

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 6, 2009

TO: Honorable Joe Deshotel, Chair, House Committee on Business & Industry

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

IN RE: HB2824 by Naishtat (Relating to appointment of counsel in appeals of certain eviction suits.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would add Section 24.0071 to the Property Code to allow a county court or a county court at law in which an appeal of an eviction suit is filed to appoint counsel to attend to the cause of certain parties. Reasonable attorney's fees and expenses of appointed counsel shall be taxed by the court in any manner the court considers fair and just. The bill would allow appointed counsel to receive attorney's fees only if provided by contract, statute, common law, court rules, or other regulations. The court would be required to provide for a method of service of written notice on 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.

While the substitute is permissive and would allow the county court or a county court at law to appoint counsel in an eviction suit, our analysis assumes the court will implement the provision.

The proposed change in statute would apply only to an eviction suit filed on or after the effective date of the bill, which would be September 1, 2009.

Local Government Impact

The fiscal impact would vary by county based on the number of appeals of an eviction suit filed; however, those costs are not anticipated to be significant.

Source Agencies:

LBB Staff: JOB, JRO, SD, DB, TP