

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 owner of personal property removed from a rental unit under
9 Subsection (d), a portable, closed container into which the removed
10 personal property shall be placed by the officer executing the writ
11 or by the authorized person. The municipality may remove the
12 container from the location near the rental unit and dispose of the
13 contents by any lawful means if the owner of the removed personal
14 property does not recover the property from the container within a
15 reasonable time after the time the property is placed in the
16 container.

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