

BILL ANALYSIS

Senate Research Center
84R17683 LEH-F

H.B. 1853
By: Button et al. (Huffines)
Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, an evicted person's possessions may be placed at a location near the residence from which the person is being evicted by an officer executing the related writ of possession or by another authorized person. Some municipalities, interested parties note, have experienced problems with the person's possessions in such cases being spread throughout the streets and neighborhoods near the location of the residence. According to the parties, the City of Garland has developed its own response to this problem by providing a portable closed container for the evicted person's possessions after an eviction has occurred, at no cost to the evicted person or the landlord of the residence. H.B. 1853 seeks to address a municipality's authority regarding the placement of removed property after a writ of possession has been issued in an eviction suit.

H.B. 1853 amends current law relating to the removal of a tenant's personal property after a writ of possession has been issued in an eviction suit.

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 24.0061, Property Code, by amending Subsection (d) and adding Subsection (d-1), as follows:

(d) Requires that the writ of possession shall order the officer executing the writ, when the writ is executed, to place, or have an authorized person place, the removed personal property outside the rental unit at a nearby location, but not blocking a public sidewalk, passageway, or street, and not while it is raining, sleeting, or snowing, except as provided by Subsection (d-1).

(d-1) Authorizes a municipality to provide, without charge to the landlord or to the owner of personal property removed from a rental unit under Subsection (d), a portable, closed container into which the removed personal property shall be placed by the officer executing the writ or by the authorized person. Authorizes the municipality to remove the container from the location near the rental unit and dispose of the contents by any lawful means if the owner of the removed personal property does not recover the property from the container within a reasonable time after the time the property is placed in the container.

SECTION 2. Effective date: September 1, 2015.