

By: Button

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 owner of personal property removed from a rental unit under
9 Subsection (d), a portable, closed container into which the removed
10 personal property shall be placed by the officer executing the writ
11 or by the authorized person. The municipality may remove the
12 container from the location near the rental unit and dispose of the
13 contents by any lawful means if the owner of the removed personal
14 property does not recover the property from the container within a
15 reasonable time after the time the property is placed in the
16 container.

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