

By: Kolkhorst

S.B. No. 1904

A BILL TO BE ENTITLED

AN ACT

relating to procedures for residential eviction suits.

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

SECTION 1. Section 24.0051, Property Code, is amended by adding Subsection (e) to read as follows:

(e) The court shall set a trial date for a residential eviction suit that is not earlier than the 10th day and not later than the 21st day after the date the suit is filed.

SECTION 2. Section 24.0061, Property Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (j) to read as follows:

(b) Except as provided by Subsection (b-1), a [A] writ of possession may not be issued before the sixth day after the date on which the judgment for possession is rendered unless a possession bond has been filed and approved under the Texas Rules of Civil Procedure and judgment for possession is thereafter granted by default.

(b-1) If judgment for possession in a residential eviction suit is granted by default, the court shall issue a writ of possession immediately upon demand and payment of any required fees, without regard to whether a possession bond has been filed and approved or whether a defendant has perfected an appeal in the case.

(j) A sheriff or constable shall execute a writ of possession under Subsection (b-1) not later than the 10th business

1 day after the date the court issues the writ. For purposes of this
2 section, "business day" means a day other than Saturday, Sunday, or
3 a state or federal holiday.

4 SECTION 3. The changes in law made by this Act apply only to
5 an eviction suit in which the notice to vacate is given on or after
6 the effective date of this Act. An eviction suit in which the
7 notice to vacate is given before the effective date of this Act is
8 governed by the law as it existed immediately before the effective
9 date of this Act, and that law is continued in effect for that
10 purpose.

11 SECTION 4. As soon as practicable after the effective date
12 of this Act, the Texas Supreme Court shall adopt rules necessary to
13 implement the changes in law made by this Act.

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