

BILL ANALYSIS

Senate Research Center
76R4136 CLG-D

S.B. 1553
By: Ellis
Jurisprudence
3/23/1999
Committee Report (Amended)

DIGEST

State law regarding the liability of homestead debt has been revised several times, including a revision by the home equity lending legislation passed by the 75th Legislature. S.B. 1553 would conform the Texas Probate Code to the recently enacted homestead liability laws of the State of Texas.

PURPOSE

As proposed, S.B. 1553 conforms the Texas Probate Code to the recently enacted homestead liability laws of the State of Texas.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 270, Texas Probate Code, to set forth exceptions to the prohibition that a homestead shall not be liable for the payment of any of the debts of the estate, including an exception to certain work material used in construction, certain debts imposed by a court order, certain liens, an extension of certain credit on the homestead, or a reverse mortgage. Deletes text regarding qualifications for the exception of certain work material used in construction.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 270, Texas Probate Code, by adding a reverse mortgage to a list of exceptions to the prohibition that a homestead shall not be liable for payment of debt on an estate.