

BILL ANALYSIS

Senate Research Center
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H.B. 3160
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State Affairs
5/14/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

If the owner of a property dies without a will and no heir steps forward to maintain the property, it may become abandoned and dilapidated and can quickly become an eyesore or even a danger to the surrounding community. If an estate is never administered, a property can sit vacant and abandoned for years. Municipalities become the caretakers of such abandoned properties and often will file a lien against a property to secure the debt incurred by the city for maintaining them. In these instances the city essentially becomes a creditor of the estate and has standing to file an application for administration of the estate in order to initiate the disposition of the property. Under current law, the application must be filed within four years. A city may not always become aware of the situation within that time frame. So, H.B. 3160 exempts home-rule municipalities from the four-year limit on filing the application when disposition of the estate is necessary to prevent real property from becoming a danger to the health, safety, or welfare of the general public.

H.B. 3160 amends current law relating to an exception to the period of filing an application for the grant of letters testamentary or of administration of a decedent's estate.

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 301.002(b), Estates Code, as follows:

(b) Provides that this section does not apply if administration is necessary to:

- (1) Creates this subdivision from existing text; or
- (2) prevent real property in a decedent's estate from becoming a danger to the health, safety, or welfare of the general public and the applicant for the issuance of letters testamentary or of administration is a home-rule municipality that is a creditor of the estate.

SECTION 2. Amends Section 301.151, Estates Code, as follows:

Sec. 301.151. GENERAL PROOF REQUIREMENTS. Requires an applicant for the issuance of letters testamentary or of administration of an estate to prove to the court's satisfaction that:

- (1) Makes no change to this subdivision;
- (2) except as provided by Section 301.002(b)(2), four years have not elapsed since the date of the decedent's death and before the application;
- (3)-(5) Makes no change to this subdivision.

SECTION 3. Amends Section 306.002(c), Estates Code, to provide that the court may find other instances of necessity for an administration based on proof before the court, but a necessity is considered to exist if the administration is necessary to prevent real property in a decedent's estate from becoming a danger to the health, safety, or welfare of the general public.

SECTION 4. Provides that the changes in law made by this Act apply only to an application for the grant of letters testamentary or of administration of a decedent's estate filed on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2015.