

1-1 By: Gutierrez (Senate Sponsor - Van de Putte) H.B. No. 1127
1-2 (In the Senate - Received from the House April 27, 2011;
1-3 May 3, 2011, read first time and referred to Committee on Veteran
1-4 Affairs and Military Installations; May 13, 2011, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 5, Nays 0; May 13, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1127 By: Van de Putte

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to notice of relief available to certain members of the
1-11 military required to be provided in certain real property
1-12 documentation.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 24.0051(d), Property Code, is amended to
1-15 read as follows:

1-16 (d) In a suit described by Subsection (c), the citation
1-17 required by Rule 739, Texas Rules of Civil Procedure, must include
1-18 the following notice to the defendant on the first page of the
1-19 citation in English and Spanish and in conspicuous bold print:

1-20 SUIT TO EVICT

1-21 THIS SUIT TO EVICT INVOLVES IMMEDIATE DEADLINES. A TENANT
1-22 WHO IS SERVING ON ACTIVE MILITARY DUTY MAY HAVE SPECIAL RIGHTS OR
1-23 RELIEF RELATED TO THIS SUIT UNDER FEDERAL LAW, INCLUDING THE
1-24 SERVICEMEMBERS CIVIL RELIEF ACT (50 U.S.C. APP. SECTION 501 ET
1-25 SEQ.), OR STATE LAW, INCLUDING SECTION 92.017, TEXAS PROPERTY CODE.
1-26 CALL THE STATE BAR OF TEXAS TOLL-FREE AT 1-877-9TEXBAR IF YOU NEED
1-27 HELP LOCATING AN ATTORNEY. IF YOU CANNOT AFFORD TO HIRE AN
1-28 ATTORNEY, YOU MAY BE ELIGIBLE FOR FREE OR LOW-COST LEGAL
1-29 ASSISTANCE.

1-30 SECTION 2. Section 51.002, Property Code, is amended by
1-31 adding Subsection (i) to read as follows:

1-32 (i) A notice served on a debtor under this section must
1-33 contain, in addition to any other statements required under this
1-34 section, language substantially similar to the following:

1-35 "Assert and protect your rights as a member of the armed
1-36 forces of the United States. If you are or your spouse is serving on
1-37 active military duty, including active military duty as a member of
1-38 the Texas National Guard or the National Guard of another state or
1-39 as a member of a reserve component of the armed forces of the United
1-40 States, please send written notice of the active duty military
1-41 service to the sender of this notice immediately."

1-42 SECTION 3. Section 209.006(b), Property Code, is amended to
1-43 read as follows:

1-44 (b) The notice must:

1-45 (1) describe the violation or property damage that is
1-46 the basis for the suspension action, charge, or fine and state any
1-47 amount due the association from the owner; and

1-48 (2) inform the owner that the owner:

1-49 (A) is entitled to a reasonable period to cure
1-50 the violation and avoid the fine or suspension unless the owner was
1-51 given notice and a reasonable opportunity to cure a similar
1-52 violation within the preceding six months; ~~and~~

1-53 (B) may request a hearing under Section 209.007
1-54 on or before the 30th day after the date the owner receives the
1-55 notice; and

1-56 (C) may have special rights or relief related to
1-57 the enforcement action under federal law, including the
1-58 Servicemembers Civil Relief Act (50 U.S.C. app. Section 501 et
1-59 seq.), if the owner is serving on active military duty.

1-60 SECTION 4. The change in law made by Section 24.0051,
1-61 Property Code, as amended by this Act, applies only to a suit for
1-62 which notice is required under Chapter 24, Property Code, that is
1-63 filed on or after the effective date of this Act. A suit for which

2-1 notice is required under Chapter 24, Property Code, that is filed
2-2 before the effective date of this Act is governed by the law in
2-3 effect immediately before the effective date of this Act, and that
2-4 law is continued in effect for that purpose.

2-5 SECTION 5. The change in law made by Section 51.002,
2-6 Property Code, as amended by this Act, applies only to a sale for
2-7 which a notice is required under that section on or after the
2-8 effective date of this Act. A sale for which notice is required
2-9 under Section 51.002, Property Code, before the effective date of
2-10 this Act is governed by the law in effect immediately before the
2-11 effective date of this Act, and that law is continued in effect for
2-12 that purpose.

2-13 SECTION 6. The change in law made by Section 209.006,
2-14 Property Code, as amended by this Act, applies only to an
2-15 enforcement action for which a notice is required under that
2-16 section that commences on or after the effective date of this Act.
2-17 An enforcement action for which notice is required under Section
2-18 209.006, Property Code, that commences before the effective date of
2-19 this Act is governed by the law in effect when the enforcement
2-20 action commenced, and that law is continued in effect for that
2-21 purpose.

2-22 SECTION 7. This Act takes effect January 1, 2012.

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