

BILL ANALYSIS

H.B. 3952
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are concerns that Texas property owners are losing their property rights, losing their livelihoods, and that their communities are endangered because justices of the peace refuse to enforce lawful evictions. During the COVID-19 Pandemic, CDC issued a national moratorium on evictions. While this protected Texans during extraordinary circumstances, the state has since reopened and returned to pre-pandemic life. Some justices of the peace, however, continue to abide by this now defunct moratorium and are violating the rights of Texas property owners to protect their property. H.B. 3952 seeks to address this issue by allowing property owners to regain their property rights by granting county courts concurrent jurisdiction with justices of the peace in cases of forcible entry and detainer and forcible detainer suits.

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

H.B. 3952 amends the Government Code to remove a justice court's original jurisdiction in cases of forcible entry and detainer and to establish that statutory county courts and justice courts have concurrent jurisdiction in cases of forcible entry and detainer and forcible detainer.

H.B. 3952 amends the Property Code to revise the procedures for forcible entry and detainer and forcible detainer suits to account for the jurisdiction of statutory county courts and provide those courts the same authority and responsibilities as a justice court with respect to such cases. The bill establishes that the appropriate court of appeals has appellate jurisdiction with respect to such cases if they are filed in a statutory county court. The bill subjects an appeal filed with a court of appeals to the same provisions as an appeal to a county court relating to a case originally filed in a justice court but makes certain adjustments as necessary to reflect the court of appeals process. The bill clarifies that the authorization for parties to represent themselves or have non-attorney representation in a motion to dismiss an appeal of an eviction case does not apply to a motion to dismiss an appeal filed in a court of appeals.

H.B. 3952 amends the Transportation Code to make a conforming change.

H.B. 3952 applies only to a forcible entry and detainer or a forcible detainer suit filed on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.