

1-1 By: Button, Burkett, Koop H.B. No. 1853
1-2 (Senate Sponsor - Huffines)
1-3 (In the Senate - Received from the House April 20, 2015;
1-4 April 23, 2015, read first time and referred to Committee on
1-5 Business and Commerce; May 15, 2015, reported favorably by the
1-6 following vote: Yeas 8, Nays 0; May 15, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9			X	
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
1-19 AN ACT

1-20 relating to the removal of a tenant's personal property after a writ
1-21 of possession has been issued in an eviction suit.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section [24.0061](#), Property Code, is amended by
1-24 amending Subsection (d) and adding Subsection (d-1) to read as
1-25 follows:

1-26 (d) The writ of possession shall order the officer executing
1-27 the writ to:

1-28 (1) post a written warning of at least 8-1/2 by 11
1-29 inches on the exterior of the front door of the rental unit
1-30 notifying the tenant that the writ has been issued and that the writ
1-31 will be executed on or after a specific date and time stated in the
1-32 warning not sooner than 24 hours after the warning is posted; and

1-33 (2) when the writ is executed:

1-34 (A) deliver possession of the premises to the
1-35 landlord;

1-36 (B) instruct the tenant and all persons claiming
1-37 under the tenant to leave the premises immediately, and, if the
1-38 persons fail to comply, physically remove them;

1-39 (C) instruct the tenant to remove or to allow the
1-40 landlord, the landlord's representatives, or other persons acting
1-41 under the officer's supervision to remove all personal property
1-42 from the rental unit other than personal property claimed to be
1-43 owned by the landlord; and

1-44 (D) place, or have an authorized person place,
1-45 the removed personal property outside the rental unit at a nearby
1-46 location, but not blocking a public sidewalk, passageway, or street
1-47 and not while it is raining, sleeting, or snowing, except as
1-48 provided by Subsection (d-1).

1-49 (d-1) A municipality may provide, without charge to the
1-50 landlord or to the owner of personal property removed from a rental
1-51 unit under Subsection (d), a portable, closed container into which
1-52 the removed personal property shall be placed by the officer
1-53 executing the writ or by the authorized person. The municipality
1-54 may remove the container from the location near the rental unit and
1-55 dispose of the contents by any lawful means if the owner of the
1-56 removed personal property does not recover the property from the
1-57 container within a reasonable time after the time the property is
1-58 placed in the container.

1-59 SECTION 2. This Act takes effect September 1, 2015.

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