but a growth inhibitor and bacteria that prevents mosquito larvae from developing into adult mosquitoes.

Local governments would cover the cost of the larvicide as part of their mosquito control or public health programs. The bill would not result in costs to the state.

**OPPONENTS  
SAY:**

HB 832 would set a dangerous precedent by allowing local governments to enter residential property without notice or a warrant. Local governments know mosquito season happens at the same time each year.

Even large cities like Dallas and Fort Worth would have ample time before mosquito season started to go through the usual procedure to secure a court order or warrant to enter a property. While mosquito breeding grounds should be treated as soon as possible to reduce public health risks, at the very least the last owner on record should receive notice before the county or city entered the property.

**NOTES:**

The companion bill, SB 186 by Carona, passed the Senate by a vote of 28-3 on March 12 and has been referred to the House Urban Affairs Committee.