

BILL ANALYSIS

Senate Research Center
86R25841 SMT-F

H.B. 2650
By: Goodwin (Bettencourt)
Property Tax
5/6/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law allows counties to perform online auctions to sell foreclosed properties in addition to in-person auctions. Counties have had difficulty performing online auctions because they are statutorily unable to include the commission and fees for auctioneers who execute the online auction within the costs of a sale. This prevents counties from contracting with online vendors to perform the auction.

H.B. 2650 amends the Tax Code to require that a licensed auctioneer's commission and fees be included in calculating the amount owed on the property for which a tax warrant was issued.

H.B. 2650 amends current law relating to the procedure for the sale by auction of real property pursuant to foreclosure of a tax lien.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 34.01(b) and (p), Tax Code, as follows:

(b) Provides that an auctioneer's commission and fees are included among the costs of a sale of real property.

(p) Prohibits property seized under Subchapter E (Seizure of Real Property), Chapter 33 (Delinquency), except as provided by Subsection (o) (relating to authorizing the officer making a sale to sell a certain property to certain persons if a specified bid is not received), from being sold for an amount that is less than the lesser of the market value of the property as specified in the warrant or the total amount of certain items, including an auctioneer's commission and fees.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2019.