

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 30 2009
Date

Honorable David Dewhurst
President of the Senate

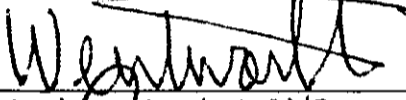
Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

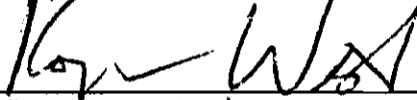
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 3065 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



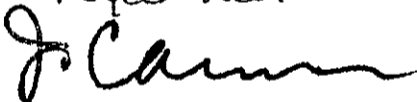
Rodney Ellis



Jeff Wentworth

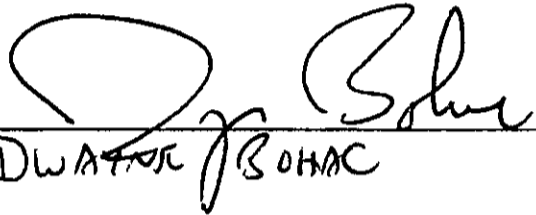


Royce West



John Carona

On the part of the Senate
Kip Averitt

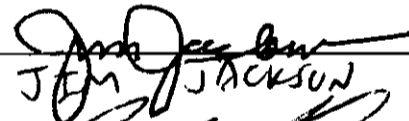


DWAYNE BOHAC

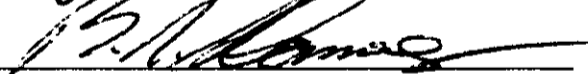
MYRA CROWNOVER

EL HOGSON II

CHUCK KUPSON



JIM JACKSON



On the part of the House
BURT SOLOMONS

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

3rd Printing

H.B. No. 3065

A BILL TO BE ENTITLED

AN ACT

relating to municipal registration of vacant buildings in certain counties.

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

SECTION 1. Chapter 214, Local Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. REGISTRATION OF VACANT BUILDINGS

Sec. 214.231. DEFINITIONS. In this subchapter:

(1) "Building" means any enclosed structure designed for use as a habitation or for a commercial use, including engaging in trade or manufacture.

(2) "Owner" means the person that owns the real property on which a building is situated, according to:

(A) the real property records of the county in which the property is located; or

(B) the records of the appraisal district in which the property is located.

(3) "Unit" means an enclosed area designed:

(A) for habitation by a single family; or

(B) for a commercial use, including engaging in trade or manufacture, by a tenant.

Sec. 214.232. PRESUMPTION OF VACANCY. A building is presumed to be vacant under this subchapter if:

(1) all lawful residential, commercial, recreational,

1 charitable, or construction activity at the building has ceased, or
2 reasonably appears to have ceased, for more than 150 days; or

3 (2) the building contains more than three units, 75
4 percent or more of which have not been used lawfully, or reasonably
5 appear not to have been used lawfully, for more than 150 days.

6 Sec. 214.233. REGISTRATION. (a) A municipality located in
7 a county with a population of 1.5 million or more may adopt an
8 ordinance requiring owners of vacant buildings to register their
9 buildings by filing a registration form with a designated municipal
10 official.

11 (b) A municipality, in an ordinance adopted under this
12 subchapter, may exempt certain classifications of buildings as
13 determined reasonable and appropriate by the governing body of the
14 municipality.

15 Sec. 214.234. FORM. An ordinance adopted under this
16 subchapter may require a designated municipal official to adopt a
17 form for registration. The form adopted may require the disclosure
18 of information reasonably necessary for the municipality to
19 minimize the threat to health, safety, and welfare that a vacant
20 building may present to the public.

21 SECTION 2. This Act takes effect January 1, 2010.

House Bill 3065
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Amends Chapter 214, Local Government Code, by adding Subchapter H as follows:

SUBCHAPTER H. REGISTRATION OF VACANT BUILDINGS *IN CERTAIN MUNICIPALITIES.*

Sec. 214.231. DEFINITIONS.

Sec. 214.2315. APPLICABILITY.

Sec. 214.232. PRESUMPTION OF VACANCY.

Sec. 214.233. REGISTRATION.

(a) A municipality by ordinance may require the owner of a vacant building to register the building by filing a completed registration form with a designated municipal official not later than the later of the 30th day after the date the building becomes vacant, or the person becomes the owner of the building.

(b) A municipality, in the ordinance adopted under this subchapter, may exempt certain classifications of buildings as determined reasonable and appropriate by the governing body of the municipality.

Sec. 214.234. EXPIRATION AND RENEWAL.

Sec. 214.235. FORM.

SENATE VERSION

SECTION 1. Same as House version, except as follows:

SUBCHAPTER H. REGISTRATION OF VACANT BUILDINGS.

Same as House version.

No equivalent provision.

Same as House version.

Sec. 214.233. Same as House version, except as follows:

(a) Specifies this provision pertains to a municipality *located in a county with a population of 1.5 million or more.*

(b) Same as House version.

No equivalent provision.

Sec. 214.234. FORM

CONFERENCE

SECTION 1. Same as House version, except as follows:

SUBCHAPTER H. Same as Senate version.

Same as House version.

Same as Senate version.

Same as House version.

Same as Senate version.

Same as Senate version.

Same as House version.

Same as Senate version.

Sec. 214.234. FORM

House Bill 3065
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

(a) *A designated municipal official shall adopt a form for registration under this subchapter, which may require: the legibly printed name of the owner or the owner's authorized agent and a notarized signature attesting on personal knowledge and under oath to the accuracy of all statements on the registration form and any documents submitted with the form; the disclosure of any information reasonably necessary for the municipality to minimize the threat to health, safety, and welfare that a vacant building may present to the public, which may include a legal description of the real property on which the building is situated, the physical address of the building, the name, mailing address, physical address, and telephone number of the owner of the building; and the name, mailing address, physical address in this state, and telephone number of a natural person at least 21 years of age authorized by the owner of the building as the owner's agent for the receipt of notices from the municipality pertaining to the building and for the receipt of process; a statement that the building is secured to prevent unauthorized entry, with a brief description of the means by which the building has been secured; a statement that one or more signs have been posted at the entrance to the building, reasonably likely to come to the attention of intruders, stating that unauthorized entry is forbidden; and a certificate issued by an insurance company authorized by the Texas Department of Insurance to transact business in this state evidencing a liability insurance policy covering the building in an amount required*

SENATE VERSION

An ordinance adopted under this subchapter may require a designated municipal official to adopt a form for registration.

The form adopted may require the disclosure of information reasonably necessary for the municipality to minimize the threat to health, safety, and welfare that a vacant building may present to the public.

CONFERENCE

Same as Senate version.

House Bill 3065
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

under Section 214.236.

(b) An owner whose net worth exceeds \$100 million may submit a letter evidencing self-insurance in an amount required by Section 214.236 in lieu of a certificate issued by the Texas Department of Insurance under Subsection (a)(5).

No equivalent provision.

Same as Senate version.

Sec. 214.236. INSURANCE REQUIREMENT.

No equivalent provision.

Same as Senate version.

Sec. 214.237. FEE PROHIBITED. An ordinance *may not require* the payment of a fee for a registration or renewal under this subchapter.

Sec. 214.235. FEE. An ordinance adopted under this subchapter *may require* the payment of a fee in an amount commensurate with expenses incurred by the municipality to administer the registration program.

No equivalent provision.

Sec. 214.238. REGISTRATION SUPPLEMENT OR AMENDMENT.

No equivalent provision.

Same as Senate version.

No equivalent provision.

Sec. 214.236. OFFENSE.

Same as House version.

No equivalent provision.

SECTION __. Amends Subchapter Z, Chapter 214, Local Government Code, adding Section 214.907, LIMITATION ON MUNICIPAL REQUIREMENTS OF LICENSE OR PERMIT TO OCCUPY DWELLING UNIT.

Same as House version.

SECTION 2. This Act takes effect January 1, 2010.

SECTION 2. 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: **HB3065** by Bohac (Relating to municipal registration of vacant buildings in certain counties.), **Conference Committee Report**

No fiscal implication to the State is anticipated.

The bill would add Subchapter H to Chapter 214 of the Local Government Code to authorize a municipality located in a county with a population of 1.5 million or more to adopt an ordinance to require an owner of a vacant building to register the building by filing a completed registration form with a designated municipal official. The bill would establish the minimum requirements for an ordinance governing registration of a vacant building.

The bill would take effect January 1, 2010.

Local Government Impact

Based on the population criteria and the 2000 U.S. Census, the new Subchapter H would apply to municipalities located in Dallas and Harris counties. It is assumed that upon release of the 2010 U.S. Census, Subchapter H would also apply to municipalities located in Tarrant County. No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, DB