

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 29, 2005

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

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

IN RE: HB2124 by Naishtat (Relating to appointment of counsel in appeals of certain eviction suits.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend Chapter 24, Property Code, to require a county court or county court at law in which an appeal to an eviction suit is filed and upon a written application of any party to the suit, to appoint counsel to attend to the cause of a party who was in possession of the residence at the time the suit was filed in the justice court and has perfected the appeal on a pauper's affidavit. Reasonable attorney's fees and expenses of appointed counsel shall be taxed by the court and paid by the county in which the suit is filed. The court would be required to provide for a method of informing the parties to an eviction suit of the right to an appointment of counsel on perfection of appeal on approval of a pauper's affidavit.

The bill would take effect September 1, 2005 and would apply only to an eviction suit filed on or after that date.

Local Government Impact

The fiscal impact would vary by county, but is not anticipated to be significant.

For example, Harris County (population 3.4 million) reports that in 2004, there were 383 out of 451 eviction cases appealed by an affidavit of indigency. The county employs two contract lawyers to handle cases for persons not represented. The expected slight increase in caseload as a result of passage of the bill would not affect the county's costs.

Dallas County (population 2.2 million) estimates the county would incur additional costs of \$138,600 annually.

Fort Bend County (population 354,452) reports there were 12 civil cases appealed from justice court by indigent defendants in 2004. The average attorneys fees ranged from \$250 to \$500 per case. The county estimates an increase in costs of approximately \$6,000 in fiscal year 2006, increasing to \$8,000 by fiscal year 2010.

Source Agencies:

LBB Staff: JOB, DLBa