

By: Kacal

H.B. No. 3062

A BILL TO BE ENTITLED

AN ACT

relating to the sale of property for delinquent ad valorem taxes.

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

SECTION 1. Sections 34.0445(a) and (c), Civil Practice and Remedies Code, are amended to read as follows:

(a) An officer conducting a sale of real property under this subchapter may not execute or deliver a deed to the purchaser of the property unless the purchaser or the individual submitting the successful bid on behalf of the purchaser exhibits to the officer:

(1) an unexpired written statement issued to the purchaser [~~person~~] in the manner prescribed by Section 34.015, Tax Code [~~, showing that the county assessor-collector of the county in which the sale is conducted has determined that:~~

~~[(A) there are no delinquent ad valorem taxes owed by the person to that county; and~~

~~[(B) for each school district or municipality having territory in the county there are no known or reported delinquent ad valorem taxes owed by the person to that school district or municipality]; or~~

(2) the written registration statement issued to the person in the manner prescribed by Section 34.011, Tax Code, showing that the person is a registered bidder at the sale at which the property is sold.

(c) The deed executed by the officer conducting the sale

1 must name the purchaser [~~successful bidder~~] as the grantee and
2 recite that the purchaser or the individual submitting the
3 successful bid on behalf of the purchaser [~~successful bidder~~]
4 exhibited to that officer:

5 (1) an unexpired written statement issued to the
6 person in the manner prescribed by Section 34.015, Tax Code[~~r~~
7 ~~showing that the county assessor-collector of the county in which~~
8 ~~the sale was conducted determined that:~~

9 [~~(A) there are no delinquent ad valorem taxes~~
10 ~~owed by the person to that county; and~~

11 [~~(B) for each school district or municipality~~
12 ~~having territory in the county there are no known or reported~~
13 ~~delinquent ad valorem taxes owed by the person to that school~~
14 ~~district or municipality]; or~~

15 (2) the written registration statement issued to the
16 person in the manner prescribed by Section 34.011, Tax Code,
17 showing that the person is a registered bidder at the sale at which
18 the property is sold.

19 SECTION 2. Section 34.01, Tax Code, is amended by amending
20 Subsections (a), (a-1), (b), (f), and (r) and adding Subsection
21 (r-1) to read as follows:

22 (a) Real or personal property seized under a tax warrant
23 issued under Subchapter E, Chapter 33, or ordered sold pursuant to a
24 judgment for foreclosure of a tax lien shall be sold by the officer
25 charged with selling the property, unless otherwise directed by the
26 taxing unit that requested the warrant or order of sale or by an
27 authorized agent or attorney for that unit. The sale shall be

1 conducted in the manner similar property is sold under execution
2 except as otherwise provided by this subtitle.

3 (a-1) The commissioners court of a county, or the board of
4 directors of the appraisal district established for the county if
5 the appraisal district collects taxes imposed by the county, by
6 official action may authorize the officer charged with selling
7 property under this section to conduct [~~a~~] public auctions
8 [~~auction~~] using online bidding and sale. The officer, in
9 consultation with the assessor-collector for the county, if the
10 commissioners court authorized the officer to conduct the auctions,
11 or with the chief appraiser, if the board of directors of the
12 appraisal district authorized the officer to conduct the auctions,
13 shall propose rules governing the auctions. The governing body
14 that authorized the officer to conduct the auctions [~~commissioners~~
15 ~~court~~] may adopt rules governing the [~~online~~] auctions, including
16 the rules proposed by the officer [~~authorized under this~~
17 ~~subsection~~]. Rules adopted by a governing body [~~the commissioners~~
18 ~~court~~] under this subsection take effect on the 90th day after the
19 date the rules are published in the real property records of the
20 county.

21 (b) On receipt of an order of sale of real or personal
22 property, the officer charged with selling the property shall
23 endorse on the order the date and exact time when the officer
24 received the order. The endorsement is a levy on the property
25 without necessity for going upon the ground. The officer shall
26 calculate the total amount due under the judgment, including all
27 taxes, penalties, and interest, plus any other amount awarded by

1 the judgment, court costs, and the costs of the sale. The costs of a
2 sale include the costs of advertising, and any deed recording fees
3 anticipated to be paid in connection with the sale of the property.
4 To assist the officer in making the calculation, the collector of
5 any taxing unit that is party to the judgment may provide the
6 officer with a certified tax statement showing the amount of the
7 taxes included in the judgment that remain due that taxing unit and
8 all penalties, interest, and attorney's fees provided by the
9 judgment as of the date of the proposed sale. If a certified tax
10 statement is provided to the officer, the officer shall rely on the
11 amount included in the statement and is not responsible or liable
12 for the accuracy of the applicable portion of the calculation. A
13 certified tax statement is not required to be sworn to and is
14 sufficient if the tax collector or the collector's deputy signs the
15 statement.

16 (f) A notice of sale of real property is not required to
17 include field notes describing the property. A description of the
18 property is sufficient if the notice:

19 (1) states the number of acres and identifies the
20 original survey;

21 (2) as to property located in a platted subdivision or
22 addition, regardless of whether the subdivision or addition is
23 recorded, states the name by which the land is generally known with
24 reference to that subdivision or addition; or

25 (3) by reference adopts the description of the
26 property contained in the judgment.

27 (r) Except as provided by Subsection (a-1) and this

1 subsection, a sale of real property under this section must take
2 place at the county courthouse in the county in which the real
3 property [~~land~~] is located. The commissioners court of the county
4 may designate an area other than an area at the county courthouse
5 where sales under this section will take place that is in a public
6 place within a reasonable proximity of the county courthouse as
7 determined by the commissioners court and in a location as
8 accessible to the public as the courthouse door. The commissioners
9 court shall record that designation in the real property records of
10 the county. A designation by a commissioners court under this
11 section is not a ground for challenging or invalidating any sale. A
12 sale must be held at an area designated under this subsection if the
13 sale is held on or after the 90th day after the date the designation
14 is recorded.

15 (r-1) Notwithstanding Subsection (r), the sale of personal
16 property, including a manufactured home, may be conducted at the
17 same place as the sale of real property under Subsection (r) or at
18 the location of the personal property.

19 SECTION 3. Section 34.015, Tax Code, is amended by amending
20 Subsections (a), (b), (k-1), and (l) and adding Subsections (b-1)
21 and (q) to read as follows:

22 (a) In this section:

23 (1) "Person" [~~"person"~~] does not include a taxing
24 unit or an individual acting on behalf of a taxing unit.

25 (2) "Purchaser" includes the legal spouse of a
26 successful bidder authorized to be named as a grantee under this
27 section.

1 (b) An officer conducting a sale of real property under
2 Section 34.01 may not execute a deed in the name of or deliver a deed
3 to any person other than:

4 (1) the person who was:

5 (A) the successful bidder at the sale; and

6 (B) on request of the successful bidder, the
7 legal spouse of the successful bidder regardless of whether the
8 spouse is physically present at the sale or has provided written
9 authorization to the successful bidder; or

10 (2) a business, religious, charitable, or civic
11 organization that has authorized in writing an individual to submit
12 the successful bid on behalf of the organization.

13 (b-1) The officer conducting a sale of real property under
14 Section 34.01 may not execute or deliver a deed to the purchaser of
15 the property unless the purchaser or the individual submitting the
16 successful bid on behalf of the purchaser exhibits to the officer an
17 unexpired written statement issued under this section to each ~~the~~
18 person that will be a grantee on the deed by the county
19 assessor-collector of the county in which the sale is conducted
20 showing that:

21 (1) there are no delinquent taxes owed by the person to
22 that county; and

23 (2) for each school district or municipality having
24 territory in the county there are no known or reported delinquent ad
25 valorem taxes owed by the person to that school district or
26 municipality.

27 (k-1) If within six months of the date of a sale of real

1 property under Section 34.01, the purchaser or the individual
2 submitting the successful bid on behalf of the purchaser
3 ~~[successful bidder]~~ does not exhibit to the officer who conducted
4 the sale each required and ~~[an]~~ unexpired statement that complies
5 with Subsection (k), the officer who conducted the sale shall
6 provide a copy of the officer's return to the county
7 assessor-collector for each county in which the real property is
8 located. On receipt of the officer's return, the county
9 assessor-collector shall file the copy with the county clerk of the
10 county in which the county assessor-collector serves. The county
11 clerk shall record the return in records kept for that purpose and
12 shall index and cross-index the return in the name of the purchaser
13 ~~[successful bidder]~~ at the auction and each former owner of the
14 property. The chief appraiser of each appraisal district that
15 appraises the real property for taxation may list the purchaser
16 ~~[successful bidder]~~ in the appraisal records of that district as
17 the owner of the property.

18 (1) The deed executed by the officer conducting the sale
19 must name the purchaser ~~[successful bidder]~~ as the grantee and
20 recite that the purchaser or the individual submitting the
21 successful bid on behalf of the purchaser ~~[successful bidder]~~
22 exhibited to that officer an unexpired written statement issued to
23 the purchaser ~~[person]~~ in the manner prescribed by this section~~[-~~
24 ~~showing that the county assessor-collector of the county in which~~
25 ~~the sale was conducted determined that:~~

26 ~~[(1) there are no delinquent ad valorem taxes owed by~~
27 ~~the person to that county, and~~

1 ~~[(2) for each school district or municipality having~~
2 ~~territory in the county there are no known or reported delinquent ad~~
3 ~~valorem taxes owed by the person to that school district or~~
4 ~~municipality].~~

5 (g) The chief appraiser for an appraisal district
6 established for a county shall perform the duties assigned to the
7 assessor-collector for that county under this section if the
8 appraisal district collects the taxes imposed by the county.

9 SECTION 4. Section 34.0445(b), Civil Practice and Remedies
10 Code, is repealed.

11 SECTION 5. The changes in law made by this Act apply only to
12 the sale of property under Subchapter C, Chapter 34, Civil Practice
13 and Remedies Code, or Section 34.01, Tax Code, on or after the
14 effective date of this Act.

15 SECTION 6. This Act takes effect September 1, 2017.