

## **BILL ANALYSIS**

Senate Research Center  
88R17031 AJA-F

H.B. 1382  
By: Hernandez (Bettencourt)  
Local Government  
4/25/2023  
Engrossed

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

Property tax sales and resales, as well as sales of real property taken in execution of a judgment, have historically been conducted on the same day and at the same venue. While property tax sales and resales can be conducted either through an in-person auction or an online auction, a sale of real property taken in the execution of a judgment may only be offered through an in-person auction, leading to inefficiencies and unnecessary costs to the taxpayers when compared to the potential for the use of an online auction for such a sale.

H.B. 1382 seeks to address this issue by giving a county commissioners court the option to authorize the officer charged with conducting a public sale of certain real property taken in execution of a judgment to conduct an online auction as an alternative to conducting an in-person sale.

H.B. 1382 amends current law relating to the public sale of real property taken in execution of a judgment.

### **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 34.041, Civil Practice and Remedies Code, by adding Subsections (a-1) and (a-2) and amending Subsection (b), as follows:

(a-1) Authorizes the commissioners court of a county by official action to authorize the officer charged with conducting a public sale of real property taken in execution of a judgment to conduct a public auction using online bidding and sale. Authorizes the commissioners court to adopt rules governing online auctions authorized under this subsection. Provides that rules adopted by the commissioners court under this subsection take effect on the 90th day after the date the rules are published in the real property records of the county.

(a-2) Provides that Subsection (a-1) does not apply to a sale of real property conducted under Section 51.002 (Sale of Real Property Under Contract Lien), Property Code.

(b) Creates an exception under Subsection (a-1) and makes a nonsubstantive change.

SECTION 2. Effective date: September 1, 2023.