

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

MAY 19 2011

Leticia Nandorff
Secretary of the Senate

By: *Leticia Nandorff* H.B. No. 1127
Substitute the following for H.B. No. 1127:
By: *Leticia Nandorff* C.S. 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 "Assert and protect your rights as a member of the armed
4 forces of the United States. If you are or your spouse is serving on
5 active military duty, including active military duty as a member of
6 the Texas National Guard or the National Guard of another state or
7 as a member of a reserve component of the armed forces of the United
8 States, please send written notice of the active duty military
9 service to the sender of this notice immediately."

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

12 (b) The notice must:

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

16 (2) inform the owner that the owner:

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

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

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

1 SECTION 4. The change in law made by Section 24.0051,
2 Property Code, as amended by this Act, applies only to a suit for
3 which notice is required under Chapter 24, Property Code, that is
4 filed on or after the effective date of this Act. A suit for which
5 notice is required under Chapter 24, Property Code, that is filed
6 before the effective date of this Act is governed by the law in
7 effect immediately before the effective date of this Act, and that
8 law is continued in effect for that purpose.

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

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

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

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 19, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1127 by Gutierrez (Relating to notice of relief available to certain members of the military required to be provided in certain real property documentation.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 403 Veterans Commission

LBB Staff: JOB, SD, KM, JM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 12, 2011

TO: Honorable Leticia Van de Putte, Chair, Senate Committee on Veteran Affairs & Military Installations

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1127 by Gutierrez (Relating to notice of relief to certain members of the military required to be provided in certain real property documentation.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 403 Veterans Commission

LBB Staff: JOB, KM, JM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 4, 2011

TO: Honorable Leticia Van de Putte, Chair, Senate Committee on Veteran Affairs & Military Installations

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: **HB1127** by Gutierrez (Relating to notice of relief available to certain members of the military required to be provided in certain real property documentation.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 403 Veterans Commission

LBB Staff: JOB, KM, JM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 18, 2011

TO: Honorable Joseph Pickett, Chair, House Committee on Defense & Veterans' Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1127 by Gutierrez (Relating to notice of relief available to certain members of the military required to be provided in certain real property documentation.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 403 Veterans Commission

LBB Staff: JOB, KM, JM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 30, 2011

TO: Honorable Joseph Pickett, Chair, House Committee on Defense & Veterans' Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1127 by Gutierrez (Relating to notice of relief available to certain members of the military required to be provided in certain real property documentation.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 403 Veterans Commission

LBB Staff: JOB, KM, JM