

By: Naishtat

H.B. No. 2824

Substitute the following for H.B. No. 2824:

By: Elkins

C.S.H.B. No. 2824

A BILL TO BE ENTITLED

1 AN ACT
2 relating to appointment of counsel in appeals of certain eviction
3 suits.

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

5 SECTION 1. Chapter 24, Property Code, is amended by adding
6 Section 24.0071 to read as follows:

7 Sec. 24.0071. APPOINTMENT OF COUNSEL IN CERTAIN APPEALS.

8 (a) On a written application of any party to an eviction suit, the
9 county court or county court at law in which an appeal of the suit is
10 filed may appoint counsel to attend to the cause of a party who:

11 (1) was in possession of the residence at the time the
12 eviction suit was filed in the justice court; and

13 (2) has perfected the appeal on a pauper's affidavit
14 approved in accordance with Rule 749a, Texas Rules of Civil
15 Procedure.

16 (b) The appointed counsel shall represent the individual in
17 the proceedings of the suit in the county court or county court at
18 law. At the conclusion of those proceedings, the appointment
19 terminates.

20 (c) The court may terminate representation appointed under
21 this section for cause.

22 (d) Appointed counsel may not receive attorney's fees
23 unless the recovery of attorney's fees is provided for by contract,
24 statute, common law, court rules, or other regulations. The county

1 is not responsible for payment of attorney's fees to appointed
2 counsel.

3 (e) The court shall provide for a method of service of
4 written notice on the parties to an eviction suit of the right to
5 request an appointment of counsel on perfection of appeal on
6 approval of a pauper's affidavit.

7 SECTION 2. The change in law made by this Act applies only
8 to an eviction suit filed on or after the effective date of this
9 Act. A suit filed before the effective date of this Act is governed
10 by the law in effect immediately before that date, and that law is
11 continued in effect for that purpose.

12 SECTION 3. This Act takes effect September 1, 2009.