

By: Harris Davila

H.B. No. 3273

A BILL TO BE ENTITLED

AN ACT

1
2 relating to limitations on certain suits to recover real property
3 held by another in adverse possession; the unauthorized sale,
4 rental, lease, or advertisement for sale, rental, or lease of real
5 property; and the removal of certain unauthorized occupants of a
6 dwelling; creating a criminal offense; authorizing a fee.

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

8 SECTION 1. Section 16.022, Civil Practice and Remedies
9 Code, is amended by amending Subsection (a) and adding Subsection
10 (a-1) to read as follows:

11 (a) Except as provided by Subsection (a-1), for ~~For~~ the
12 purposes of this subchapter, a person is under a legal disability if
13 the person is:

14 (1) younger than 18 years of age, regardless of
15 whether the person is married;

16 (2) of unsound mind; or

17 (3) serving in the United States Armed Forces during
18 time of war.

19 (a-1) For purposes of a limitation imposed by Section
20 16.024, 16.025, 16.026, or 16.0265, a person is under a legal
21 disability if the person is:

22 (1) described by Subsection (a)(1) or (2);

23 (2) serving in the United States Armed Forces,
24 regardless of whether the service is during a time of war; or

1 (3) attending an institution of higher education or a
2 private or independent institution of higher education, as those
3 terms are defined by Section 61.003, Education Code.

4 SECTION 2. Subchapter D, Chapter 32, Penal Code, is amended
5 by adding Section 32.57 to read as follows:

6 Sec. 32.57. FRAUDULENT SALE, RENTAL, OR LEASE OF
7 RESIDENTIAL REAL PROPERTY. (a) A person commits an offense if the
8 person knowingly:

9 (1) lists or advertises for sale, rent, or lease
10 residential real property while knowing that the person offering to
11 sell, rent, or lease the property does not have legal title or
12 authority to sell, rent, or lease the property; or

13 (2) sells, rents, or leases to another person
14 residential real property to which the person does not have legal
15 title or authority to sell, rent, or lease.

16 (b) An offense under this section is a felony of the first
17 degree.

18 (c) If conduct that constitutes an offense under this
19 section also constitutes an offense under any other law, the actor
20 may be prosecuted under this section or the other law, but not both.

21 SECTION 3. Title 4, Property Code, is amended by adding
22 Chapter 24B to read as follows:

23 CHAPTER 24B. REMOVAL OF CERTAIN UNAUTHORIZED OCCUPANTS OF REAL
24 PROPERTY

25 Sec. 24B.001. RIGHT TO REQUEST REMOVAL OF UNAUTHORIZED
26 OCCUPANT OF DWELLING BY SHERIFF. Notwithstanding any other law, an
27 owner of residential real property or the owner's agent may request

1 that the sheriff of the county in which the property is located
2 immediately remove a person who unlawfully entered and is occupying
3 a dwelling on the property without the owner's consent if:

4 (1) the property:

5 (A) was not open to the public when the person
6 entered the property; and

7 (B) is not the subject of pending litigation
8 between the owner and the person;

9 (2) the owner or the owner's agent has directed the
10 person to leave the property and the person has not done so; and

11 (3) the person is not:

12 (A) a current or former tenant of the owner under
13 an oral or written lease; or

14 (B) an immediate family member of the owner.

15 Sec. 24B.002. COMPLAINT TO REQUEST REMOVAL OF UNAUTHORIZED
16 OCCUPANT. (a) A property owner or the owner's agent may request
17 the removal of a person under Section 24B.001 by submitting to the
18 sheriff of the county in which the property is located a complaint
19 in substantially the following form that complies with Subsection
20 (b):

21 COMPLAINT TO REMOVE PERSON OCCUPYING DWELLING

22 WITHOUT OWNER'S CONSENT

23 I, _____ (name of complainant), declare under the penalty of
24 perjury that:

25 (Complete each item as applicable and initial each item.)

26 ____ 1. I am the owner of residential real property
27 located at _____ (property address) or the agent of the owner.

1 2. A person unlawfully entered and occupies a
2 dwelling on the property without the owner's consent.

3 3. The property was not open to the public when the
4 person entered the property.

5 4. The property is not the subject of pending
6 litigation between the owner and the person.

7 5. The owner or the owner's agent has directed the
8 person to leave the property and the person has not done so.

9 6. The person is not a current or former tenant of
10 the owner under an oral or written lease and any lease produced by
11 the person is fraudulent.

12 7. The person is not an owner or co-owner of the
13 property and any title to the property that lists the person as an
14 owner or co-owner is fraudulent.

15 8. The person is not an immediate family member of
16 the owner.

17 9. I understand that a person removed from the
18 property as a result of this complaint may bring an action against
19 me for any false statement made in the complaint or for wrongfully
20 submitting the complaint.

21 10. I understand that I may be held liable for
22 actual damages, exemplary damages, court costs, and reasonable
23 attorney's fees in an action described by Item 9.

24 11. I am requesting that the sheriff immediately
25 remove each person occupying the dwelling without the owner's
26 consent.

27 12. A copy of my valid government-issued

1 identification is attached and, if I am the owner's agent, a
2 document evidencing my authority to act on the property owner's
3 behalf is attached.

4 I HAVE READ EACH STATEMENT IN THIS COMPLAINT AND CONFIRM EACH
5 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT A STATEMENT MADE
6 IN THIS COMPLAINT IS MADE UNDER PENALTY OF PERJURY, PUNISHABLE
7 UNDER SECTION 37.02, PENAL CODE.

8 _____(signature of complainant)

9 (b) A complaint submitted under this section must be made
10 under oath or made as an unsworn declaration under Section 132.001,
11 Civil Practice and Remedies Code.

12 Sec. 24B.003. VERIFICATION OF COMPLAINT; SERVICE OF NOTICE
13 TO IMMEDIATELY VACATE. (a) A sheriff who receives a complaint
14 under Section 24B.002 shall verify that the complainant is:

15 (1) the record owner of the property that is the
16 subject of the complaint or the owner's agent; and

17 (2) otherwise entitled to the relief sought in the
18 complaint.

19 (b) On verifying the complaint under Subsection (a), the
20 sheriff shall without delay:

21 (1) serve notice to immediately vacate on the person
22 occupying the dwelling without the owner's consent; and

23 (2) put the owner in possession of the dwelling.

24 (c) Service of notice to immediately vacate may be
25 accomplished by:

26 (1) hand delivery to an occupant of the dwelling; or

27 (2) affixing the notice to the front door or entrance

1 of the dwelling.

2 (d) A sheriff serving notice to immediately vacate under
3 this section shall attempt to verify the identity of each person
4 occupying the dwelling and note each identity on the return of
5 service.

6 (e) A sheriff serving notice to immediately vacate under
7 this section may arrest any person found in the dwelling for an
8 outstanding warrant or for trespass or any other offense for which
9 probable cause exists.

10 (f) A sheriff who serves a notice to immediately vacate
11 under this section is entitled to receive from the complainant a fee
12 in an amount equal to the amount the sheriff would receive for
13 executing a writ of possession.

14 (g) After the service of notice to immediately vacate by the
15 sheriff under Subsection (b), the property owner or owner's agent
16 may request that the sheriff remain on the property to keep the
17 peace while the owner or owner's agent:

18 (1) changes any locks; and

19 (2) removes any personal property of an occupant from
20 the dwelling and places the personal property at or near the
21 property line of the owner's property.

22 (h) If a request described by Subsection (g) is made, the
23 sheriff may charge the person making the request a reasonable
24 hourly rate set by the sheriff for remaining on the property.

25 Sec. 24B.004. LIABILITY. (a) A sheriff is not liable to an
26 unauthorized occupant or any other person for loss or destruction
27 of or damage to property resulting from the removal of a person or

1 property under this chapter.

2 (b) Subject to Section 24B.005, a property owner or the
3 owner's agent is not liable to any person for loss or destruction of
4 or damage to personal property resulting from the removal of the
5 personal property from the owner's property under this chapter.

6 Sec. 24B.005. ACTION FOR WRONGFUL REMOVAL. (a) A person
7 who is wrongfully removed, or whose personal property is wrongfully
8 removed, from a dwelling or other real property under this chapter
9 may bring an action under this section to:

10 (1) recover possession of the real property; and
11 (2) recover from the person who requested the wrongful
12 removal:

13 (A) actual damages;
14 (B) exemplary damages equal to three times the
15 fair market rent of the dwelling;
16 (C) court costs; and
17 (D) reasonable attorney's fees.

18 (b) The court shall set an action brought under this section
19 for hearing at the earliest practicable date to expedite the
20 action.

21 Sec. 24B.006. NONEXCLUSIVITY. This chapter does not limit:

22 (1) the rights of a property owner; or
23 (2) the authority of a law enforcement officer to
24 arrest an unauthorized occupant of a dwelling for trespassing,
25 vandalism, theft, or another offense.

26 SECTION 4. Section 16.022, Civil Practice and Remedies
27 Code, as amended by this Act, applies only to a cause of action that

1 accrues on or after the effective date of this Act. A cause of
2 action that accrued before the effective date of this Act is
3 governed by the law as it existed immediately before that date, and
4 that law is continued in effect for that purpose.

5 SECTION 5. This Act takes effect September 1, 2025.