

By: Raymond

H.B. No. 2914

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the abatement of certain suits between a builder and a  
3 homeowner.

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

5 SECTION 1. Chapter 426, Property Code, is amended by adding  
6 Section 426.009 to read as follows:

7 Sec. 426.009. ABATEMENT OF PARALLEL PROCEEDING. (a) This  
8 section applies only to a suit between a homeowner and a builder in  
9 which:

10 (1) a request for resolution is filed with the  
11 commission under this title; and

12 (2) the request relates directly to the subject matter  
13 of the suit.

14 (b) A court shall abate a suit to which this section applies  
15 if the request for resolution is filed before the 90th day after the  
16 date the suit is filed. The court may grant or continue any  
17 temporary relief necessary to preserve the status quo pending a  
18 final determination of the suit.

19 (c) If the commission grants the request or reconsiders and  
20 grants a request that had previously been denied, the court may, on  
21 motion of the commission or any interested party, dismiss the suit  
22 if the issues involved in the request predominate in the suit.

23 SECTION 2. This Act applies only to a suit filed on or after  
24 the effective date of this Act. A suit filed before the effective

1 date of this Act is governed by the law as it existed immediately  
2 before the effective date of this Act, and that law is preserved for  
3 that purpose.

4 SECTION 3. This Act takes effect September 1, 2007.