

CHAPTER 1057

S.B. No. 481

AN ACT

relating to the repair or removal of substandard buildings in a home-rule municipality; providing a civil penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 1175, Revised Statutes, is amended by adding Subdivision 37 to read as follows:

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37. (a) *This subdivision applies only to a home-rule city that has a population of 700,000 or more, according to the most recent federal census, and has adopted an ordinance under Subdivision 36 of this article.*

(b) *In addition to the authority granted under Subdivision 36 of this article, after the expiration of the time allotted under Subdivision 36 of this article for the repair or removal of a building the city may:*

(i) *repair the building at the expense of the city and assess the expenses on the land on which the building stands or to which it is attached and may provide for that assessment, the mode and manner of giving notice, and the means of recovering the repair expenses; or*

(ii) *assess a civil penalty against the property owner for failure to repair or remove the building and provide for that assessment, the mode and manner of giving notice, and the means of recovering the assessment.*

(c) *The city may repair a building under Paragraph (b) of this subdivision only to the extent necessary to bring the building into compliance with the minimum standards and only if the building is a residential building with 10 or less dwelling units. The repairs may not improve the building to the extent that the building exceeds minimum housing standards.*

(d) *The city may impose a lien against the land on which the building stands or stood to secure the payment of the repair or removal expenses or the civil penalty.*

(e) *The city's lien to secure the payment of a civil penalty or the costs of repairs or removal is inferior to any previously recorded bona fide mortgage lien attached to the real property to which the city's lien attaches if the mortgage lien was filed for record in the office of the county clerk of the county in which the real property is located before the date the civil penalty is assessed or the repair or removal is begun by the city. The city's lien is superior to all other previously recorded judgment liens.*

(f) *Any civil penalty or other assessment imposed under this subdivision accrues interest at the rate of 10 percent a year from the date of the assessment until paid in full.*

(g) *The city's right to the assessment lien may not be transferred to third parties.*

(h) *In any judicial proceeding regarding enforcement of city rights under this subdivision, the prevailing party is entitled to recover reasonable attorney's fees from the nonprevailing party.*

SECTION 2. A lien acquired under this Act by any city or town, including a home-rule city, for repair expenses incurred by such city or town may not be foreclosed if the property upon which such repairs were effected is the residential homestead of a person 65 years of age or older and is being occupied as such by such person.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 7, 1987, by the following vote: Yeas 25, Nays 6; May 19, 1987, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 21, 1987, House granted request of the Senate; May 29, 1987, Senate adopted Conference Committee Report by the following vote: Yeas 28, Nays 0. Passed the House, with amendments, on May 15, 1987, by a non-record vote; May 21, 1987, House granted request of the Senate for appointment of Conference Committee; May 30, 1987, House adopted Conference Committee Report by a non-record vote.

Approved June 18, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.