

SUBJECT: Expediting proceedings relating to dangerously substandard buildings

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Leach, Farrar, Y. Davis, Julie Johnson, Krause, Meyer, Neave, Smith, White

0 nays

WITNESSES: For — Christopher Mosley, City of Fort Worth; Amber McKeon-Mueller, Texas Municipal League; (*Registered, but did not testify:* Brie Franco, City of Austin; Tammy Embrey, City of Corpus Christi; Guadalupe Cuellar, City of El Paso; Sally Bakko, City of Galveston; Jon Weist, City of Irving; Trevor Minyard, City of McKinney; Brandi Youngkin, City of Plano; Christine Wright, City of San Antonio; Ricardo Ramirez, City of Sugar Land; Bill Kelly, City of Houston Mayor's Office; Sandy Hoy, Texas Apartment Association; Ned Munoz, Texas Association of Builders)

Against — None

BACKGROUND: Local Government Code sec. 214.001 allows a municipality to require by ordinance the vacation, relocation of occupants, securing, repair, removal, or demolition of certain dangerously substandard or unoccupied buildings.

Local Government Code sec. 54.012 allows a municipality to bring a civil action for the enforcement of an ordinance relating to dangerously damaged or deteriorated structures or improvements. Sec. 214.0012 allows certain persons aggrieved by a municipality's order under such an ordinance to file a petition for review of the order in district court.

DIGEST: HB 36 would require courts to expedite proceedings that involve the enforcement of a municipality's ordinance relating to dangerously damaged or deteriorated structures or improvements. Appeals in these proceedings would be governed by the procedures for accelerated appeals in civil cases under the Texas Rules of Appellate Procedure. An appellate

court would render its final order or judgment with the least possible delay.

The bill also would allow for an appeal from an interlocutory order of a district court, county court at law, statutory probate court, or county court that denied a motion filed by a governmental unit in such a proceeding.

The 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, 2019.

**SUPPORTERS
SAY:**

HB 36 would promote the health, safety, and welfare of communities in Texas by prioritizing the speedy resolution of cases involving dangerously substandard buildings.

Dangerously damaged or deteriorated structures are one of the major problems facing cities, especially older urban areas. Residents often complain that these buildings are safety hazards and that they bring down the value of surrounding properties. Such structures are typically unoccupied, are used sometimes by vagrants and criminals, and are harmful to the economic development of communities. Court proceedings to address these problems typically result in the buildings' demolition. However, such proceedings can take several years to be resolved, during which time these buildings can become even more unsafe.

By expediting proceedings involving dangerously substandard buildings, HB 36 would help resolve these problems more quickly and protect the public and economic health of the communities in which these buildings are found. Judges still would have discretion over their dockets and would prioritize these cases only over others that they deemed less important.

**OPPONENTS
SAY:**

HB 36 would provide unduly preferential treatment to proceedings involving dangerously substandard buildings compared to other worthy cases in the state's crowded court system.