

By: Schofield

H.B. No. 3952

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the jurisdiction of courts in cases of forcible entry
3 and detainer and forcible detainer.

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

5 SECTION 1. Section 25.0003, Government Code, is amended by
6 adding Subsection (g) to read as follows:

7 (g) A statutory county court has concurrent jurisdiction
8 with a justice court in cases of forcible entry and detainer and
9 forcible detainer.

10 SECTION 2. Section 27.031, Government Code, is amended by
11 amending Subsection (a) and adding Subsection (b-1) to read as
12 follows:

13 (a) In addition to the jurisdiction and powers provided by
14 the constitution and other law, the justice court has original
15 jurisdiction of:

16 (1) civil matters in which exclusive jurisdiction is
17 not in the district or county court and in which the amount in
18 controversy is not more than \$20,000, exclusive of interest;

19 [~~(2) cases of forcible entry and detainer,~~] and

20 (2) [(3)] foreclosure of mortgages and enforcement of
21 liens on personal property in cases in which the amount in
22 controversy is otherwise within the justice court's jurisdiction.

23 (b-1) A justice court has concurrent jurisdiction with a
24 statutory county court in cases of forcible entry and detainer and

1 forcible detainer.

2 SECTION 3. Section 24.004, Property Code, is amended by
3 adding Subsection (a-1) and amending Subsection (b) to read as
4 follows:

5 (a-1) Except as provided by Subsection (b), a statutory
6 county court has concurrent jurisdiction with a justice court in
7 forcible entry and detainer and forcible detainer suits. A
8 statutory county court has jurisdiction to issue a writ of
9 possession under Sections 24.0054(a), (a-2), and (a-3).

10 (b) A justice court or statutory county court does not have
11 jurisdiction in a forcible entry and detainer or forcible detainer
12 suit and shall dismiss the suit if the defendant files a sworn
13 statement alleging the suit is based on a deed executed in violation
14 of Chapter 21A, Business & Commerce Code.

15 SECTION 4. Section 24.0051(a), Property Code, is amended to
16 read as follows:

17 (a) In a suit [~~filed in justice court~~] in which the landlord
18 files a sworn statement seeking judgment against a tenant for
19 possession of the premises and unpaid rent, personal service on the
20 tenant or service on the tenant under Rule 742a, Texas Rules of
21 Civil Procedure, is procedurally sufficient to support a default
22 judgment for possession of the premises and unpaid rent.

23 SECTION 5. Section 24.00511(a), Property Code, is amended
24 to read as follows:

25 (a) In a residential eviction suit for nonpayment of rent,
26 the statutory county court or justice court in which the suit is
27 filed shall state in the court's judgment the amount of the appeal

1 bond, taking into consideration the money required to be paid into
2 the court registry under Section 24.0053.

3 SECTION 6. Section 24.00512, Property Code, is amended to
4 read as follows:

5 Sec. 24.00512. CONTEST OF CERTAIN APPEAL BONDS. (a) This
6 section does not apply to an appeal bond issued by a corporate
7 surety authorized by the Texas Department of Insurance to engage in
8 business in this state.

9 (b) If a party appeals the judgment of a statutory county
10 court or justice court in a residential eviction suit for
11 nonpayment of rent by filing an appeal bond, the opposing party may
12 contest the bond amount, form of the bond, or financial ability of a
13 surety to pay the bond by filing a written notice with the [~~justice~~]
14 court that rendered the judgment contesting the appeal bond on or
15 before the fifth day after the date the appeal bond is filed and
16 serving a copy on the other party. After the notice is filed, the
17 [~~justice~~] court shall notify the other party and the surety of the
18 contest.

19 (c) Not later than the fifth day after the date the contest
20 is filed, the statutory county court or justice court in which the
21 notice under Subsection (b) is filed shall hold a hearing to hear
22 evidence to determine whether to approve or disapprove the amount
23 or form of the bond or the surety.

24 (d) If a party contests the amount or form of the bond, the
25 contesting party has the burden to prove, by a preponderance of the
26 evidence, that the amount or form of the bond, as applicable, is
27 insufficient. If a party contests the financial ability of a surety

1 to pay the bond, the party filing the bond must prove, by a
2 preponderance of the evidence, that the surety has sufficient
3 nonexempt assets to pay the appeal bond. If the [~~justice~~] court
4 determines that the amount or form of the bond is insufficient or
5 the surety does not have sufficient nonexempt assets to pay the
6 appeal bond, the [~~justice~~] court must disapprove the bond. If the
7 surety fails to appear at the contest hearing, the failure to appear
8 is prima facie evidence that the bond should be disapproved.

9 (e) Not later than the fifth day after the date the
10 statutory county court or justice court, as applicable, disapproves
11 an appeal bond, the party appealing may make a cash deposit, file a
12 sworn statement of inability to pay with the [~~justice~~] court, or
13 appeal the decision disapproving the appeal bond to the county
14 court, if the decision is made by a justice court, or to the court of
15 appeals, if the decision is made by a statutory county court. If
16 the party appealing fails to make a cash deposit, file a sworn
17 statement of inability to pay, or appeal the decision disapproving
18 the appeal bond, the judgment of the [~~justice~~] court that rendered
19 the original judgment becomes final and a writ of possession and
20 other processes to enforce the judgment must be issued on the
21 payment of the required fee.

22 (f) If an appeal is filed with the county court under
23 Subsection (e), the justice court shall transmit to the county
24 court the contest to the appeal bond and all relevant documents.
25 The county court shall docket the appeal, schedule a hearing to be
26 held not later than the fifth day after the date the appeal is
27 docketed, notify the parties and the surety of the hearing time and

1 date, and hear the contest de novo.

2 (f-1) If an appeal is filed with the court of appeals under
3 Subsection (e), the statutory county court shall transmit to the
4 court of appeals the contest to the appeal bond and all relevant
5 documents. The court of appeals shall docket the appeal, and if
6 oral argument is requested, schedule a hearing as soon as
7 practicable and notify the parties and the surety of any hearing
8 set.

9 (f-2) The failure of a [the county] court to hold a timely
10 hearing is not grounds for approval or denial of the appeal. A writ
11 of possession may not be issued before the court hearing the appeal
12 [county court] issues a final decision on the appeal bond.

13 (g) After the contest is heard by the [county] court in
14 which an appeal is filed, the [county] clerk of the court shall
15 transmit the transcript and records of the case to the [justice]
16 court that rendered the original judgment in the case. If the
17 [county] court hearing the appeal disapproves the appeal bond, the
18 party may, not later than the fifth day after the date the court
19 disapproves the appeal bond, perfect the appeal of the judgment on
20 the eviction suit by making a cash deposit in the [justice] court
21 that rendered the original judgment in the case in an amount
22 determined by the [county] court hearing the appeal or by filing a
23 sworn statement of inability to pay with the [justice] court that
24 rendered the original judgment in the case pursuant to the Texas
25 Rules of Civil Procedure. If the tenant is the appealing party and
26 a cash deposit in the required amount is not timely made or a sworn
27 statement of inability to pay is not timely filed, the judgment of

1 the [~~justice~~] court that rendered the original judgment becomes
2 final and a writ of possession and other processes to enforce the
3 judgment must be issued on the payment of the required fee. If the
4 landlord is the appealing party and a cash deposit is not timely
5 made or a sworn statement of inability to pay is not timely filed,
6 the judgment of the [~~justice~~] court that rendered the original
7 judgment becomes final. If the appeal bond is approved by the
8 [~~county~~] court hearing the appeal, the court shall transmit the
9 transcript and other records of the case to the [~~justice~~] court that
10 rendered the original judgment, and that [~~the justice~~] court shall
11 proceed as if the appeal bond was originally approved.

12 SECTION 7. Section 24.0052, Property Code, is amended to
13 read as follows:

14 Sec. 24.0052. TENANT APPEAL ON PAUPER'S AFFIDAVIT. (a) If
15 a tenant in a residential eviction suit is unable to pay the costs
16 of appeal or file an appeal bond as required by the Texas Rules of
17 Civil Procedure, the tenant may appeal the judgment of the
18 [~~justice~~] court that rendered the original judgment by filing with
19 that [~~the justice~~] court, not later than the fifth day after the
20 date the judgment is signed, a pauper's affidavit sworn before the
21 clerk of the [~~justice~~] court or a notary public that states that the
22 tenant is unable to pay the costs of appeal or file an appeal bond.
23 The affidavit must contain the following information:

- 24 (1) the tenant's identity;
- 25 (2) the nature and amount of the tenant's employment
26 income;
- 27 (3) the income of the tenant's spouse, if applicable

1 and available to the tenant;

2 (4) the nature and amount of any governmental
3 entitlement income of the tenant;

4 (5) all other income of the tenant;

5 (6) the amount of available cash and funds available
6 in savings or checking accounts of the tenant;

7 (7) real and personal property owned by the tenant,
8 other than household furnishings, clothes, tools of a trade, or
9 personal effects;

10 (8) the tenant's debts and monthly expenses; and

11 (9) the number and age of the tenant's dependents and
12 where those dependents reside.

13 (b) A statutory county court or [The] justice court shall
14 make available an affidavit form that a person may use to comply
15 with the requirements of Subsection (a).

16 (c) The [~~justice~~] court in which a pauper's affidavit is
17 filed under this section shall promptly notify the landlord that
18 [~~if~~] a pauper's affidavit has been [~~is~~] filed by the tenant.

19 (d) A landlord may contest a pauper's affidavit on or before
20 the fifth day after the date the affidavit is filed. If the
21 landlord contests the affidavit, the [~~justice~~] court in which the
22 affidavit was filed shall notify the parties and hold a hearing to
23 determine whether the tenant is unable to pay the costs of appeal or
24 file an appeal bond. The hearing shall be held not later than the
25 fifth day after the date the landlord notifies the court clerk of
26 the landlord's contest. At the hearing, the tenant has the burden
27 to prove by competent evidence, including documents or credible

1 testimony of the tenant or others, that the tenant is unable to pay
2 the costs of appeal or file an appeal bond.

3 (e) If the [~~justice~~] court approves the pauper's affidavit
4 of a tenant filed under this section, the tenant is not required to
5 pay the [~~county court~~] filing fee in the court in which the appeal
6 is filed or file an additional affidavit in the appellate [~~county~~]
7 court under Subsection (a).

8 SECTION 8. Section 24.00521, Property Code, is amended to
9 read as follows:

10 Sec. 24.00521. CONTEST OF CERTAIN APPEAL BONDS [~~IN COUNTY~~
11 ~~COURT~~]. (a) A contest under Section 24.00512 filed in a justice
12 court does not preclude a party from contesting the appeal bond in
13 the county court after the county court has jurisdiction over the
14 eviction suit.

15 (b) A contest under Section 24.00512 filed in a statutory
16 county court does not preclude a party from contesting the appeal
17 bond in the court of appeals after the court of appeals has
18 jurisdiction over the appeal of an eviction suit.

19 (c) After the county court has jurisdiction over the appeal
20 of an eviction suit or a court of appeals has jurisdiction over the
21 appeal of an eviction suit, the county court or court of appeals, as
22 applicable, may modify the amount or form of the bond and determine
23 the sufficiency of the surety.

24 SECTION 9. Sections 24.0053(a), (a-1), (a-2), (a-3), (b),
25 (c), (d), and (e), Property Code, are amended to read as follows:

26 (a) If a statutory county court or [~~the~~] justice court, as
27 applicable, enters judgment for the landlord in a residential

1 eviction case based on nonpayment of rent, the court shall
2 determine the amount of rent to be paid each rental pay period
3 during the pendency of any appeal and shall note that amount in the
4 judgment. If a portion of the rent is payable by a government
5 agency, the court shall determine and note in the judgment the
6 portion of the rent to be paid by the government agency and the
7 portion to be paid by the tenant. The court's determination shall
8 be in accordance with the terms of the rental agreement and
9 applicable laws and regulations. This subsection does not require
10 or prohibit payment of rent into the court registry or directly to
11 the landlord during the pendency of an appeal of an eviction case
12 based on grounds other than nonpayment of rent.

13 (a-1) In an eviction suit for nonpayment of rent, if a
14 tenant files a pauper's affidavit in the period prescribed by
15 Section [24.0052](#) or an appeal bond pursuant to the Texas Rules of
16 Civil Procedure, the ~~[justice]~~ court in which the affidavit or bond
17 is filed shall provide to the tenant a written notice at the time
18 the pauper's affidavit or ~~[appeal]~~ bond is filed that contains the
19 following information in bold or conspicuous type:

20 (1) the amount of the initial deposit of rent stated in
21 the judgment that the tenant must pay into the ~~[justice]~~ court
22 registry;

23 (2) whether the initial deposit must be paid in cash,
24 cashier's check, or money order, and to whom the cashier's check or
25 money order, if applicable, must be made payable;

26 (3) the calendar date by which the initial deposit
27 must be paid into the ~~[justice]~~ court registry;

1 (4) for a court that closes before 5 p.m. on the date
2 specified by Subdivision (3), the time the court closes; and

3 (5) a statement that failure to pay the required
4 amount into the ~~[justice]~~ court registry by the date prescribed by
5 Subdivision (3) may result in the court issuing a writ of possession
6 without a hearing.

7 (a-2) The date by which an initial deposit must be paid into
8 the ~~[justice]~~ court registry under Subsection (a-1)(3) must be
9 within five days of the date the tenant files the pauper's affidavit
10 as required by the Texas Rules of Civil Procedure.

11 (a-3) If a tenant files an appeal bond to appeal an eviction
12 for nonpayment of rent, the tenant must, not later than the fifth
13 day after the date the tenant filed the appeal bond, pay into the
14 ~~[justice]~~ court registry the amount of rent to be paid in one rental
15 pay period as determined by the court under Subsection (a). If the
16 tenant fails to timely pay that amount into the ~~[justice]~~ court
17 registry and the transcript has not yet been transmitted to the
18 ~~[county]~~ court in which the appeal is filed, the plaintiff may
19 request a writ of possession. On request and payment of the
20 applicable fee, the ~~[justice]~~ court that rendered the original
21 judgment shall issue the writ of possession immediately and without
22 a hearing. Regardless of whether a writ of possession is issued:

23 (1) a ~~[the]~~ justice court shall transmit the
24 transcript and appeal documents to the county court for trial de
25 novo on issues relating to possession, rent, or attorney's fees; or

26 (2) a statutory county court shall transmit the
27 transcript and appeal documents to the court of appeals for an

1 appeal conducted in the same manner as the appeal of any other order
2 or other action of the court.

3 (b) If an eviction case is based on nonpayment of rent and
4 the tenant appeals by filing a pauper's affidavit, the tenant shall
5 pay the rent, as it becomes due, into the [~~justice~~] court [~~or the~~
6 ~~county court~~] registry[~~, as applicable,~~] during the pendency of the
7 appeal, in accordance with the Texas Rules of Civil Procedure and
8 Subsection (a). If a government agency is responsible for all or a
9 portion of the rent under an agreement with the landlord, the tenant
10 shall pay only that portion of the rent determined by the [~~justice~~]
11 court under Subsection (a) to be paid by the tenant during appeal,
12 subject to either party's right to contest that determination under
13 Subsection (c).

14 (c) If an eviction case is based on nonpayment of rent and
15 the tenant's rent during the rental agreement term has been paid
16 wholly or partly by a government agency, either party may contest
17 the portion of the rent that the [~~justice~~] court determines must be
18 paid into the [~~county~~] court registry by the tenant under this
19 section. The contest must be filed on or before the fifth day after
20 the date the judge or justice, as applicable, signs the judgment.
21 If a contest is filed, not later than the fifth day after the date
22 the contest is filed the [~~justice~~] court shall notify the parties
23 and hold a hearing to determine the amount owed by the tenant in
24 accordance with the terms of the rental agreement and applicable
25 laws and regulations. After hearing the evidence, the [~~justice~~]
26 court shall determine the portion of the rent that must be paid by
27 the tenant under this section.

1 (d) If the tenant objects to a ~~[the]~~ justice court's ruling
2 under Subsection (c) on the portion of the rent to be paid by the
3 tenant during appeal, the tenant shall be required to pay only the
4 portion claimed by the tenant to be owed by the tenant until the
5 issue is tried de novo along with the case on the merits in county
6 court. If the tenant objects to a statutory county court's ruling
7 under Subsection (c) on the portion of the rent to be paid by the
8 tenant during appeal, the tenant shall be required to pay only the
9 portion claimed by the tenant to be owed by the tenant until the
10 appeal is final. During the pendency of an ~~[the]~~ appeal taken from
11 a justice court, either party may file a motion with the county
12 court to reconsider the amount of the rent that must be paid by the
13 tenant into the registry of the court.

14 (e) If either party files a contest under Subsection (c) and
15 the tenant files a pauper's affidavit that is contested by the
16 landlord under Section 24.0052(d), the ~~[justice]~~ court shall hold
17 the hearing on both contests at the same time.

18 SECTION 10. Sections 24.0054(a), (a-2), (a-3), (a-4), (b),
19 (c), (e), and (f), Property Code, are amended to read as follows:

20 (a) During an appeal of an eviction case for nonpayment of
21 rent, the ~~[justice]~~ court that rendered the original judgment, on
22 request, shall immediately issue a writ of possession, without
23 hearing, if:

24 (1) a tenant fails to pay the initial rent deposit into
25 the ~~[justice]~~ court registry within five days of the date the tenant
26 filed a pauper's affidavit as required by Rule 749b(1), Texas Rules
27 of Civil Procedure, and Section 24.0053;

1 (2) the [~~justice~~] court has provided the written
2 notice required by Section 24.0053(a-1); and

3 (3) the [~~justice~~] court has not yet forwarded the
4 transcript and original papers to the [~~county~~] court in which the
5 appeal is filed as provided by Subsection (a-2).

6 (a-2) The [~~justice~~] court that rendered the original
7 judgment shall forward the transcript and original papers in an
8 appeal [~~of an eviction case~~] to the [~~county~~] court hearing the
9 appeal but may not forward the transcript and original papers
10 before the sixth day after the date the tenant files a pauper's
11 affidavit, except that, if the court confirms that the tenant has
12 timely paid the initial deposit of rent into the [~~justice~~] court
13 registry in accordance with Section 24.0053, the court may forward
14 the transcript and original papers immediately. If the tenant has
15 not timely paid the initial deposit into the [~~justice~~] court
16 registry, the [~~justice~~] court, on request, shall issue a writ of
17 possession notwithstanding the fact that the tenant has perfected
18 an appeal by filing a pauper's affidavit that has been approved by
19 the court. If the court that rendered the original judgment is a
20 justice court, the [~~The~~] justice court shall forward the transcript
21 and original papers in the case to the county court for trial de
22 novo, notwithstanding the fact that a writ of possession under this
23 section has already been issued. If the court that rendered the
24 original judgment is a statutory county court, the county court
25 shall forward the transcript and original papers in the case to the
26 court of appeals, notwithstanding the fact that a writ of
27 possession under this section has already been issued.

1 (a-3) Notwithstanding Subsections (a) and (a-2), the
2 [~~justice~~] court that rendered the original judgment may not issue a
3 writ of possession if the tenant has timely deposited the tenant's
4 portion of the rent claimed by the tenant under Section 24.0053(d).

5 (a-4) During an appeal of an eviction case for nonpayment of
6 rent, if a tenant fails to pay rent into the [~~justice~~] court [~~or~~
7 ~~county court~~] registry as the rent becomes due under the rental
8 agreement in accordance with the Texas Rules of Civil Procedure and
9 Section 24.0053, the landlord may file with the [~~county~~] court
10 hearing the appeal a sworn motion that the tenant failed to pay rent
11 as required. The landlord shall notify the tenant of the motion and
12 the hearing date.

13 (b) If the [~~county~~] court hearing the appeal finds that the
14 tenant has not complied with the payment requirements of the Texas
15 Rules of Civil Procedure and Section 24.0053, the [~~county~~] court
16 shall immediately issue a writ of possession unless on or before the
17 day of the hearing the tenant pays into the court registry:

18 (1) all rent not paid in accordance with the Texas
19 Rules of Civil Procedure and Section 24.0053; and

20 (2) the landlord's reasonable attorney's fees, if any,
21 in filing the motion.

22 (c) If the court finds that a tenant has failed to timely pay
23 the rent into the court registry on more than one occasion:

24 (1) the tenant is not entitled to stay the issuance of
25 the writ by paying the rent and the landlord's reasonable attorney's
26 fees, if any; and

27 (2) the [~~county~~] court hearing the appeal shall

1 immediately issue a writ of possession.

2 (e) In a motion or hearing under Subsection (a-4), or in a
3 motion to dismiss an appeal of an eviction case [~~in county court~~],
4 other than a motion to dismiss an appeal filed in a court of
5 appeals, the parties may represent themselves or be represented by
6 their authorized agents, who need not be attorneys.

7 (f) During the appeal of an eviction case, if a government
8 agency is responsible for payment of a portion of the rent and does
9 not pay that portion to the landlord or into the [~~justice~~] court [~~or~~
10 ~~county court~~] registry, the landlord may file a motion with the
11 [~~county~~] court hearing the appeal requesting that the tenant be
12 required to pay into the [~~county~~] court registry, as a condition of
13 remaining in possession, the full amount of each rental period's
14 rent, as it becomes due under the rental agreement. After notice
15 and hearing, the court shall grant the motion if the landlord proves
16 by credible evidence that:

17 (1) a portion of the rent is owed by a government
18 agency;

19 (2) the portion of the rent owed by the government
20 agency is unpaid;

21 (3) the landlord did not cause wholly or partly the
22 agency to cease making the payments;

23 (4) the landlord did not cause wholly or partly the
24 agency to pay the wrong amount; and

25 (5) the landlord is not able to take reasonable action
26 that will cause the agency to resume making the payments of its
27 portion of the total rent due under the rental agreement.

1 SECTION 11. Section 24.0062(i), Property Code, is amended
2 to read as follows:

3 (i) Before the sale of the property by the warehouseman, the
4 tenant may file suit in the [~~justice~~] court in which the eviction
5 judgment was rendered, or in another court of competent
6 jurisdiction in the county in which the rental premises are
7 located, to recover the property described by Subsection (e) on the
8 ground that the landlord failed to return the property after timely
9 demand and payment by the tenant, as provided by this section.
10 Before sale, the tenant may also file suit to recover all property
11 moved or stored by the warehouseman on the ground that the amount of
12 the warehouseman's moving or storage charges is not reasonable.
13 All proceedings under this subsection have precedence over other
14 matters on the court's docket. The [~~justice~~] court that issued the
15 writ of possession has jurisdiction under this section regardless
16 of the amount in controversy.

17 SECTION 12. Section 24.007, Property Code, is amended to
18 read as follows:

19 Sec. 24.007. APPEAL. (a) A final judgment of a county
20 court in an eviction suit originally filed in a justice court may
21 not be appealed on the issue of possession unless the premises in
22 question are being used for residential purposes only. A judgment
23 of a county court in an eviction case originally filed in a justice
24 court may not under any circumstances be stayed pending appeal
25 unless, within 10 days of the signing of the judgment, the appellant
26 files a supersedeas bond in an amount set by the county court. In
27 setting the supersedeas bond the county court shall provide

1 protection for the appellee to the same extent as in any other
2 appeal, taking into consideration the value of rents likely to
3 accrue during appeal, damages which may occur as a result of the
4 stay during appeal, and other damages or amounts as the court may
5 deem appropriate.

6 (b) A final judgment of a court of appeals in an eviction
7 suit originally filed in a statutory county court may not be further
8 appealed on the issue of possession unless the premises in question
9 are being used for residential purposes only. A judgment of a court
10 of appeals in an appeal taken from an eviction case originally filed
11 in a statutory county court may not under any circumstances be
12 stayed pending appeal unless, within 10 days of the signing of the
13 judgment, the appellant files a supersedeas bond in an amount set by
14 the court of appeals. In setting the supersedeas bond the court of
15 appeals shall provide protection for the appellee to the same
16 extent as in any other appeal, taking into consideration the value
17 of rents likely to accrue during appeal, damages which may occur as
18 a result of the stay during appeal, and other damages or amounts as
19 the court may deem appropriate.

20 SECTION 13. Section 24.011(a), Property Code, is amended to
21 read as follows:

22 (a) In eviction suits in a statutory county court or justice
23 court for nonpayment of rent or holding over beyond a rental term,
24 the parties may represent themselves or be represented by their
25 authorized agents, who need not be attorneys. In any eviction suit
26 in a statutory county court or justice court, an authorized agent
27 requesting or obtaining a default judgment need not be an attorney.

1 SECTION 14. Section [501.0521\(a\)](#), Transportation Code, is
2 amended to read as follows:

3 (a) A justice of the peace or municipal court judge may not
4 issue an order related to a title except as provided by Chapter [47](#),
5 Code of Criminal Procedure, or Section [27.031\(a\)\(2\)](#)
6 [~~[27.031\(a\)\(3\)](#)~~], Government Code.

7 SECTION 15. The changes in law made by this Act apply only
8 to a forcible entry and detainer or a forcible detainer suit filed
9 on or after the effective date of this Act. A suit filed before the
10 effective date of this Act is governed by the law in effect on the
11 date the suit was filed, and the former law is continued in effect
12 for that purpose.

13 SECTION 16. This Act takes effect September 1, 2023.