

BILL ANALYSIS

Senate Research Center
88R4515 DRS-D

S.B. 986
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chapter 24, Property Code, governs evictions in Texas, establishing a statewide process that is meant to provide a uniform and clear process to tenants and landlords. Recently, certain municipalities and counties have used emergency powers to enact ordinances that extend, delay, or otherwise impede the evictions process. This can lead to confusion and negatively affects housing affordability and availability, putting cities and counties in a position to overrule state law in an area that they do not have jurisdiction.

S.B. 986 addresses this issue by clarifying that local governments may not impede the eviction process. Federal law, however, remains unaffected by this legislation.

As proposed, S.B. 986 amends current law relating to the authority of a local government to regulate evictions.

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 Chapter 24, Property Code, by adding Section 24.0041, as follows:

Sec. 24.0041. AUTHORITY OF LOCAL GOVERNMENTS TO REGULATE EVICTIONS. Prohibits a municipality or county, notwithstanding any other law, from adopting or enforcing an ordinance, order, or other measure that:

(1) prohibits, restricts, or delays:

(A) delivery of a notice to vacate; or

(B) filing of a suit to recover possession of the premises under Chapter 24 (Forcible Entry and Detainer); or

(2) otherwise relates to an eviction suit under this chapter.

SECTION 2. Amends Section 24.005(e), Property Code, to prohibit a notice to vacate from being given, if the lease or applicable federal law requires the landlord to give a tenant an opportunity to respond to a notice of proposed eviction, until the period provided for the tenant to respond to the eviction notice has expired.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2023.