

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 29, 2009  
Date

Honorable David Dewhurst  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2647 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Deuell  
Bob Deuell, Chair

Carol N Kent  
KENT

Nichols  
[Signature]  
EITERS

Alla Vaughn  
VAUGHT

Royce Wax  
WERT

Angie Lee Button  
BUTTON

[Signature]  
Callery On the part of the Senate

TJ Miklos  
MIKLOS

[Signature]  
DRIVER On the part of the House

### Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.B. No. 2647

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the quasi-judicial enforcement of certain health and  
3 safety ordinances.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 54.040(a), Local Government Code, is  
6 amended to read as follows:

7 (a) An order issued under Section 54.036, including any  
8 civil penalties assessed under Section 54.036(5), is enforceable in  
9 the same manner as provided in Sections 214.001(k), (m), (n), and  
10 (o). An abstract of judgment shall be ordered [~~issued~~] against all  
11 parties found to be the owners of the subject property or in  
12 possession of that property.

13 SECTION 2. This Act takes effect September 1, 2009.

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No equivalent provision.

SECTION 1. Section 54.018(b), Local Government Code, is amended to read as follows:

(b) In an action under this section, the municipality may also bring:

- (1) a claim for civil penalties under Section 54.017; and
- (2) an action in rem against the structure that may result in a judgment against the structure as well as a judgment against the defendant.

Same as House version.

SECTION 1. Section 54.040(a), Local Government Code, is amended to read as follows:

(a) An order issued under Section 54.036, including any civil penalties assessed under Section 54.036(5), is enforceable in the same manner as provided in Sections 214.001(k), (m), (n), and (o). An abstract of judgment shall be ordered [~~issued~~] against all parties found to be the owners of the subject property or in possession of that property.

SECTION 2. Same as House version.

SECTION 1. Same as House version.

No equivalent provision.

SECTION 3. Sections 214.003(a), (b), (c), and (i), Local Government Code, are amended to read as follows:

(a) A home-rule municipality may bring an action in district court against an owner of property that is not in substantial compliance with:

- (1) the municipal ordinances regarding:
  - (A) [~~1~~] fire protection;
  - (B) [~~2~~] structural integrity;

Same as House version.

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~~(C) [(3)] zoning; or~~  
~~(D) [(4)] disposal of refuse; or~~  
~~(2) a municipal ordinance described by Section 54.012(1), (2), (5), (6), (7), or (9).~~  
(b) Except as provided by Subsection (c), the court may appoint as a receiver for the property a nonprofit organization or an individual with a demonstrated record of rehabilitating properties if the court finds that:  
(1) the structures on the property are in violation of the standards set forth in Section 214.001(b) and an ordinance described by Subsection (a);  
(2) notice of violation was given to the record owner of the property; and  
(3) a public hearing as required by Section 214.001(d) has been conducted.  
(c) A receiver appointed under Subsection (b) may act ~~[The court may appoint]~~ as a receiver for any property, including historic property subject to Section 214.00111 ~~[a nonprofit organization or an individual with a demonstrated record of rehabilitating historical buildings if the court finds that:~~  
~~[(1) the structures on the property are in violation of the standards established under Section 214.001(b) and an ordinance described by Subsection (a);~~  
~~[(2) the structure has been reviewed by the municipal historic preservation board and the structure meets the criteria set forth in Section 214.00111;~~  
~~[(3) notice of the violation was given to the record owner of the property; and~~

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~~[(4) a public hearing as required by Section 214.001 has been conducted].~~

(i) Any record lienholder may, after initiation of an action by a municipality:

(1) intervene in the action; and

(2) request appointment as a receiver:

(A) under the same conditions as the nonprofit organization or individual; and

(B) on a demonstration to the court of an ability and willingness to rehabilitate the property.

SECTION 2. This Act takes effect September 1, 2009.

SECTION 4. Same as House version.

SECTION 2. Same as House version.

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 30, 2009**

**TO:** Honorable David Dewhurst , Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB2647** by Kent (Relating to the quasi-judicial enforcement of certain health and safety ordinances.), **Conference Committee Report**

**No fiscal implication to the State is anticipated.**

The bill would amend the Local Government Code to authorize enforcement of certain health and safety ordinances in the same manner as a municipality enforces certain regulations of housing and other structures.

**Local Government Impact**

The fiscal impact would depend on the number of violations to be enforced; however, the statutes under which enforcement may occur include provisions related to collecting a bond or other financial guaranty or to assess expenses on a lien against non-homestead property. Therefore, associated costs of enforcement may be offset to a certain extent by imposition of a bond, other financial guaranty, or assessment.

**Source Agencies:**

**LBB Staff:** JOB, DB

## Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 2647 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

Carol N. Kent  
(name)

May 30, 2009  
(date)