

1-1 By: Jackson S.B. No. 580
1-2 (In the Senate - Filed February 19, 2003; February 24, 2003,
1-3 read first time and referred to Committee on Business and Commerce;
1-4 March 26, 2003, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; March 26, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the execution of a writ of possession in certain
1-9 circumstances.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsections (d) and (e), Section 24.0061,
1-12 Property Code, are amended to read as follows:

1-13 (d) The writ of possession shall order the officer executing
1-14 the writ to:

1-15 (1) post a written warning of at least 8 1/2 by 11
1-16 inches on the exterior of the front door of the rental unit
1-17 notifying the tenant that the writ has been issued and that the writ
1-18 will be executed on or after a specific date and time stated in the
1-19 warning not sooner than 24 hours after the warning is posted; and

1-20 (2) when the writ is executed:

1-21 (A) deliver possession of the premises to the
1-22 landlord;

1-23 (B) instruct the tenant and all persons claiming
1-24 under the tenant to leave the premises immediately, and, if the
1-25 persons fail to comply, physically remove them;

1-26 (C) instruct the tenant to remove or to allow the
1-27 landlord, the landlord's representatives, or other persons acting
1-28 under the officer's supervision to remove all personal property
1-29 from the rental unit other than personal property claimed to be
1-30 owned by the landlord; and

1-31 (D) except as provided by Subsection (e), place,
1-32 or have an authorized person place, the removed personal property
1-33 outside the rental unit at a nearby location, but not blocking a
1-34 public sidewalk, passageway, or street and not while it is raining,
1-35 sleeting, or snowing.

1-36 (e) The writ of possession shall authorize the officer, at
1-37 the officer's discretion, to engage the services of a bonded or
1-38 insured warehouseman to remove and store, subject to applicable
1-39 law, part or all of the property at no cost to the landlord or the
1-40 officer executing the writ. If an officer chooses to engage the
1-41 services of a bonded or insured warehouseman, a tenant's personal
1-42 property may be removed from the rental unit while it is raining,
1-43 sleeting, or snowing.

1-44 SECTION 2. This Act takes effect September 1, 2003, and
1-45 applies only to a suit for forcible entry, forcible detainer, or
1-46 forcible entry and detainer filed on or after that date. A suit for
1-47 forcible entry, forcible detainer, or forcible entry and detainer
1-48 filed before the effective date of this Act is governed by the law
1-49 applicable to the suit at the time the suit was filed, and the
1-50 former law is continued in effect for that purpose.

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