

BILL ANALYSIS

C.S.H.B. 3551
By: Bonnen
Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, a tenant that is delinquent on rental payments is given sufficient opportunity to rectify the delinquency. The due process afforded the tenant includes provisions requiring the landlord to give the tenant three days written notice to vacate the premises, delaying the execution of a writ of possession until six days after it is issued, and providing a 10-day window for filing a bond to stay, pending appeal, the eviction suit judgment of a county court. Some tenants take advantage of this process to exact retribution against the landlord by damaging the rental property before vacating.

C.S.H.B. 3551 requires a notice to vacate a premises to contain language relating to the destruction of property and resulting criminal penalties in an effort to give a landlord greater protection against the destruction of rental property when bringing a forcible detainer suit.

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

C.S.H.B. 3551 amends the Property Code to require a notice to vacate a premises given to a tenant prior to the filing of a forcible detainer suit to contain a prescribed statement relating to the destruction of property and resulting criminal penalties, or language substantially similar to the prescribed statement.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3551 removes the abbreviated process timelines for a forcible entry or detainer action in the original. The substitute adds a provision not in the original requiring a notice to vacate a premises given to a tenant to contain a statement prescribed in the bill, or a statement substantially similar to the prescribed statement.