

By: Collier

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 Subsections (a) and (f) 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. If the tenant fails to cure the default on or
3 before the seventh day after the delivery of the written notice
4 under this subsection, the landlord may issue the notice to vacate
5 under Subsection (a). The written notice under this subsection
6 must be given in accordance with Subsection (f) or (f-1) and must
7 state that if the default is not cured within seven days, the
8 landlord may give notice to vacate.

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

19 (f) Except as provided by Subsection (f-1), the notice to
20 vacate shall be given in person or by mail at the premises in
21 question. Notice in person may be by personal delivery to the
22 tenant or any person residing at the premises who is 16 years of age
23 or older or personal delivery to the premises and affixing the
24 notice to the inside of the main entry door. Notice by mail must
25 [may] be by [regular mail, by registered mail, or by] certified
26 mail, return receipt requested, to the premises in question.

27 SECTION 3. The changes in law made by this Act to Section

1 24.005, Property Code, apply only to a notice to vacate given on or
2 after the effective date of this Act. A notice to vacate given
3 before the effective date of this Act is governed by the law as it
4 existed immediately before the effective date of this Act, and that
5 law is continued in effect for that purpose.

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