

BILL ANALYSIS

C.S.H.B. 961
By: Smith, Wayne
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, the location of a sale of real property under court order, deed of trust, or contract lien must take place at the county courthouse. The current requirement is that the building must be in the county in which the land is located and house a district court.

C.S.H.B. 961 is a permissive approach that would amend the Property Code to allow commissioners courts to select the location for the sale of property in an area that may not be in a courthouse or court facility. In metropolitan areas, locations where sales must be held are becoming dangerously overcrowded. As tax and other sales increase, the areas in which sales are held have become outgrown and the restrictions on the courthouse need to be reduced.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 51.002, Property Code, by amending Subsection (a) and adding subsection (h) as follows:

(a) Adds an exception to the clause which stipulates that the sale of real property under a contract lien must take place at the county courthouse in the county in which the land is located.

(h) Allows, for the purposes of Subsection (a), the commissioners court of a county to designate an area other than an area at the courthouse where sales of real property will take place that is in a public place within a reasonable proximity of the county courthouse, and is a location that is as accessible to the public as the courthouse door. The commissioners court is required to record that designation in the county's real property records. The posting of the notice of a sale remains at the courthouse door of the appropriate county.

SECTION 2. Effective Date

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 961 modifies the original by adding a provision that the area the commissioners court designates for the sale of real property must be in a public place within a reasonable proximity of the county courthouse, and is a location that is as accessible to the public as the courthouse door.