

1-1 By: Walle, et al. (Senate Sponsor - Huffman) H.B. No. 531  
 1-2 (In the Senate - Received from the House April 6, 2021;  
 1-3 April 19, 2021, read first time and referred to Committee on  
 1-4 Business & Commerce; May 10, 2021, reported adversely, with  
 1-5 favorable Committee Substitute by the following vote: Yeas 7,  
 1-6 Nays 0; May 10, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15			X	
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 531 By: Hancock

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to notice requirements for a leased dwelling located in a  
 1-22 floodplain.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter A, Chapter 92, Property Code, is  
 1-25 amended by adding Section 92.0135 to read as follows:

1-26 Sec. 92.0135. NOTICE FOR DWELLING LOCATED IN FLOODPLAIN.

1-27 (a) In this section:

1-28 (1) "100-year floodplain" means any area of land  
 1-29 designated as a flood hazard area with a one percent or greater  
 1-30 chance of flooding each year by the Federal Emergency Management  
 1-31 Agency under the National Flood Insurance Act of 1968 (42 U.S.C.  
 1-32 Section 4001 et seq.).

1-33 (2) "Flooding" means a general or temporary condition  
 1-34 of partial or complete inundation of a dwelling caused by:

1-35 (A) the overflow of inland or tidal waters;

1-36 (B) the unusual and rapid accumulation of runoff  
 1-37 or surface waters from any established water source such as a river,  
 1-38 stream, or drainage ditch; or

1-39 (C) excessive rainfall.

1-40 (b) A landlord shall provide to a tenant a written notice  
 1-41 substantially equivalent to the following:

1-42 "(Landlord) ( ) is or ( ) is not aware that the dwelling you  
 1-43 are renting is located in a 100-year floodplain. If neither box is  
 1-44 checked, you should assume the dwelling is in a 100-year  
 1-45 floodplain. Even if the dwelling is not in a 100-year floodplain,  
 1-46 the dwelling may still be susceptible to flooding. The Federal  
 1-47 Emergency Management Agency (FEMA) maintains a flood map on its  
 1-48 Internet website that is searchable by address, at no cost, to  
 1-49 determine if a dwelling is located in a flood hazard area. Most  
 1-50 tenant insurance policies do not cover damages or loss incurred in a  
 1-51 flood. You should seek insurance coverage that would cover losses  
 1-52 caused by a flood."

1-53 (c) Notwithstanding Subsection (b), a landlord is not  
 1-54 required to disclose on the notice that the landlord is aware that a  
 1-55 dwelling is located in a 100-year floodplain if the elevation of the  
 1-56 dwelling is raised above the 100-year floodplain flood levels in  
 1-57 accordance with federal regulations.

1-58 (d) If a landlord knows that flooding has damaged any  
 1-59 portion of a dwelling at least once during the five-year period  
 1-60 immediately preceding the effective date of the lease, the landlord

2-1 shall provide a written notice to a tenant that is substantially  
2-2 equivalent to the following:

2-3 "(Landlord) ( ) is or ( ) is not aware that the dwelling you  
2-4 are renting has flooded at least once within the last five years."

2-5 (e) The notices required by Subsections (b) and (d) must be  
2-6 included in a separate written document given to the tenant at or  
2-7 before execution of the lease.

2-8 (f) If a landlord violates this section and a tenant suffers  
2-9 a substantial loss or damage to the tenant's personal property as a  
2-10 result of flooding, the tenant may terminate the lease by giving a  
2-11 written notice of termination to the landlord not later than the  
2-12 30th day after the date the loss or damage occurred. For purposes  
2-13 of this subsection, a tenant suffers a substantial loss or damage to  
2-14 personal property if the total cost of repairs to or replacement of  
2-15 the personal property is 50 percent or more of the personal  
2-16 property's market value on the date the flooding occurred.  
2-17 Termination of a lease under this subsection is effective when the  
2-18 tenant surrenders possession of the dwelling.

2-19 (g) Not later than the 30th day after the effective date of  
2-20 the termination of a lease under Subsection (f), the landlord shall  
2-21 refund to the tenant all rent or other amounts paid in advance under  
2-22 the lease for any period after the effective date of the termination  
2-23 of the lease.

2-24 (h) This section does not affect a tenant's liability for  
2-25 delinquent, unpaid rent or other sums owed to the landlord before  
2-26 the date the lease was terminated by the tenant under this section.

2-27 SECTION 2. Section 92.0135, Property Code, as added by this  
2-28 Act, applies only to a lease agreement entered into or renewed on or  
2-29 after the effective date of this Act.

2-30 SECTION 3. This Act takes effect January 1, 2022.

2-31 \* \* \* \* \*