

By: Neave

H.B. No. 4444

A BILL TO BE ENTITLED

AN ACT

relating to the authority of counties to prohibit evictions during a declaration of disaster.

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

SECTION 1. Chapter 240, Local Government Code, is amended by adding Section 240.911 under Subchapter Z to read as follows:

Section 240.911 AUTHORITY TO PROHIBIT EVICTIONS DURING DISASTER DECLARATIONS. (a) In this section, a "disaster declaration" refers to any declaration of disaster by a federal, state, or local government under Chapter 418 of the Government Code or 42 U.S.C. Section 5170.

(b) In this session, "eviction" refers to any action for eviction to recover possession of residential property under Chapter 24 of the Texas Property Code and Rule 510 of Rules of Criminal Procedure.

(c) "Temporary halt to residential evictions" refers to the actions included in subsection(d) to prevent eviction during a disaster declaration and up to 60 days after the date a disaster declaration ends.

(d) A county may enact a temporary halt to residential evictions. Under a temporary halt to residential evictions,

(1) No trial, hearing, or other proceeding may be conducted, and all deadlines are tolled, until after the county elects to end the temporary halt to residential evictions;

1           (2) A writ of possession may issue, but the posting of  
2 the written warning required by 24.0061(d)(1), Property Code, and  
3 the execution of the writ of possession may not occur;

4           (3) The deadlines in Rules 510.8(d)(1) and (2), Texas  
5 Rules of Civil Procedure, are tolled until the county elects to end  
6 the temporary halt to residential evictions;

7           (4) New filings may be accepted, but the time period in  
8 Rule 510.4(a)(10), Texas Rules of Civil Procedure, may be  
9 suspended; and

10           (5) Issuance and service of citation may not occur  
11 until after the county elects to end the temporary halt to  
12 residential evictions.

13           (e) This section does not apply to evictions in which the  
14 plaintiff files a "Sworn Complaint for Forcible Detainer for Threat  
15 to Person or For Cause" and the court determines that the facts and  
16 grounds for eviction stated in the Complaint show that the actions  
17 of the tenant, or the tenant's household members or guests:

18           (1) pose an imminent threat of physical harm to the  
19 plaintiff, the plaintiff's employees, or other tenants; or

20           (2) constitute a criminal offense; and

21           (3) The court signs an order stating procedures for  
22 the case to proceed.

23           (f) A county may extend the temporarily halt to residential  
24 evictions up to 60 days after the date a disaster declaration ends.

25           SECTION 2. This Act takes effect September 1, 2021