

By: Huffines

S.B. No. 1344

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the removal of a tenant's personal property after a writ
3 of possession has been issued in an eviction suit.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section [24.0061](#), Property Code, is amended by
6 amending Subsection (d) and adding Subsection (d-1) to read as
7 follows:

8 (d) The writ of possession shall order the officer executing
9 the writ to:

10 (1) post a written warning of at least 8-1/2 by 11
11 inches on the exterior of the front door of the rental unit
12 notifying the tenant that the writ has been issued and that the writ
13 will be executed on or after a specific date and time stated in the
14 warning not sooner than 24 hours after the warning is posted; and

15 (2) when the writ is executed:

16 (A) deliver possession of the premises to the
17 landlord;

18 (B) instruct the tenant and all persons claiming
19 under the tenant to leave the premises immediately, and, if the
20 persons fail to comply, physically remove them;

21 (C) instruct the tenant to remove or to allow the
22 landlord, the landlord's representatives, or other persons acting
23 under the officer's supervision to remove all personal property
24 from the rental unit other than personal property claimed to be

1 owned by the landlord; and

2 (D) place, or have an authorized person place,
3 the removed personal property outside the rental unit at a nearby
4 location, but not blocking a public sidewalk, passageway, or street
5 and not while it is raining, sleeting, or snowing, except as
6 provided by Subsection (d-1).

7 (d-1) A municipality may provide, without charge to the
8 landlord or to the owner of personal property removed from a rental
9 unit under Subsection (d), a portable, closed container into which
10 the removed personal property shall be placed by the officer
11 executing the writ or by the authorized person. The municipality
12 may remove the container from the location near the rental unit and
13 dispose of the contents by any lawful means if the owner of the
14 removed personal property does not recover the property from the
15 container within a reasonable time after the time the property is
16 placed in the container.

17 SECTION 2. This Act takes effect September 1, 2015.