

By: Garcia

H.B. No. 5043

A BILL TO BE ENTITLED

AN ACT

relating to expedited forcible detainer suits to evict certain occupants of a dwelling.

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

SECTION 1. Chapter 24, Property Code, is amended by adding Section 24.012 to read as follows:

Sec. 24.012. FORCIBLE DETAINER SUITS AGAINST CERTAIN OCCUPANTS OF A DWELLING. (a) Notwithstanding any other law, a person with the right of possession of a dwelling may file a forcible detainer suit to remove an occupant of the dwelling who:

(1) is not the property owner;

(2) is not entitled to occupy the dwelling under a written lease or oral rental agreement with:

(A) the landlord; or

(B) another person entitled to occupy the dwelling under a written lease or oral rental agreement with the landlord; and

(3) does not pay rent.

(b) A person is not required to comply with any oral or written notice requirement of this chapter or any other law before the person files a forcible detainer suit under this section.

(c) A person who files a forcible detainer suit under this section is entitled to a judgment for possession and a writ of possession under Section 24.0061 if the person presents to the

1 court:

2 (1) a copy of one or more of the following orders
3 protecting the person filing the suit or a tenant or lawful occupant
4 of the dwelling from family violence alleged to have been committed
5 by the person whose eviction is sought:

6 (A) a temporary injunction issued under
7 Subchapter F, Chapter 6, Family Code;

8 (B) a temporary ex parte order issued under
9 Chapter 83, Family Code;

10 (C) a protective order issued under Chapter 85,
11 Family Code; or

12 (D) an order of emergency protection under
13 Article 17.292, Code of Criminal Procedure;

14 (2) a copy of documentation of the family violence
15 described against the person filing the suit or a tenant or lawful
16 occupant of the dwelling by the person whose eviction is sought
17 from:

18 (A) a licensed health care services provider who
19 examined the victim;

20 (B) a licensed mental health services provider
21 who examined or evaluated the victim; or

22 (C) an advocate as defined by Section 93.001,
23 Family Code, who assisted the victim;

24 (3) if the person filing the suit or a tenant or lawful
25 occupant of the dwelling is a victim or a parent or guardian of a
26 victim of sexual assault under Section 22.011, Penal Code,
27 aggravated sexual assault under Section 22.021, Penal Code,

1 indecenty with a child under Section 21.11, Penal Code, sexual
2 performance by a child under Section 43.25, Penal Code, continuous
3 sexual abuse of young child or disabled individual under Section
4 21.02, Penal Code, or an attempt to commit any of the preceding
5 offenses under Section 15.01, Penal Code, that takes place during
6 the preceding six-month period at the dwelling or on the dwelling
7 premises, that is alleged to have been committed by the person whose
8 eviction is sought, a copy of:

9 (A) documentation of the assault or abuse, or
10 attempted assault or abuse, of the victim from a licensed health
11 care services provider who examined the victim;

12 (B) documentation of the assault or abuse, or
13 attempted assault or abuse, of the victim from a licensed mental
14 health services provider who examined or evaluated the victim;

15 (C) documentation of the assault or abuse, or
16 attempted assault or abuse, of the victim from an individual
17 authorized under Chapter 420, Government Code, who provided
18 services to the victim; or

19 (D) documentation of a protective order issued
20 under Subchapter A, Chapter 7B, Code of Criminal Procedure, except
21 for a temporary ex parte order;

22 (4) if the person filing the suit or a tenant or lawful
23 occupant of the dwelling is a victim or a parent or guardian of a
24 victim of stalking under Section 42.072, Penal Code, that takes
25 place during the preceding six-month period at the dwelling or on
26 the dwelling premises, that is alleged to have been committed by the
27 person whose eviction is sought, a copy of:

1 (A) documentation of a protective order issued
2 under Subchapter A or B, Chapter 7B, Code of Criminal Procedure,
3 except for a temporary ex parte order; or

4 (B) documentation of the stalking from a provider
5 of services described by Subdivision (1), (2), or (3) and:

6 (i) a law enforcement incident report or,
7 if a law enforcement incident report is unavailable, another record
8 maintained in the ordinary course of business by a law enforcement
9 agency; and

10 (ii) if the report or record described by
11 Paragraph (A) identifies the victim by means of a pseudonym, as
12 defined by Article 58.001, Code of Criminal Procedure, a copy of a
13 pseudonym form completed and returned under Article 58.152(a) of
14 that code; or

15 (5) evidence showing that the person whose eviction is
16 sought has been convicted of either:

17 (A) a violent offense, including:

18 (i) aggravated assault under Section 22.02,
19 Penal Code;

20 (ii) robbery under Section 29.02, Penal
21 Code;

22 (iii) murder under Section 19.02, Penal
23 Code; or

24 (iv) an attempt to commit any of the
25 preceding offenses under Section 15.01, Penal Code; or

26 (B) a sex offense, including:

27 (i) sexual assault under Section 22.011,

1 Penal Code;

2 (ii) aggravated sexual assault under
3 Section 22.021, Penal Code;

4 (iii) indecency with a child under Section
5 21.11, Penal Code;

6 (iv) sexual performance by a child under
7 Section 43.25, Penal Code;

8 (v) continuous sexual abuse of a young
9 child or disabled individual under Section 21.02, Penal Code; or

10 (vi) an attempt to commit any of the
11 preceding offenses under Section 15.01, Penal Code.

12 (d) A court shall expedite a hearing on a suit filed under
13 this section.

14 SECTION 2. This Act takes effect September 1, 2023.