

BILL ANALYSIS

C.S.H.B. 1382
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County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Property tax sales and resales, as well as sales of real property taken in execution of a judgment, have historically been conducted on the same day and at the same venue. While property tax sales and resales can be conducted either through an in-person auction or an online auction, a sale of real property taken in execution of a judgment may only be offered through an in-person auction, leading to inefficiencies and unnecessary costs to the taxpayers when compared to the potential for the use of an online auction for such a sale. C.S.H.B. 1382 seeks to address this issue by giving a county commissioners court the option to authorize the officer charged with conducting a public sale of certain real property taken in execution of a judgment to conduct an online auction as an alternative to conducting an in-person sale.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1382 amends the Civil Practice and Remedies Code to give a county commissioners court the option to authorize, by official action, the officer charged with conducting a public sale of real property taken in execution of a judgment to conduct a public auction using online bidding and sale as an alternative to conducting an in-person sale, subject to the same date and time requirements for in-person sales. The bill authorizes the commissioners court to adopt rules governing these online auctions and specifies that the rules take effect on the 90th day after the date the rules are published in the county's real property records. The bill exempts from an online auction a sale of real property that is under a power of sale conferred by a contract lien.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1382 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a specification that the execution by which real property subject to public sale was taken is an execution of a judgment, whereas the introduced did not include this specification.

The substitute includes an exemption from an online auction for a sale of real property that is under a power of sale conferred by a contract lien, which did not appear in the introduced.