

By: Bettencourt

S.B. No. 1285

A BILL TO BE ENTITLED

AN ACT

relating to the procedure for the sale by auction of real property pursuant to foreclosure of a tax lien.

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

SECTION 1. Sections 34.01(b) and (p), Tax Code, are amended to read as follows:

(b) On receipt of an order of sale of real property, the officer charged with selling the property shall endorse on the order the date and exact time when the officer received the order. The endorsement is a levy on the property without necessity for going upon the ground. The officer shall calculate the total amount due under the judgment, including all taxes, penalties, and interest, plus any other amount awarded by the judgment, court costs, and the costs of the sale. The costs of a sale include the costs of advertising, a licensed auctioneer's commission and fees, and deed recording fees anticipated to be paid in connection with the sale of the property. To assist the officer in making the calculation, the collector of any taxing unit that is party to the judgment may provide the officer with a certified tax statement showing the amount of the taxes included in the judgment that remain due that taxing unit and all penalties, interest, and attorney's fees provided by the judgment as of the date of the proposed sale. If a certified tax statement is provided to the officer, the officer shall rely on the amount included in the statement and is not

1 responsible or liable for the accuracy of the applicable portion of
2 the calculation. A certified tax statement is not required to be
3 sworn to and is sufficient if the tax collector or the collector's
4 deputy signs the statement.

5 (p) Except as provided by Subsection (o), property seized
6 under Subchapter E, Chapter 33, may not be sold for an amount that
7 is less than the lesser of the market value of the property as
8 specified in the warrant or the total amount of taxes, penalties,
9 interest, costs, auctioneer's commission and fees, and other claims
10 for which the warrant was issued. If a sufficient bid is not
11 received by the officer making the sale, the officer shall bid off
12 the property to a taxing unit in the manner specified by Subsection
13 (j) and subject to the other provisions of that subsection. A
14 taxing unit that takes title to property under this subsection
15 takes title for the use and benefit of that taxing unit and all
16 other taxing units that established tax liens in the suit or that,
17 on the date of the seizure, were owed delinquent taxes on the
18 property.

19 SECTION 2. The changes in law made by this Act apply only to
20 the sale of real property under Section 34.01, Tax Code, for which
21 notice is given on or after the effective date of this Act.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2019.