

BILL ANALYSIS

Senate Research Center
86R2666 SCL-D

S.B. 253
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4/4/2019
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are many public health and safety risks to our communities regarding substandard buildings. Many times court proceedings for these cases can take many months, sometimes years, to be resolved. Because of this, the conditions of substandard buildings may deteriorate while a case is being litigated, further escalating danger to the public and resulting in distress on a community's economic health.

As is the case in many cities across the state, El Paso has substandard buildings that pose a danger to those who enter or are in proximity to the structure. Further, there is an increased risk of secondary effects, such as a potential increase in criminal activity and a detrimental to property values and overall quality of life. Currently, a property owner is able to prolong their litigation with a government entity, resulting in further detriment to their properties and increased risks to public welfare. In a recent case in El Paso, a case was litigated for more than six years after being appealed multiple times.

S.B. 253 would allow for court proceedings to be expedited to provide for enforcement actions against substandard properties to be taken in a more timely manner.

As proposed, S.B. 253 amends current law relating to expedited proceedings in cases involving dangerously damaged or deteriorated or substandard buildings or improvements in a municipality.

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 Section 51.014(a), Civil Practice and Remedies Code, as follows:

(a) Authorizes a person to appeal from an interlocutory order of a district court, county court at law, statutory probate court, or county court that:

(1)–(11) makes no changes to these subdivisions;

(12)–(13) makes nonsubstantive changes; or

(14) denies a motion filed by a governmental unit as defined by Section 101.001 of this code in an action filed under Section 54.012(6) (relating to civil action regarding dangerously damaged or deteriorated structures or improvements) or 214.0012 (Judicial Review), Local Government Code.

SECTION 2. Amends Subchapter B, Chapter 54, Local Government Code, by adding Section 54.0155, as follows:

Sec. 54.0155. EXPEDITED PROCEEDINGS FOR CERTAIN CIVIL ACTIONS. (a) Requires a court to expedite any proceeding, including an appeal in accordance with

Subsection (b), related to a suit brought under this subchapter (Municipal Health and Safety Ordinances) for the enforcement of an ordinance relating to dangerously damaged or deteriorated structures or improvements as described by Section 54.012(6).

(b) Provides that 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. Requires the appellate court to render its final order or judgment with the least possible delay.

SECTION 3. Amends Section 214.001, Local Government Code, by adding Subsection (s) to require a court to expedite any proceeding, including an appeal in accordance with Section 214.0012, related to a substandard building determination under this section.

SECTION 4. Amends Section 214.0012, Local Government Code, by adding Subsection (i) to provide that an appeal under this section is governed by the procedures for accelerated appeals in civil cases under the Texas Rules of Appellate Procedure. Requires the district court to render its final order or judgment with the least possible delay.

SECTION 5. Effective date: upon passage or September 1, 2019.