

By: Lopez

H.B. No. 2617

A BILL TO BE ENTITLED

AN ACT

relating to the rights of a residential tenant and duties of a landlord regarding a security deposit provided by the tenant.

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

SECTION 1. Section 92.104, Property Code, is amended by adding Subsection (d) to read as follows:

(d) At the request of a tenant, a landlord who is required to give the tenant a written description and itemized list of deductions under Subsection (c) shall give the tenant receipts for expenditures by the landlord to support the deductions, including receipts for materials and labor.

SECTION 2. Subchapter C, Chapter 92, Property Code, is amended by adding Section 92.1042 to read as follows:

Sec. 92.1042. DEDUCTIONS EXCEEDING SECURITY DEPOSIT; REQUIRED NOTICE. (a) If a landlord determines that permissible deductions and charges under Section 92.104 exceed the amount of the security deposit, the landlord shall notify the tenant in writing of the landlord's claim for damages and charges described by Section 92.104(a) not later than the 60th day before the date the landlord reports the claim for nonpayment to a consumer reporting agency or third-party debt collector. Notice to the tenant under this subsection must include the identity of any consumer reporting agency, third-party debt collector, or other person to which the landlord intends to report the claim.

1       (b) A landlord is not required to provide the notice under  
2 Subsection (a) if the tenant has not given the landlord a written  
3 statement of the tenant's forwarding address for the purpose  
4 specified by Section 92.107.

5       (c) If a landlord does not provide the tenant the notice as  
6 required by this section, the landlord:

7           (1) forfeits the right to withhold any portion of the  
8 security deposit or to bring suit against the tenant for damages to  
9 the premises; and

10           (2) is liable for the tenant's reasonable attorney's  
11 fees in a suit to recover the deposit.

12       SECTION 3. Section 92.109(b), Property Code, is amended to  
13 read as follows:

14       (b) A landlord who in bad faith does not provide a written  
15 description and itemized list of damages and charges under Section  
16 92.104(c) or receipts related to the charges, if requested by the  
17 tenant under Section 92.104(d), in violation of this subchapter:

18           (1) forfeits the right to withhold any portion of the  
19 security deposit or to bring suit against the tenant for damages to  
20 the premises; and

21           (2) is liable for the tenant's reasonable attorney's  
22 fees in a suit to recover the deposit.

23       SECTION 4. Subchapter C, Chapter 92, Property Code, is  
24 amended by adding Section 92.1091 to read as follows:

25       Sec. 92.1091. REQUIRED PROVISION REGARDING LANDLORD  
26 LIABILITY. If a lease includes a provision requiring the tenant to  
27 pay a security deposit, the lease must include a provision that

1 states the substance of Section 92.109.

2           SECTION 5. The changes in law made by this Act apply only to  
3 a lease entered into or renewed on or after the effective date of  
4 this Act. A lease entered into or renewed before the effective date  
5 of this Act is governed by the law in effect immediately before the  
6 effective date of this Act, and that law is continued in effect for  
7 that purpose.

8           SECTION 6. This Act takes effect September 1, 2021.