

By: Birdwell

S.B. No. 1897

A BILL TO BE ENTITLED

AN ACT

relating to requirements for notice advertising the sale of property to enforce a self-service storage facility lien.

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

SECTION 1. Sections 59.042(b) and (c), Property Code, are amended to read as follows:

(b) If the tenant fails to satisfy the claim on or before the 14th day after the date the notice is delivered, the lessor must publish or post notices advertising the sale or otherwise give notice advertising the sale in a commercially reasonable manner as provided by this subchapter.

(c) The [~~If notice is by publication, the~~] lessor may not sell the property until:

(1) the 15th day after the date the notice advertising the sale is first published, if the notice is by publication;

(2) [~~. If notice is by posting, the lessor may sell the property after~~] the 10th day after the date the notices advertising the sale are posted, if the notice is by posting; or

(3) the 10th day after the date the notice is given, if the notice is given in a commercially reasonable manner.

SECTION 2. The heading to Section 59.044, Property Code, is amended to read as follows:

Sec. 59.044. METHOD AND CONTENT OF NOTICE ADVERTISING [~~OF~~] SALE.

1 SECTION 3. Section 59.044, Property Code, is amended by
2 amending Subsection (b) and adding Subsections (c) and (d) to read
3 as follows:

4 (b) The lessor must either:

5 (1) publish the notice advertising the sale:

6 (A) subject to Subsection (c), [~~once in each of~~
7 ~~two consecutive weeks~~] in a newspaper of general circulation in the
8 county in which the self-service storage facility is located; or

9 (B) on a publicly accessible Internet website
10 that regularly advertises or conducts auctions of personal
11 property; or

12 (2) give notice advertising the sale in a commercially
13 reasonable manner.

14 (c) If there is not a newspaper of general circulation in
15 the county in which to publish notice advertising the sale under
16 Subsection (b)(1), the lessor may [~~instead~~] post a copy of the
17 notice at the self-service storage facility and at least five other
18 conspicuous locations near the facility.

19 (d) For purposes of this section, notice advertising a sale
20 is considered to be given in a commercially reasonable manner if at
21 least three independent bidders register for, view, or attend the
22 sale, regardless of whether the sale is conducted at the
23 self-service storage facility or a reasonably near public place or
24 through an Internet website accessible to the public.

25 SECTION 4. The changes in law made by this Act to Chapter
26 59, Property Code, apply only to a self-service storage facility
27 rental agreement entered into, extended, or renewed on or after the

1 effective date of this Act. A self-service storage facility rental
2 agreement entered into, extended, or renewed before the effective
3 date of this Act is governed by the law as it existed immediately
4 before the effective date of this Act, and the former law is
5 continued in effect for that purpose.

6 SECTION 5. This Act takes effect September 1, 2023.