

BILL ANALYSIS

Senate Research Center

S.B. 38
By: Bettencourt et al.
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 38 establishes a process to adjudicate cases in civil courts when a property owner is denied access to their property by someone who has no legal right to remain on the property. Examples of denied access to property include when a person occupies a residential property without the owner's consent or when a person remains in a residential property despite no longer having legal access to the property.

This issue was brought to my office's attention through multiple reports of "squatting." In addition, the Senate Local Government Committee held a hearing in May 2024 where 17 witnesses from across the state shared examples of unauthorized persons illegally occupying residential properties.

The testimony provided to the committee, along with examples shared by constituents, all share common attributes. When cases of squatting or unauthorized occupancy are reported to law enforcement, the response from law enforcement may be delayed because of other priorities or referred to the civil eviction process by law enforcement because persons occupying the property claim they have legal justification to remain on the property and law enforcement is unable to make a clear determination that would warrant an arrest or citation.

When these cases are referred to the civil eviction process, resolving them may take months and cost several thousands of dollars in legal fees. In addition, for cases involving multifamily properties, the property owner may be forced to spend tens of thousands of dollars to hire security personnel to keep the peace and ensure other residents do not feel threatened. During the pendency of these cases, property is oftentimes damaged necessitating thousands of dollars in repairs.

Squatting cases must be addressed quickly to restore an owner's right to their property.

In those cases involving no genuine dispute over the owner's right to possession—non-payment of rent cases—returning the property to the owner should be straightforward and efficient.

This legislation is about returning property to property owners in those cases where there are no valid competing claims to possession without forcing them having to subsidize months and months of free rent, property damage, and other costs. This committee substitute makes several reforms to the civil eviction process including:

Changes Made in the Substitute

- Terminology and Time Calculation: Uses the terms "landlord" and "tenant" rather than "plaintiff" and "defendant"; defines how days are to be calculated.
- Venue: Instead of allowing landlords to transfer cases to an adjacent JP, the committee substitute provides a process for requesting a venue change.
- Court Closures: Clarifies that the Texas Supreme Court may suspend or modify procedures during a disaster.
- Notices to Vacate: Restores current law requiring a Notice to Vacate for all lease violations.
- Local Court Rules: Allows local court rules, provided they do not delay an eviction.
- Service of Citation: Requires constables to attempt service within three business days. If not served within three business days, landlords may use other qualified law enforcement.

- Summary Disposition: Clarifies that judges have discretion to grant or deny summary disposition; allows tenant response time up to four days and clarifies that judges may consider responses until judgment; requires a form notice with the citation explaining summary disposition response deadlines.
- Trials: Allows JP to continue a case for up to seven days and extend further only if both parties agree; clarifies that justice and county courts may allow electronic proceedings if both parties agree; and establishes a timeframe for which transcripts shall be delivered.
- Appeals: Provides a minimum payment threshold for tenants to \$250 and clarifies that a five-day appeal timeline is provided.
- Writ Issuance and Execution: Clarifies that the court where the case is pending issue a writ of possession if the tenant fails to pay rent into the court registry during an appeal; and provides three business days for constables to execute a writ. If the writ is not executed within three business days, landlords may use other qualified law enforcement.
- Relocation Assistance: Clarifies that government-funded legal assistance programs for eviction cases should also include tenant relocation assistance and exempts the Texas Supreme Court from this requirement.

S.B. 38 amends current law relating to the eviction from real property of certain persons not entitled to enter, occupy, or remain in possession of the premises.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Supreme Court of Texas in SECTION 16 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 24.004, Property Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Provides that, except as provided by Subsection (b) (relating to a justice court lacking jurisdiction in a forcible entry and detainer or suit and the requirement to dismiss the suit under certain circumstances), a justice court in the precinct in which the real property is located has jurisdiction in an eviction suit. Provides that a justice court has jurisdiction to issue a writ of possession under Chapter 24 (Forcible Entry and Detainer), rather than certain subsections of Section 24.0054 (Tenant's Failure to Pay Rent During Appeal). Makes nonsubstantive changes.

(c) Requires a justice court in which a petition is filed under Section 24.00505 to adjudicate the right to actual possession of the premises. Prohibits the justice court from adjudicating title to the premises. Provides that counterclaims and the joinder of suits against third parties are not permitted in eviction suits. Provides that this subsection does not preclude a claim that is prohibited from being asserted under this subsection from being brought in a separate suit in a court of proper jurisdiction.

SECTION 2. Amends Chapter 24, Property Code, by adding Section 24.0041, 24.0042, and 24.003, as follows:

Sec. 24.0041. VENUE. Requires that an eviction suit be brought in the justice precinct in which the real property is located.

Sec. 24.0042. COMPUTATION OF TIME. Provides that a period of time prescribed by this chapter does not include the day of the event that begins the period; includes Saturdays, Sundays, and state or federal holidays; includes the last day of the period; and if the last day of the period is a Saturday, Sunday, or state or federal holiday, is extended so that the last day of the period is the next day that is not a Saturday, Sunday, or state or federal holiday.

Sec. 24.0043. AUTHORITY TO MODIFY OR SUSPEND EVICTION PROCEDURES.
(a) Provides that only the legislature, except as provided by Subsection (b) but

notwithstanding any other law, including Section 22.004 (Rules of Civil Procedure), Government Code, is authorized to modify or suspend procedures prescribed by this chapter.

(b) Provides that this section does not affect the authority of the supreme court to modify or suspend certain provisions for the conduct of any court proceedings affected by a disaster under Section 22.0035(b) (relating to authorizing the supreme court to modify or suspend procedures for the conduct of any court proceeding affected by a disaster), Government Code, but such a modification or suspension is authorized to be applied to an eviction suit only if the modification or suspension is applicable to all courts similarly affected by the disaster without regard to the subject matter of an action and any request for the modification or suspension is made in writing and available to the public.

SECTION 3. Amends the heading to Section 24.005, Property Code, to read as follows:

Sec. 24.005. NOTICE REQUIRED BEFORE FILING CERTAIN EVICTION SUITS.

SECTION 4. Amends Section 24.005, Property Code, by amending Subsections (a) and (e) and adding Subsections (c-1), (f-3), and (f-4) as follows:

(a) Requires that written notice under this section, in a forcible detainer suit against a tenant whose right of possession is terminated based solely on nonpayment of rent and who was not late or delinquent in paying rent to the landlord before the month in which the notice is given, be given in the form of a notice to pay rent or vacate. Authorizes a written notice under this section, in a forcible detainer suit against a tenant whose right of possession is terminated based on nonpayment of rent and who was late or delinquent in paying rent to the landlord before the month in which the notice is given, to be given in the form of either a notice to pay rent or vacate or a notice to vacate.

(c-1) Provides that, if a federal law or rule requires a landlord to give notice to a tenant before the landlord requires the tenant to vacate the premises:

(1) a landlord that satisfies the notice requirements of this section is not required to delay the filing of an eviction suit based on the federal requirement;

(2) the federal requirement is not a basis for a court to delay or abate the conduct of the eviction suit; and

(3) a writ of possession is prohibited from being served on the tenant until the period between the delivery of the notice under this section and the service of the writ equals or exceeds the period prescribed by the federal requirement.

(e) Provides that, if the lease or applicable state or federal law or rule requires a landlord to give a tenant an opportunity to respond to a notice of proposed eviction before filing an eviction suit:

(1) the notice period in a notice to pay rent or vacate or notice to vacate under Subsection (a) is authorized, at the landlord's discretion, to run concurrently with the period provided for the tenant to respond to the notice of proposed eviction; and

(2) the notice to pay rent or vacate or notice to vacate is authorized to include the required opportunity to respond to the notice of proposed eviction.

Deletes existing text prohibiting a notice from being given until the period provided for the tenant to respond to eviction has expired. Makes nonsubstantive changes.

(f-3) Requires that a notice required by this section be delivered using at least one of certain methods.

(f-4) Provides that Subsection (f-3) does not apply if the tenant actually receives the notice.

SECTION 5. Amends Chapter 24, Property Code, by adding Sections 24.00505 and 24.00506, as follows:

Sec. 24.00505. PETITION. Requires that, to initiate an eviction suit, a sworn petition be filed with the court. Requires that the petition include the contents required by the Texas Rules of Civil Procedure.

Sec. 24.00506. RULES OF COURT. (a) Authorizes a court to adopt local rules, forms, or standing orders for eviction suits in accordance with the Texas Rules of Civil Procedure.

(b) Prohibits a court from adopting local rules, forms, or standing orders for eviction suits that require content in or with the petition other than the content required by the Texas Rules of Civil Procedure; require any mediation, pretrial conference, or other proceeding before trial; or authorize the dismissal of an eviction suit on the basis that the petition is improper if the petition meets the requirements of the Texas Rules of Civil Procedure or can be amended to meet the requirements of the Texas Rules of Civil Procedure.

SECTION 6. Amends Section 24.0051, Property Code, as follows:

Sec. 24.0051. New heading: PROCEDURES APPLICABLE IN SUIT TO EVICT AND RECOVER UNPAID RENT. (a) Provides that, in a suit filed in justice court in which the landlord files a sworn petition, rather than a sworn statement, seeking judgment against a tenant for possession of the premises and unpaid rent, personal service on the tenant or substituted service on the tenant under the Texas Rules of Civil Procedure, rather than Rule 742a, Texas Rules of Civil Procedure, is procedurally sufficient to support a default judgment for possession of the premises and unpaid rent.

(b) Makes a conforming change to this subsection.

(c) Requires that the citation, rather than the citation required by Rule 739, Texas Rules of Civil Procedure, in a suit to recover possession of the premises, whether or not unpaid rent is claimed, include a certain notice. Makes a conforming change.

(d) Makes conforming changes to this subsection.

(e) Requires that the citation, if the landlord files a motion for summary disposition under Section 24.005106 with the petition, include a certain notice to the tenant. Sets forth the language required to be included in the notice in English and Spanish.

(f) Requires a sheriff or constable, including a deputy sheriff or deputy constable, to make a diligent effort to serve the citation and petition not later than the fifth business day after the date the petition is filed. Authorizes, but does not require, the landlord, if the citation and petition are not served on or before the fifth business day after the date the petition is filed, to provide for the citation and petition to be served by any other law enforcement officer, including an off-duty officer with appropriate identification, that has received appropriate training in the service of process, eviction procedures, and the execution of writs, as determined by the Texas Commission on Law Enforcement.

(g) Provides that the court is:

(1) required, subject to this subsection, to hold the trial of an eviction suit on a date that is not earlier than the 10th day or later than the 21st day after the date the petition is filed;

(2) prohibited from holding the trial on a date that is earlier than the fourth day after the date the tenant is served with the petition; and

(3) prohibited from postponing the date of a trial for more than seven days unless the parties agree to the postponement in writing.

SECTION 7. Amends Chapter 24, Property Code, by adding Sections 24.005105, 24.005106, and 24.005107, as follows:

Sec. 24.005105. ELECTRONIC PROCEEDINGS. Authorizes a justice court, if the parties agree, to allow the parties in an eviction suit to appear at a court proceeding in the suit by videoconference, teleconference, or other available electronic means.

Sec. 24.005106. SUMMARY DISPOSITION AND TRIAL. (a) Authorizes a landlord that files a sworn petition alleging a forcible entry and detainer under Section 24.00505 to include with the petition a sworn motion for summary disposition without trial. Requires that the motion set out all supporting facts, and that documents on which the motion relies be attached. Authorizes the court, if the motion shows that there are no genuinely disputed facts that would prevent a judgment in favor of the landlord, not later than the 10th day after the date the landlord files the petition and motion, to enter judgment in favor of the landlord without a trial unless:

(1) not later than the fourth day after the date the tenant is served with the landlord's sworn petition, the tenant files a response setting out supporting facts, and providing any applicable documents on which the response relies; and

(2) the justice court determines that service on the tenant was proper and, based on the landlord's sworn petition and the tenant's response, if any, there are genuinely disputed facts that would prevent a judgment in favor of the landlord.

(b) Provides that the justice court is authorized to enter judgment for the landlord regardless of the tenant's response if the response does not show there is a genuinely disputed fact that would prevent judgment in favor of the landlord and is authorized to consider a response filed by the tenant later than the fourth day after the date the defendant was served with the landlord's sworn petition and motion if the response shows there is a genuinely disputed fact that would prevent judgment in favor of the landlord and the tenant has filed the response before judgment has been entered.

(c) Requires the justice court, if the justice court determines that there are genuinely disputed facts that would prevent a judgment in favor of the landlord, to set a trial date that is not earlier than the 10th day and not later than the 21st day after the date the petition is filed by the landlord. Authorizes the justice court to immediately set the case for trial upon the tenant's request for a trial in response to a motion for summary disposition.

(d) Provides that a judgment on summary disposition under this section has the same effect as any other judgment in an eviction suit.

Sec. 24.005107. APPEAL TO COUNTY COURT. (a) Authorizes a party to appeal the judgment of a justice court in an eviction suit by filing a bond, cash deposit, or statement of inability to afford payment of court costs with the justice court not later than the fifth day after the date the judgment is signed. Requires a tenant who files an appeal to affirm, under penalty of perjury, the tenant's good faith belief that the tenant has a meritorious

defense and that the appeal is not for the purpose of delay. Provides that an appeal is perfected when a bond, cash deposit, or statement of inability to afford payment of court costs is timely filed with the justice court in accordance with this section.

(b) Requires the justice court to forward the transcript and original papers in an appeal of an eviction case to the county court, in a certain manner, except that, if the court confirms that the tenant has timely paid the initial rent payment into the justice court registry in accordance with Section 24.0053 (Payment of Rent During Appeal of Conviction), the court is authorized to forward the transcript and original papers immediately.

(c) Requires the county court to hold a trial not later than the 21st day after the date the transcript and original papers are delivered to the county court.

SECTION 8. Amends Section 24.00511(a), Property Code, as follows:

(a) Requires the justice court, in a residential eviction suit, rather than a residential eviction suit for nonpayment of rent, to state in the court's judgment the amount of the appeal bond, taking into consideration the money required to be paid into the court registry under Section 24.0053.

SECTION 9. Amends Sections 24.00512(f), Property Code, as follows:

(f) Requires the justice court, if an appeal of a decision disapproving the appeal bond is filed, to transmit to the county court the contest to the appeal bond and all relevant documents. Creates an exception under Section 24.0054.

SECTION 10. Amends Section 24.0052, Property Code, as follows:

Sec. 24.0052. New heading: TENANT APPEAL ON STATEMENT OF INABILITY TO AFFORD PAYMENT OF COURT COSTS. (a) Authorizes a tenant, if the tenant in a residential eviction suit is unable to pay the costs of appeal or file an appeal bond as required by the Texas Rules of Civil Procedure, to appeal the judgment of the justice court by filing with the justice court, not later than the fifth day after the date the judgment is signed, a statement of inability to afford payment of court costs, rather than a pauper's affidavit, sworn before the clerk of the justice court or a notary public that states that the tenant is unable to pay the costs of appeal or file an appeal bond. Requires that the statement, rather than the affidavit, contain certain information.

(b)-(e) Makes conforming changes to these subsections.

SECTION 11. Amends Sections 24.0053, Property Code, by amending Subsections (a), (a-1), (a-2), (a-3), (b), (c), (d), and (e) and adding Subsection (a-5), as follows:

(a) Requires the court, if the justice court enters judgment for the landlord in a residential eviction case, rather than a residential eviction case based on nonpayment of rent, to determine the amount of rent to be paid each rental pay period during the pendency of any appeal and is required to note that amount in the judgment. Requires the court, if there is no rental agreement, to determine the rental pay period and the amount of rent to be paid by the tenant in each rental pay period, which is required to be the greater of \$250 or, if determined by the court, the fair market rent. Deletes existing text providing that this subsection does not require or prohibit payment of rent into the court registry or directly to the landlord during the pendency of an appeal of an eviction case based on grounds other than nonpayment of rent.

(a-1) Requires the justice court, if a tenant files an appeal of a justice court's judgment in an eviction suit, to provide to the tenant a written notice at the time the appeal is filed that contains the following information in bold or conspicuous type:

(1) the amount of rent, rather than the amount of the initial deposit of rent, stated in the judgment that the tenant is required to pay into the justice court or county court registry, as applicable, during the pendency of the appeal:

(2) makes a conforming change to this subdivision;

(3) the calendar date by which the rent is required to be paid into the justice court or county court registry, as applicable;

(4) makes no changes to this subdivision; and

(5) makes conforming changes to this subdivision.

Deletes existing text requiring the justice court, in an eviction suit for nonpayment of rent, if a tenant files a pauper's affidavit in the period prescribed by Section 24.0052 or an appeal bond pursuant to the Texas Rules of Civil Procedure, to provide to the tenant a written notice at the time the pauper's affidavit or appeal bond is filed that contains certain information relating to the initial deposit of rent and payment timelines in bold or conspicuous type. Makes a conforming change.

(a-2) Requires the tenant, not later than the fifth day after the date the tenant files the appeal, to pay rent for one rental pay period into the justice court registry and on or before the beginning of each rental pay period during the pendency of the appeal, pay rent for one rental pay period into the justice court or county court registry, as applicable, according to the court in which the case is pending at the time of payment.

Deletes existing text requiring that the date by which an initial deposit be paid into the justice court registry under Subsection (a-1)(3) is required to be within five days of the date the tenant files the pauper's affidavit as required by the Texas Rules of Civil Procedure.

(a-3) Requires the justice court or county court, as applicable, to disburse rent paid into the justice court or county court registry to the landlord on request at any time during or after the pendency of the appeal.

Deletes existing text requiring a tenant, if the tenant files an appeal bond to appeal an eviction for nonpayment of rent, not later than the fifth day after the date the tenant filed the appeal bond, to pay into the justice court registry the amount of rent to be paid in one rental pay period as determined by the court under Subsection (a). Deletes existing text authorizing the plaintiff, if the tenant fails to timely pay that amount into the justice court registry and the transcript has not yet been transmitted to the county court, to request a writ of possession. Deletes existing text requiring the justice court, on request and payment of the applicable fee, to issue the writ of possession immediately and without a hearing. Deletes existing text requiring the justice court, regardless of whether a writ of possession is issued, to transmit the transcript and appeal documents to the county court for trial de novo on issues relating to possession, rent, or attorney's fees.

(a-5) Provides that a tenant's payment of rent into a court registry under this section relieves the tenant of the obligation to pay rent to the landlord only for the rental pay period for which the payment is made.

(b) Deletes existing text requiring the tenant, if an eviction case is based on nonpayment of rent and the tenant appeals by filing a pauper's affidavit, to pay the rent, as it becomes due, into the justice court or the county court registry, as applicable, during the pendency of the appeal, in accordance with the Texas Rules of Civil Procedure and Subsection (a).

(c) Authorizes either party, if the tenant's rent, rather than if an eviction case is based on nonpayment of rent, during the rental agreement term has been paid wholly or partly by a government agency, to contest the portion of the rent that the justice court determines is required to be paid into the county court registry by the defendant under this section.

(d) Deletes existing text requiring the tenant, if the tenant objects to the justice court's ruling under Subsection (c) on the portion of the rent to be paid by the tenant during appeal, to be required to pay only the portion claimed by the tenant to be owed by the tenant until the issue is tried de novo along with the case on the merits in county court.

(e) Makes a conforming change to this subsection.

SECTION 12. Amends Sections 24.0054(a), (a-1), (a-2), and (f), Property Code, as follows:

(a) Requires the justice court or county court, on request, as applicable, during an appeal of an eviction case to immediately issue a writ of possession, without hearing, if a tenant fails to pay rent into the appropriate court registry as required by Section 24.0053 and the justice court has provided the written notice required by Section 24.0053(a-1).

Deletes existing text requiring the justice court, during an appeal of an eviction case for nonpayment of rent, on request, to immediately issue a writ of possession, without hearing, if a tenant fails to pay the initial rent deposit into the justice court registry within five days of the date the tenant filed a pauper's affidavit as required by Rule 749b(1), Texas Rules of Civil Procedure, and Section 24.0053 and the justice court has not yet forwarded the transcript and original papers to the county court as provided by Subsection (a-2). Makes nonsubstantive changes.

(a-1) Requires the sheriff, the constable, or another law enforcement officer to execute a writ of possession under Subsection (a) in accordance with Sections 24.0061(d) (relating to certain procedures for an officer executing a writ of possession) through (h). Makes a nonsubstantive change.

(a-2) Requires the justice court, if the justice court issues a writ of possession under this section, to forward the transcript and original papers in the eviction case to the county court for trial de novo to resolve any remaining issues in the case, such as rent or attorney's fees, notwithstanding the fact that the writ has been issued or executed.

Deletes existing text requiring the justice court to forward the transcript and original papers in an appeal of an eviction case to the county court but prohibiting it from forwarding the transcript and original papers before the sixth day after the date the tenant files a pauper's affidavit, except that, if the court confirms that the tenant has timely paid the initial deposit of rent into the justice court registry in accordance with Section 24.0053, the court is authorized to forward the transcript and original papers immediately. Deletes existing text requiring the justice court, on request, if the tenant has not timely paid the initial deposit into the justice court registry, to issue a writ of possession notwithstanding the fact that the tenant has perfected an appeal by filing a pauper's affidavit that has been approved by the court. Deletes existing text requiring the justice court to forward the transcript and original papers in the case to the county court for trial de novo, notwithstanding the fact that a writ of possession under this section has already been issued.

(f) Deletes existing text requiring the court, after notice and hearing, to grant the motion if the landlord proves by credible evidence that the landlord is not able to take reasonable action that will cause the agency to resume making the payments of its portion of the total rent due under the rental agreement. Makes nonsubstantive changes.

SECTION 13. Amends Section 24.0061, Property Code, by amending Subsections (a), (b), (c), (h), and (i) and adding Subsection (b-1), as follows:

(a) Redefines "premises."

(b) Provides that a writ of possession is prohibited from being 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, rather than under

the Texas Rules of Civil Procedure and judgment for possession is thereafter granted by default.

(b-1) Provides that the issuance of a writ of possession is a ministerial act not subject to review or delay. Requires a sheriff or constable, including a deputy sheriff or deputy constable, to serve the writ of possession not later than the fifth business day after the date the writ is issued. Authorizes, but does not obligate, the landlord, if the writ of possession is not served on or before the fifth business day after the date the writ is issued, to have the writ served by any other law enforcement officer, including an off-duty officer with appropriate identification, who has received training as described by Section 24.0051(f).

(c) Requires the court to notify a tenant in writing of a default judgment for possession or a judgment for possession under Section 24.005106 by sending a copy of the judgment to the premises by first class mail not later than 48 hours after the entry of the judgment.

(h) Authorizes an officer, rather than a sheriff or constable, to use reasonable force in executing a writ under this section.

(i) Provides that a landlord is not liable for damages to the tenant resulting from the enforcement of a judgment in favor of the landlord under this chapter, including the execution of a writ of possession by an officer under this section.

SECTION 14. Amends Section 24.011, Property Code, as follows:

Sec. 24.011. NONLAWYER REPRESENTATION. (a) Authorizes the parties in an eviction suit in justice court to represent themselves or be represented by their authorized agents, who need not be attorneys.

Deletes existing text authorizing the parties in eviction suits in justice court for nonpayment of rent or holding over beyond a rental term to represent themselves or be represented by their authorized agents, who need not be attorneys. Deletes existing text providing that, in any eviction suit in justice court, an authorized agent requesting or obtaining a default judgment need not be an attorney.

(b) Deletes existing text authorizing an owner of a multifamily residential property, in an appeal of an eviction suit for nonpayment of rent in a county or district court, if the owner is a corporation or other entity to be represented, by an employee, owner, officer, or partner of the entity, who need not be an attorney. Makes a nonsubstantive change.

SECTION 15. Repealers: Sections 24.005(f) (relating to acceptable methods to provide a notice to vacate) and (f-1) (relating to certain alternative procedures to deliver the notice to vacate), Property Code.

Repealers: Sections 24.005(f-2) (relating to the date a notice to vacate is considered delivered) and (g) (relating to the providing that the notice period is calculated from the day on which the notice is delivered), Property Code.

Repealers: Sections 24.005(h) (relating to considering a notice to vacate as equivalent to a demand for possession for certain purposes) and (i) (relating to a landlord's authority to include in a notice to vacate a demand that the tenant pay delinquent rent or vacate the premises by a certain date and time), Property Code.

Repealers: Sections 24.0053(a-4) (relating to a plaintiff's authority in an eviction suit to withdraw money deposited in the court registry in certain circumstances) and 24.0054(a-3) (relating to prohibiting the justice court from issuing a writ of possession if the tenant has timely deposited a certain portion of the tenant's rent), Property Code.

Repealers: Sections 24.0054(a-4) (relating to a landlord's authority to file a sworn motion that the tenant failed to pay rent during an appeal of an eviction case for nonpayment of rent) and (b) (relating to the requirement that, upon finding that the tenant has not complied with certain payment requirements and unless other certain payments are made, the county court issue a writ of possession), Property Code.

Repealers: Sections 24.0054(c) (relating to certain requirements if the court finds that a tenant has failed to pay the rent into the court registry on more than one occasion) and (d) (relating to a prohibition on executing a writ of possession under certain circumstances before the sixth day after the date the writ is issued), Property Code.

Repealer: Section 24.0054(e) (relating to the authority of the parties involved in certain eviction cases to represent themselves or be represented by others that need not be attorneys), Property Code.

SECTION 16. Requires the supreme court to adopt rules as necessary to clarify eviction procedures consistent with Chapter 24, Property Code, as amended by this Act.

SECTION 17. Makes application of this Act prospective to January 1, 2026.

SECTION 18. (a) Effective date, except as provided by Subsection (b) of this section: January 1, 2026.

(b) Effective date, Section 17 of this Act: September 1, 2025.