

By: Gutierrez

H.B. No. 1127

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to notice of relief available to certain members of the  
3 military required to be provided in certain real property  
4 documentation.

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

6 SECTION 1. Section 24.0051(d), Property Code, is amended to  
7 read as follows:

8 (d) In a suit described by Subsection (c), the citation  
9 required by Rule 739, Texas Rules of Civil Procedure, must include  
10 the following notice to the defendant on the first page of the  
11 citation in English and Spanish and in conspicuous bold print:

12 SUIT TO EVICT

13 THIS SUIT TO EVICT INVOLVES IMMEDIATE DEADLINES. A TENANT  
14 WHO IS SERVING ON ACTIVE MILITARY DUTY MAY HAVE SPECIAL RIGHTS OR  
15 RELIEF RELATED TO THIS SUIT UNDER FEDERAL LAW, INCLUDING THE  
16 SERVICEMEMBERS CIVIL RELIEF ACT (50 U.S.C. APP. SECTION 501 ET  
17 SEQ.), OR STATE LAW, INCLUDING SECTION 92.017, TEXAS PROPERTY CODE.  
18 CALL THE STATE BAR OF TEXAS TOLL-FREE AT 1-877-9TEXBAR IF YOU NEED  
19 HELP LOCATING AN ATTORNEY. IF YOU CANNOT AFFORD TO HIRE AN  
20 ATTORNEY, YOU MAY BE ELIGIBLE FOR FREE OR LOW-COST LEGAL  
21 ASSISTANCE.

22 SECTION 2. Section 51.002, Property Code, is amended by  
23 adding Subsection (i) to read as follows:

24 (i) A notice served on a debtor under this section must

1 contain, in addition to any other statements required under this  
2 section, language substantially similar to the following:

3 "A debtor who is serving on active military duty may have  
4 special rights or relief related to this notice under federal law,  
5 including the Servicemembers Civil Relief Act (50 U.S.C. app.  
6 Section 501 et seq.), and state law, including Section 51.015,  
7 Texas Property Code."

8 SECTION 3. Section 209.006(b), Property Code, is amended to  
9 read as follows:

10 (b) The notice must:

11 (1) describe the violation or property damage that is  
12 the basis for the suspension action, charge, or fine and state any  
13 amount due the association from the owner; and

14 (2) inform the owner that the owner:

15 (A) is entitled to a reasonable period to cure  
16 the violation and avoid the fine or suspension unless the owner was  
17 given notice and a reasonable opportunity to cure a similar  
18 violation within the preceding six months; ~~and~~

19 (B) may request a hearing under Section 209.007  
20 on or before the 30th day after the date the owner receives the  
21 notice; and

22 (C) may have special rights or relief related to  
23 the enforcement action under federal law, including the  
24 Servicemembers Civil Relief Act (50 U.S.C. app. Section 501 et  
25 seq.), if the owner is serving on active military duty.

26 SECTION 4. The change in law made by Section 24.0051,  
27 Property Code, as amended by this Act, applies only to a suit for

1 which notice is required under Chapter 24, Property Code, that is  
2 filed on or after the effective date of this Act. A suit for which  
3 notice is required under Chapter 24, Property Code, that is filed  
4 before the effective date of this Act is governed by the law in  
5 effect immediately before the effective date of this Act, and that  
6 law is continued in effect for that purpose.

7 SECTION 5. The change in law made by Section 51.002,  
8 Property Code, as amended by this Act, applies only to a sale for  
9 which a notice is required under that section on or after the  
10 effective date of this Act. A sale for which notice is required  
11 under Section 51.002, Property Code, before the effective date of  
12 this Act is governed by the law in effect immediately before the  
13 effective date of this Act, and that law is continued in effect for  
14 that purpose.

15 SECTION 6. The change in law made by Section 209.006,  
16 Property Code, as amended by this Act, applies only to an  
17 enforcement action for which a notice is required under that  
18 section that commences on or after the effective date of this Act.  
19 An enforcement action for which notice is required under Section  
20 209.006, Property Code, that commences before the effective date of  
21 this Act is governed by the law in effect when the enforcement  
22 action commenced, and that law is continued in effect for that  
23 purpose.

24 SECTION 7. This Act takes effect January 1, 2012.