

## **BILL ANALYSIS**

Senate Research Center  
84R12078 LEH-D

H.B. 3364  
By: Schofield (Bettencourt)  
State Affairs  
5/21/2015  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, state law requires that a judgment of a county court in an eviction suit may not, under any circumstances, have an appeal remain pending unless, within 10 days of the signing of the judgment, the appellant files a bond in an amount set by the county court. Notwithstanding any other law, an appeal may be taken from a final judgment of a county court, statutory county court, statutory probate court, or district court in an eviction suit.

However, this process may be drawn out and current law applies to both residential and commercial evictions. Interested parties have raised concern that allowing commercial tenants to remain in the property after final judgment has been issued is costly to small business owners who often cannot recoup those funds.

H.B. 3364 seeks to clarify that a final judgment of a county court in an eviction suit may not be appealed on the issue of possession unless the premises are for residential purposes only.

H.B. 3364 amends current law relating to the appeal of a judgment in an eviction suit.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 24.007, Property Code, as follows:

Sec. 24.007. APPEAL. Deletes designation as Subsection (a). Prohibits a final judgment of a county court in an eviction suit from being appealed on the issue of possession unless the premises in question are being used for residential purposes only. Prohibits a judgment of a county court, rather than prohibits a judgment of a county court in an eviction suit, from under any circumstances being stayed pending appeal unless, within 10 days of the signing of the judgment, the appellant files a supersedeas bond in an amount set by the county court. Makes no further change to this subsection.

Deletes existing Subsection (b) authorizing an appeal, notwithstanding any other law, to be taken from a final judgment of a county court, statutory county court, statutory probate court, or district court in an eviction suit.

SECTION 2. Makes application of this Act prospective in regards to appeal of a final judgment.

SECTION 3. Effective date: January 1, 2016.