

By: Button, Burkett, Koop

H.B. No. 1853

A BILL TO BE ENTITLED

AN ACT

relating to the removal of a tenant's personal property after a writ of possession has been issued in an eviction suit.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 24.0061, Property Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) The writ of possession shall order the officer executing the writ to:

(1) post a written warning of at least 8-1/2 by 11 inches on the exterior of the front door of the rental unit notifying the tenant that the writ has been issued and that the writ will be executed on or after a specific date and time stated in the warning not sooner than 24 hours after the warning is posted; and

(2) when the writ is executed:

(A) deliver possession of the premises to the landlord;

(B) instruct the tenant and all persons claiming under the tenant to leave the premises immediately, and, if the persons fail to comply, physically remove them;

(C) instruct the tenant to remove or to allow the landlord, the landlord's representatives, or other persons acting under the officer's supervision to remove all personal property from the rental unit other than personal property claimed to be

1 owned by the landlord; and

2 (D) place, or have an authorized person place,
3 the removed personal property outside the rental unit at a nearby
4 location, but not blocking a public sidewalk, passageway, or street
5 and not while it is raining, sleeting, or snowing, except as
6 provided by Subsection (d-1).

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

17 SECTION 2. This Act takes effect September 1, 2015.