

By: Gutierrez

H.B. No. 1127

A BILL TO BE ENTITLED

AN ACT

1
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 24.005, Property Code, is amended by
7 adding Subsection (j) to read as follows:

8 (j) A notice served on a tenant under this section must
9 contain, in addition to any other statements required under this
10 section, language substantially similar to the following:

11 "A tenant who is serving on active military duty may have
12 special rights or relief related to this notice under federal law,
13 including the Servicemembers Civil Relief Act (50 U.S.C. app.
14 Section 501 et seq.), and state law, including Section 92.017,
15 Texas Property Code."

16 SECTION 2. Section 24.0051(d), Property Code, is amended to
17 read as follows:

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

22 SUIT TO EVICT

23 THIS SUIT TO EVICT INVOLVES IMMEDIATE DEADLINES. A TENANT
24 WHO IS SERVING ON ACTIVE MILITARY DUTY MAY HAVE SPECIAL RIGHTS OR

1 RELIEF RELATED TO THIS SUIT UNDER FEDERAL LAW, INCLUDING THE
2 SERVICEMEMBERS CIVIL RELIEF ACT (50 U.S.C. APP. SECTION 501 ET
3 SEQ.), OR STATE LAW, INCLUDING SECTION 92.017, TEXAS PROPERTY CODE.
4 CALL THE STATE BAR OF TEXAS TOLL-FREE AT 1-877-9TEXBAR IF YOU NEED
5 HELP LOCATING AN ATTORNEY. IF YOU CANNOT AFFORD TO HIRE AN
6 ATTORNEY, YOU MAY BE ELIGIBLE FOR FREE OR LOW-COST LEGAL
7 ASSISTANCE.

8 SECTION 3. Section 51.002, Property Code, is amended by
9 adding Subsection (i) to read as follows:

10 (i) A notice served on a debtor under this section must
11 contain, in addition to any other statements required under this
12 section, language substantially similar to the following:

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

18 SECTION 4. Chapter 91, Property Code, is amended by adding
19 Section 91.0011 to read as follows:

20 Sec. 91.0011. NOTICE REGARDING RELIEF AVAILABLE TO CERTAIN
21 MEMBERS OF THE MILITARY. A notice given to a tenant under Section
22 91.001 must contain language substantially similar to the
23 following:

24 "A tenant who is serving on active military duty may have
25 special rights or relief related to this notice under federal law,
26 including the Servicemembers Civil Relief Act (50 U.S.C. app.
27 Section 501 et seq.)."

1 SECTION 5. Section 92.016(f), Property Code, is amended to
2 read as follows:

3 (f) A tenant who terminates a lease under Subsection (b) is
4 released from all liability for any delinquent, unpaid rent owed to
5 the landlord by the tenant on the effective date of the lease
6 termination if the lease does not contain language substantially
7 similar ~~[equivalent]~~ to the following:

8 "Tenants may have special statutory rights to terminate the
9 lease early in certain situations involving family violence. A
10 tenant who is serving on active military duty may have special
11 rights or relief related to this lease under federal law, including
12 the Servicemembers Civil Relief Act (50 U.S.C. app. Section 501 et
13 seq.), and state law, including Section 92.017, Texas Property Code
14 ~~[or a military deployment or transfer]."~~

15 SECTION 6. Section 92.017(g), Property Code, is amended to
16 read as follows:

17 (g) A tenant who terminates a lease under Subsection (b) is
18 released from all liability for any delinquent, unpaid rent owed to
19 the landlord by the tenant on the effective date of the lease
20 termination if the lease does not contain language substantially
21 similar ~~[equivalent]~~ to the following:

22 "Tenants may have special statutory rights to terminate the
23 lease early in certain situations involving family violence. A
24 tenant who is serving on active military duty may have special
25 rights or relief related to this lease under federal law, including
26 the Servicemembers Civil Relief Act (50 U.S.C. app. Section 501 et
27 seq.), and state law, including Section 92.017, Texas Property Code

1 ~~[or a military deployment or transfer]."~~

2 SECTION 7. Section 209.006(b), Property Code, is amended to
3 read as follows:

4 (b) The notice must:

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

8 (2) inform the owner that the owner:

9 (A) is entitled to a reasonable period to cure
10 the violation and avoid the fine or suspension unless the owner was
11 given notice and a reasonable opportunity to cure a similar
12 violation within the preceding six months; ~~and~~

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

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

20 SECTION 8. The change in law made by Sections 24.005 and
21 24.0051, Property Code, as amended by this Act, applies only to a
22 suit for which notice is required under Chapter 24, Property Code,
23 that is filed on or after the effective date of this Act. A suit for
24 which notice is required under Chapter 24, Property Code, that is
25 filed before the effective date of this Act is governed by the law
26 in effect immediately before the effective date of this Act, and
27 that law is continued in effect for that purpose.

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

9 SECTION 10. The change in law made by Section 91.0011,
10 Property Code, as added by this Act, applies only to a termination
11 of a lease for which notice is required under that section on or
12 after the effective date of this Act. A termination of a lease for
13 which notice is required under Section 91.0011, Property Code,
14 before the effective date of this Act is governed by the law in
15 effect immediately before the effective date of this Act, and that
16 law is continued in effect for that purpose.

17 SECTION 11. The change in law made by Sections 92.016 and
18 92.017, Property Code, as amended by this Act, applies only to a
19 lease that is executed or renewed on or after the effective date of
20 this Act. A lease that is executed or renewed before the effective
21 date of this Act is governed by the law in effect at the time the
22 lease was executed or renewed, and that law is continued in effect
23 for that purpose.

24 SECTION 12. The change in law made by Section 209.006,
25 Property Code, as amended by this Act, applies only to an
26 enforcement action for which a notice is required under that
27 section that commences on or after the effective date of this Act.

1 An enforcement action for which notice is required under Section
2 209.006, Property Code, that commences before the effective date of
3 this Act is governed by the law in effect when the enforcement
4 action commenced, and that law is continued in effect for that
5 purpose.

6 SECTION 13. This Act takes effect September 1, 2011.