

By: Ritter, Deshotel

H.B. No. 1118

Substitute the following for H.B. No. 1118:

By: Quintanilla

C.S.H.B. No. 1118

A BILL TO BE ENTITLED

AN ACT

relating to the resale of property purchased by a taxing unit at a tax sale.

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

SECTION 1. Section 33.52(d), Tax Code, is amended to read as follows:

(d) Except as provided by Section 34.05(k), a ~~[A]~~ taxing unit's claim for taxes that become delinquent after the date of the judgment is not affected by the entry of the judgment or a tax sale conducted under that judgment. Those taxes may be collected by any remedy provided by this title.

SECTION 2. Section 34.05, Tax Code, is amended by adding Subsections (j), (k), and (l) to read as follows:

(j) In lieu of a sale pursuant to Subsections (c) and (d), the taxing unit that purchased the property may sell the property at a private sale for an amount equal to or greater than its market value, as shown by the most recent certified appraisal roll, if:

(1) the sum of the amount of the judgment plus post-judgment taxes, penalties, and interest owing against the property exceeds the market value; and

(2) each taxing unit entitled to receive proceeds of the sale consents to the sale for that amount.

(k) A sale under Subsection (j) discharges and extinguishes all liens foreclosed by the judgment and, with the exception of the

1 prorated tax for the current year that is assessed under Section
2 26.10, the liens for post-judgment taxes that accrued from the date
3 of judgment until the date the taxing unit purchased the property.
4 The presiding officer of a taxing unit selling real property under
5 Subsection (j) shall execute a deed to the property conveying to the
6 purchaser the right, title, and interest acquired or held by each
7 taxing unit that was a party to the judgment foreclosing tax liens
8 on the property. The conveyance is subject to any remaining right of
9 redemption at the time of the sale and to the purchaser's obligation
10 to pay the prorated taxes for the current year as provided by
11 Section 26.10. The deed must recite that the liens foreclosed by the
12 judgment and the post-judgment tax liens are discharged and
13 extinguished by virtue of the conveyance.

14 (1) A taxing unit that does not consent to a sale under
15 Subsection (j) is liable to the taxing unit that purchased the
16 property for a pro rata share of the costs incurred by the
17 purchasing unit in maintaining the property, including the costs of
18 preventing the property from becoming a public nuisance, a danger
19 to the public, or a threat to the public health. The nonconsenting
20 unit's share of the costs described by this subsection is
21 calculated from the date the unit fails to consent to the sale and
22 is equal to the percentage of the proceeds from a sale of the
23 property to which the nonconsenting unit would be entitled
24 multiplied by the costs incurred by the purchasing unit to maintain
25 the property.

26 SECTION 3. The change in law made by this Act applies to
27 real property sold to a taxing unit that is a party to a judgment to

1 foreclose a tax lien regardless of whether the judgment was entered
2 before, on, or after the effective date of this Act.

3 SECTION 4. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2011.