

House Bill 1127
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

SUIT TO EVICT

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

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

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

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

SENATE VERSION (CS)

SECTION 1. Same as House version.

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

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

"Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written

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notice of the active duty military service to the sender of this notice immediately."

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

(b) The notice must:

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

(2) inform the owner that the owner:

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

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

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

SECTION 3. Same as House version.

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

SECTION 4. Same as House version.

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

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

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

SENATE VERSION (CS)

SECTION 5. Same as House version.

SECTION 6. Same as House version.

SECTION 7. Same as House version.

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