

BILL ANALYSIS

Senate Research Center
85R9204 BEE-F

H.B. 1975
By: Villalba (Hancock)
Business & Commerce
5/16/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that the methods by which a public sale of property seized from a self-service storage facility tenant to enforce a contractual landlord's lien is conducted should be updated to reflect technological advancements. H.B. 1975 authorizes such a sale to be conducted through a publicly accessible website.

H.B. 1975 amends current law relating to enforcement of a lien on property in a self-service storage facility by a sale conducted through an Internet website.

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 59.044, Property Code, by adding Subsection (a-1), as follows:

(a-1) Provides that for the purposes of Subsection (a)(5) (relating to requiring the notice advertising the sale to contain the time, place, and terms of the sale), the place of a sale is the physical address of the location of the sale if the sale is conducted at the self-service storage facility or a reasonably near public place or the address of the Internet website if the sale is conducted through an Internet website.

SECTION 2. Amends Section 59.045, Property Code, as follows:

Sec. 59.045. CONDUCT OF SALE. (a) Creates this subsection from existing text. Requires a sale under this subchapter (Enforcement of Lien) to be a public sale:

(1) conducted at the self-service storage facility or a reasonably near public place; or

(2) conducted through an Internet website accessible to the public.

(b) Creates subsection from existing text and makes no further changes to this subsection.

SECTION 3. Effective date: September 1, 2017.