

BILL ANALYSIS

Senate Research Center
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H.B. 617
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Intergovernmental Relations
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Engrossed

DIGEST AND PURPOSE

Frequently, the only course of action citizens are able to take when health and safety ordinances are violated in their neighborhoods is to contact the department or agency in their city charged with enforcing code compliance. City officials may then take a significant amount of time to respond to a complaint. H.B. 617 provides for the establishment of a program for neighborhood association volunteers to help enforce certain municipal ordinances and for the training of volunteers, and sets limits on the authority of the volunteers.

RULEMAKING AUTHORITY

This bill does not expressly 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. (a) Defines "neighborhood association" under this section.

(b) Authorizes a municipality to institute a program to use volunteers from a neighborhood association to help enforce certain municipal health and safety ordinances in the association's neighborhood. Authorizes the health and safety ordinances included in the program to only be those for which a violation can be observed without entering the property at which the violation occurs. Prohibits the program from including any health or safety ordinance that relates to the National Electrical Safety Code (NESC) or to the operations of a utility.

(c) Requires the municipality to establish a training program for the volunteers that includes instruction on certain topics.

(d) Authorizes a person trained under Subsection (c) who observes a suspected violation of an ordinance covered by the program to inform certain persons or agencies.

(e) Provides that a person trained under Subsection (c) is not a peace officer and has no authority other than the authority applicable to a citizen to enforce a law other than this section. Prohibits a person training under Subsection (c) from carrying a weapon while performing activities under this section.

(f) Authorizes the municipality by ordinance to provide that the notice of violation served on the owner and a person residing on the property under Subsection (d) is considered the first warning of a violation of a municipal ordinance.

(g) Provides that a person trained under Subsection (c) is not entitled to compensation

or indemnification.

(h) Provides that the municipality and the state are not liable for any damage arising from an act or omission of a person trained under Subsection (c) in engaging in an activity under this section.

(i) Provides that a person trained under Subsection (c) who under this section makes more than one complaint to the municipality of a violation of an ordinance against the same owner of property is liable to the owner if a court determines the person acted in bad faith in making the complaints.

(j) Provides that, for purposes of Subsection (i), liability is limited to all attorney's fees and reasonable costs incurred by the owner in the court action and in establishing to the satisfaction of the municipality that no violation occurred; and provides that it is a rebuttable presumption that the person acted in bad faith if the municipality has found three or more complaints brought by the person during a six-month period to be invalid.

SECTION 2. Effective date: upon passage or September 1, 2001.