

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 9, 2005

TO: Honorable Helen Giddings, Chair, House Committee on Business & Industry

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB62 by McClendon (Relating to authorizing a procedure for an appeal by pauper's affidavit of a residential eviction suit based on nonpayment of rent.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would allow a tenant in a residential eviction case to file a pauper's affidavit if the tenant is unable to pay the costs of appeal. If the pauper's affidavit is contested by the landlord, a hearing would be required. If the tenant is deemed to be a pauper, the court filing fee would not be necessary. The bill would also set forth the procedures for hearings if a party to the suit files a motion disputing the amount of rent to be tendered into the court registry. The justice court's decision could be appealed to the county court by the landlord or the tenant not later than the first day after the date of the decision. The bill would take effect September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 332 Department of Housing and Community Affairs

LBB Staff: JOB, JRO, DLBa