

AN ACT

relating to a commercial landlord's remedies regarding certain unlawful activities on the premises of commercial rental property.

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

SECTION 1. Section 93.013(a), Property Code, is amended to read as follows:

(a) Notwithstanding a provision in a lease to the contrary, a tenant's right of possession terminates and the landlord has a right to recover possession of the leased premises if the tenant is using the premises or allowing the premises to be used for the purposes of:

(1) prostitution as described by Section 43.02, Penal Code, solicitation of prostitution as described by Section 43.021, Penal Code, promotion of prostitution as described by Section 43.03, Penal Code, aggravated promotion of prostitution as described by Section 43.04, Penal Code, or compelling prostitution as described by Section 43.05, Penal Code;

(2) [~~7-04~~] trafficking of persons as described by Section 20A.02, Penal Code; or

(3) operating, maintaining, or advertising a massage establishment, as defined by Section 455.001, Occupations Code,
that:

(A) is not exempt from licensing requirements under state or federal law and:

1 (i) has never been issued a license by the
2 Texas Department of Licensing and Regulation; or

3 (ii) the license for which was suspended,
4 revoked, or refused renewal by the Texas Department of Licensing
5 and Regulation after the establishment obtained a right of
6 possession in the leased premises; or

7 (B) was issued a citation, administrative
8 penalty, civil penalty, or other civil or criminal sanction for:

9 (i) violating a local ordinance that
10 relates to an offense listed in Subdivision (1) or (2) of this
11 subsection;

12 (ii) operating a sexually oriented
13 business; or

14 (iii) violating Section [455.202](#),
15 Occupations Code.

16 SECTION 2. The changes in law made by this Act apply only to
17 a commercial lease that is entered into or renewed on or after the
18 effective date of this Act. A commercial lease that is entered into
19 or renewed before the effective date of this Act is governed by the
20 law applicable to the lease immediately before the effective date
21 of this Act, and that law is continued in effect for that purpose.

22 SECTION 3. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 3536 was passed by the House on May 9, 2023, by the following vote: Yeas 129, Nays 13, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3536 on May 24, 2023, by the following vote: Yeas 124, Nays 21, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3536 was passed by the Senate, with amendments, on May 19, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor