

By: Pitts

H.B. No. 388

A BILL TO BE ENTITLED

AN ACT

relating to forcible entry and detainer and forcible detainer suits.

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

SECTION 1. Section 24.004, Property Code, is amended to read as follows:

Sec. 24.004. JURISDICTION; TIME FOR HEARING. (a) A justice court in the precinct in which the real property is located has jurisdiction in eviction suits. Eviction suits include forcible entry and detainer and forcible detainer suits.

(b) After citation is served in a suit described by Subsection (a), the court shall set a date for a hearing on the sworn complaint. If reasonably possible, the court shall set the date for the hearing on or after the sixth day and not later than the 10th day after the date the citation is served.

(c) The date for trial may be set in the citation or set after the appearance date stated in the citation. The court shall reset the trial date if:

(1) a jury trial is requested;

(2) one of the parties serves a request for discovery;

or

(3) other good cause exists.

SECTION 2. Section 24.0061(d), Property Code, is amended to read as follows:

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

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

9 (2) when the writ is executed:

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

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

15 (C) instruct the tenant to remove or to allow the
16 landlord, the landlord's representatives, or other persons acting
17 under the officer's supervision to remove all personal property
18 from the rental unit other than personal property claimed to be
19 owned by the landlord; and

20 (D) place, or have an authorized person place,
21 the removed personal property outside the rental unit at a nearby
22 location, but not blocking a public sidewalk, passageway, or street
23 and not while it is raining, sleeting, or snowing.

24 SECTION 3. This Act takes effect September 1, 2003, and
25 applies only to a forcible entry and detainer or forcible detainer
26 suit filed on or after that date. A suit filed before September 1,
27 2003, is governed by the law in effect immediately before that date,

1 and that law is continued in effect for that purpose.