

By: Jackson

S.B. No. 580

A BILL TO BE ENTITLED

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AN ACT

relating to the execution of a writ of possession in certain circumstances.

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

SECTION 1. Subsections (d) and (e), Section 24.0061, Property Code, are amended 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 owned by the landlord; and

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

6 (e) The writ of possession shall authorize the officer, at
7 the officer's discretion, to engage the services of a bonded or
8 insured warehouseman to remove and store, subject to applicable
9 law, part or all of the property at no cost to the landlord or the
10 officer executing the writ. If an officer chooses to engage the
11 services of a bonded or insured warehouseman, a tenant's personal
12 property may be removed from the rental unit while it is raining,
13 sleeting, or snowing.

14 SECTION 2. This Act takes effect September 1, 2003, and
15 applies only to a suit for forcible entry, forcible detainer, or
16 forcible entry and detainer filed on or after that date. A suit for
17 forcible entry, forcible detainer, or forcible entry and detainer
18 filed before the effective date of this Act is governed by the law
19 applicable to the suit at the time the suit was filed, and the
20 former law is continued in effect for that purpose.