

## **BILL ANALYSIS**

C.S.H.B. 1127  
By: Gutierrez  
Defense & Veterans' Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Certain federal laws were enacted to provide protection to members of the military on active duty, whose service, by its nature, compromises their ability to fulfill financial obligations and assert certain legal rights. These protections, which begin on the first day of active duty, cover service members in basic training or at a job or school, as well as service members who are deployed. C.S.H.B. 1127 seeks to ensure that such service members are aware of these protections by requiring documentation relating to certain property actions, such as eviction, sale of property under a lien, or termination of a lease, to include a notice that a tenant who is serving on active military duty may have special rights or relief relating to the property action under federal law.

### **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. 1127 amends the Property Code to require a notice in regard to the sale of real property under a deed of trust or other contract lien that is served on a debtor in default under that trust or lien to include a statement to the effect that a tenant or debtor, as applicable, who is serving on active military duty may have special rights or relief related to that notice under federal law, including the federal Servicemembers Civil Relief Act, and under state law. The bill requires the notice to a defendant in the citation in a suit filed by a landlord seeking to recover possession of the premises to include a similar statement relative to a tenant's special rights or relief in regard to that suit if the tenant is serving on active military duty.

C.S.H.B. 1127 adds a requirement for the notice that must be given to a property owner by a property owners' association before the association is authorized to take certain actions against the owner to inform the owner that the owner may have special rights or relief related to the enforcement action under federal law, including the federal Servicemembers Civil Relief Act, if the owner is serving on active military duty.

### **EFFECTIVE DATE**

January 1, 2012.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 1127 omits provisions included in the original requiring a notice to vacate prior to filing an eviction suit, a notice for terminating certain tenancies, and certain lease agreements to contain a statement relating to special rights and relief available to a tenant who is serving on

active military duty and making conforming changes. The substitute differs from the original by making the bill effective January 1, 2012, whereas the original makes the bill effective September 1, 2011.