

BILL ANALYSIS

H.B. 2749
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Supreme Court has promulgated standard forms for use in certain judicial proceedings in an effort to help the judicial process operate more efficiently and effectively. However, interested parties observe that the supreme court has not promulgated standard forms for use in expedited foreclosure proceedings and that, as a consequence, each individual county in Texas currently prescribes its own forms for these proceedings. Concerns have been raised that the lack of standard forms has caused unnecessary delays in expedited foreclosure proceedings because of the difficulty of having to understand each individual county's prescribed form and instructions for successfully returning completed forms. H.B. 2749 seeks to prevent such delays by directing the Texas Supreme Court to promulgate standard forms for use in certain expedited foreclosure proceedings.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2749 amends the Government Code to require the Texas Supreme Court, not later than March 1, 2014, to promulgate a form for application for an expedited foreclosure proceeding, for a supporting affidavit, and for any court-required citation for use in expedited foreclosure proceedings related to the foreclosure of liens secured by an extension of credit and to the foreclosure of a reverse mortgage lien that requires a court order. The bill prohibits a trial court or court clerk from refusing to accept such a form promulgated by the supreme court filed by an attorney licensed in Texas. The bill prohibits a court from refusing the relief sought in an application for such an expedited foreclosure proceeding on the basis of any formal defect in a filed form that substantially complies with a form promulgated by the supreme court under the bill's provisions.

EFFECTIVE DATE

September 1, 2013.