

By: Richardson

H.B. No. 2031

A BILL TO BE ENTITLED

AN ACT

relating to the possession, carrying, transporting, or storing of a firearm or firearm ammunition by a tenant on the leased premises; providing a civil penalty.

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

SECTION 1. Section 92.026, Property Code, is amended to read as follows:

Sec. 92.026. POSSESSION OF FIREARMS OR FIREARM AMMUNITION ON LEASED PREMISES. (a) Unless possession of a firearm or firearm ammunition on a landlord's property is prohibited by state or federal law, a landlord may not prohibit a tenant or a tenant's guest from lawfully possessing, carrying, transporting, or storing a firearm, any part of a firearm, or firearm ammunition:

(1) in the tenant's rental unit;

(2) in a vehicle located in a parking area provided for tenants or guests by the landlord of the leased premises; or

(3) in other locations controlled by the landlord as necessary to:

(A) enter or exit the tenant's rental unit;

(B) enter or exit the leased premises; or

(C) enter or exit a vehicle on the leased premises or located in a parking area provided by the landlord for tenants or guests.

(b) A landlord that violates Subsection (a) is liable for a

civil penalty of:

(1) not less than \$1,000 and not more than \$1,500 for the first violation; and

(2) not less than \$10,000 and not more than \$10,500 for the second or subsequent violation.

(c) A tenant of a landlord in violation of Subsection (a) may file a complaint with the attorney general that the landlord is in violation of Subsection (a) if the tenant provides the landlord with a written notice that describes the location and general facts of the violation and the landlord does not cure the violation before the end of the third business day after the date of receiving the written notice. A complaint filed with the attorney general under this subsection must include evidence of the violation and a copy of the written notice provided to the landlord.

(d) A civil penalty collected by the attorney general under this section shall be deposited to the credit of the compensation to victims of crime fund established under Subchapter J, Chapter 56B, Code of Criminal Procedure.

(e) Before a suit may be brought against a landlord for a violation of Subsection (a), the attorney general must investigate the complaint to determine whether legal action is warranted. If legal action is warranted, the attorney general must give the landlord charged with the violation a written notice that:

(1) describes the violation;

(2) states the amount of the proposed penalty for the violation; and

(3) gives the landlord 15 days from receipt of the

1 notice to cure the violation to avoid the penalty, unless the
2 landlord was found liable by a court for previously violating
3 Subsection (a).

4 (f) If the attorney general determines that legal action is
5 warranted and that the landlord has not cured the violation within
6 the 15-day period provided by Subsection (e)(3), the attorney
7 general or the appropriate county or district attorney may sue to
8 collect the civil penalty provided by Subsection (b). The attorney
9 general may also apply for any appropriate equitable relief. A suit
10 or petition under this subsection may be filed in a district court
11 in a county in which the premises are located. The attorney general
12 may recover reasonable expenses incurred in obtaining relief under
13 this subsection, including court costs, reasonable attorney's
14 fees, investigative costs, witness fees, and deposition costs.

15 SECTION 2. This Act takes effect September 1, 2025.