

By: Collier, Cole

H.B. No. 673

Substitute the following for H.B. No. 673:

By: Cole

C.S.H.B. No. 673

A BILL TO BE ENTITLED

AN ACT

relating to notice and opportunity to cure that must be given before filing an eviction suit.

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

SECTION 1. The heading to Section 24.005, Property Code, is amended to read as follows:

Sec. 24.005. NOTICE TO CURE DEFAULT; NOTICE TO VACATE PRIOR TO FILING EVICTION SUIT.

SECTION 2. Section 24.005, Property Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) Subject to Subsections (a-1) and (a-2), if [if] the occupant is a tenant under a written lease or oral rental agreement, the landlord must give a tenant who defaults or holds over beyond the end of the rental term or renewal period at least three days' written notice to vacate the premises before the landlord files a forcible detainer suit [~~, unless the parties have contracted for a shorter or longer notice period in a written lease or agreement~~]. A landlord who files a forcible detainer suit on grounds that the tenant is holding over beyond the end of the rental term or renewal period must also comply with the tenancy termination requirements of Section 91.001.

(a-1) The landlord must give a residential tenant who defaults for nonpayment of rent written notice demanding payment of

1 delinquent rent and an opportunity to cure the default by paying the
2 delinquent rent, except as otherwise provided by this subsection.
3 If the tenant fails to cure the default on or before the fifth
4 calendar day after the delivery of the written notice under this
5 subsection, the landlord may issue the notice to vacate under
6 Subsection (a). The written notice under this subsection must be
7 given in accordance with Subsection (f) or (f-1) and must state that
8 if the default is not cured within five calendar days, the landlord
9 may give notice to vacate. Unless the lease provides otherwise, a
10 tenant may not cure a default for nonpayment of rent under this
11 subsection more than one time in any 12-month period.

12 (a-2) The landlord must give a residential tenant who
13 defaults for a reason other than nonpayment of rent written notice
14 specifying the default and an opportunity to cure the default, if
15 the reason for the default can be cured. If the tenant fails to cure
16 the default on or before the fifth calendar day after the delivery
17 of the written notice under this subsection, the landlord may issue
18 the notice to vacate under Subsection (a). The written notice under
19 this subsection must be given in accordance with Subsection (f) or
20 (f-1) and must state that if the default is not cured within five
21 calendar days, the landlord may give notice to vacate.

22 SECTION 3. The changes in law made by this Act to Section
23 [24.005](#), Property Code, apply only to a notice to vacate given on or
24 after the effective date of this Act. A notice to vacate given
25 before the effective date of this Act is governed by the law as it
26 existed immediately before the effective date of this Act, and that
27 law is continued in effect for that purpose.

1 SECTION 4. This Act takes effect September 1, 2023.