

## **BILL ANALYSIS**

Senate Research Center

S.B. 1344  
By: Huffines  
Business & Commerce  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

State law currently allows an evicted person's possessions to be placed by an officer or authorized person executing the eviction writ at a location nearby the residence from which the person is being evicted. The City of Garland has experienced numerous problems with the possessions of an evicted person being spread throughout the streets and neighborhoods where the evicted person's residence was located. The City of Garland had to expend city resources to clean up the evicted person's possessions that were not removed by the evicted person.

The City of Garland has developed a program to provide a portable closed container for the evicted person's possessions to be placed in after an eviction has occurred. The container is placed by the city near the evicted person's residence and is provided by the city at no cost to the evicted person or the landlord of the residence.

S.B. 1344 requires an officer or authorized person executing the eviction writ to place the evicted person's possessions in a portable closed container provided by a city only if a city offers such containers. S.B. 1344 also gives cities the discretion to remove the container from the location near the evicted person's residence and dispose of the contents by any lawful means if the contents have not been recovered within a reasonable time period.

As proposed, S.B. 1344 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 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 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.