

BILL ANALYSIS

Senate Research Center
87R2306 NC-D

H.B. 900
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 900 amends Section 24.0061 of the Property Code to ensure a landlord is not held liable for damages resulting from the execution of an eviction notice by an officer.

Currently in state statute, protections are provided for renters, officers, movers and even storage facility owners as it relates to the liability of damages to personal property removed during the execution of a writ of possession. However, the landlord is not explicitly exempt from liability in this moving process, placing an undue burden on property owners and managers, as they are not granted the same statutory immunity as officers or movers. Should the personal property be damaged or stolen before it is recovered by the tenant, they could be held liable through no fault of their own.

H.B. 900 seeks to remedy this problem by offering the same immunity provided to officers and warehousemen as it relates to a tenant's personal property during the execution of a writ of possession.

H.B. 900 amends current law relating to the liability of a landlord for damages resulting from the execution of a writ of possession in an eviction suit.

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 24.0061, Property Code, by adding Subsection (i), to provide that a landlord is not liable for damages to the tenant resulting from the execution of a writ of possession by an officer under Section 24.0061 (Writ of Possession).

SECTION 2. Provides that Section 24.0061(i), Property Code, as added by this Act, applies only to the execution of a writ of possession issued in an eviction suit filed on or after the effective date of this Act. Provides that execution of a writ of possession issued in an eviction suit filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2021.