

1 AN ACT

2 relating to notice of relief available to certain members of the  
3 military required to be provided in certain real property  
4 documentation.

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

6 SECTION 1. Section 24.0051(d), Property Code, is amended to  
7 read as follows:

8 (d) In a suit described by Subsection (c), the citation  
9 required by Rule 739, Texas Rules of Civil Procedure, must include  
10 the following notice to the defendant on the first page of the  
11 citation in English and Spanish and in conspicuous bold print:

12 SUIT TO EVICT

13 THIS SUIT TO EVICT INVOLVES IMMEDIATE DEADLINES. A TENANT  
14 WHO IS SERVING ON ACTIVE MILITARY DUTY MAY HAVE SPECIAL RIGHTS OR  
15 RELIEF RELATED TO THIS SUIT UNDER FEDERAL LAW, INCLUDING THE  
16 SERVICEMEMBERS CIVIL RELIEF ACT (50 U.S.C. APP. SECTION 501 ET  
17 SEQ.), OR STATE LAW, INCLUDING SECTION 92.017, TEXAS PROPERTY CODE.  
18 CALL THE STATE BAR OF TEXAS TOLL-FREE AT 1-877-9TEXBAR IF YOU NEED  
19 HELP LOCATING AN ATTORNEY. IF YOU CANNOT AFFORD TO HIRE AN  
20 ATTORNEY, YOU MAY BE ELIGIBLE FOR FREE OR LOW-COST LEGAL  
21 ASSISTANCE.

22 SECTION 2. Section 51.002, Property Code, is amended by  
23 adding Subsection (i) to read as follows:

24 (i) A notice served on a debtor under this section must

1 contain, in addition to any other statements required under this  
2 section, language substantially similar to the following:

3 "Assert and protect your rights as a member of the armed  
4 forces of the United States. If you are or your spouse is serving on  
5 active military duty, including active military duty as a member of  
6 the Texas National Guard or the National Guard of another state or  
7 as a member of a reserve component of the armed forces of the United  
8 States, please send written notice of the active duty military  
9 service to the sender of this notice immediately."

10 SECTION 3. Section 209.006(b), Property Code, is amended to  
11 read as follows:

12 (b) The notice must:

13 (1) describe the violation or property damage that is  
14 the basis for the suspension action, charge, or fine and state any  
15 amount due the association from the owner; and

16 (2) inform the owner that the owner:

17 (A) is entitled to a reasonable period to cure  
18 the violation and avoid the fine or suspension unless the owner was  
19 given notice and a reasonable opportunity to cure a similar  
20 violation within the preceding six months; ~~and~~

21 (B) may request a hearing under Section 209.007  
22 on or before the 30th day after the date the owner receives the  
23 notice; and

24 (C) may have special rights or relief related to  
25 the enforcement action under federal law, including the  
26 Servicemembers Civil Relief Act (50 U.S.C. app. Section 501 et  
27 seq.), if the owner is serving on active military duty.

1           SECTION 4. The change in law made by Section 24.0051,  
2 Property Code, as amended by this Act, applies only to a suit for  
3 which notice is required under Chapter 24, Property Code, that is  
4 filed on or after the effective date of this Act. A suit for which  
5 notice is required under Chapter 24, Property Code, that is filed  
6 before the effective date of this Act is governed by the law in  
7 effect immediately before the effective date of this Act, and that  
8 law is continued in effect for that purpose.

9           SECTION 5. The change in law made by Section 51.002,  
10 Property Code, as amended by this Act, applies only to a sale for  
11 which a notice is required under that section on or after the  
12 effective date of this Act. A sale for which notice is required  
13 under Section 51.002, Property Code, before the effective date of  
14 this Act is governed by the law in effect immediately before the  
15 effective date of this Act, and that law is continued in effect for  
16 that purpose.

17           SECTION 6. The change in law made by Section 209.006,  
18 Property Code, as amended by this Act, applies only to an  
19 enforcement action for which a notice is required under that  
20 section that commences on or after the effective date of this Act.  
21 An enforcement action for which notice is required under Section  
22 209.006, Property Code, that commences before the effective date of  
23 this Act is governed by the law in effect when the enforcement  
24 action commenced, and that law is continued in effect for that  
25 purpose.

26           SECTION 7. This Act takes effect January 1, 2012.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1127 was passed by the House on April 26, 2011, by the following vote: Yeas 148, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1127 on May 21, 2011, by the following vote: Yeas 138, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1127 was passed by the Senate, with amendments, on May 19, 2011, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor