

By: Baxter

H.B. No. 2180

A BILL TO BE ENTITLED

AN ACT

relating to the computation of charges assessed against a tenant in certain commercial leases.

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

SECTION 1. Section 93.004, Property Code, as added by Chapter 1397, Acts of the 77th Legislature, Regular Session, 2001, is renumbered as Section 93.012, Property Code, and amended to read as follows:

Sec. 93.012 [~~93.004~~]. ASSESSMENT OF CHARGES. (a) Except as provided by Subsection (a-1), a [A] landlord may not assess a charge, excluding a charge for rent or physical damage to the leased premises, to a tenant unless the amount of the charge or the method by which the charge is to be computed is stated in the lease, an exhibit or attachment that is part of the lease, or an amendment to the lease.

(a-1) A landlord may assess a charge to a tenant if the charge is permitted by the lease but the method by which the charge is to be computed and the amount of the charge are not stated in the lease, an exhibit or attachment that is part of the lease, or an amendment to the lease only if the method by which the charge is computed is reasonable and is a method customarily used by landlords in commercial leases of a similar duration and for a similar type of commercial property as the lease signed or entered into by the landlord and tenant.

1           (b) This section does not affect a landlord's right to  
2 assess a charge or obtain a remedy allowed under a statute or common  
3 law.

4           SECTION 2. (a) This Act takes effect September 1, 2003.

5           (b) Except as provided by Subsection (c), the change in law  
6 made by this Act applies only to a commercial lease that is signed,  
7 entered into, renewed, or extended by negotiation on or after the  
8 effective date of this Act.

9           (c) A commercial lease that was signed before September 1,  
10 2003, and is renewed or extended by the exercise of a tenant's  
11 option that existed in the lease signed before September 1, 2003,  
12 regardless of the date of renewal or extension, is governed by the  
13 law in effect at the time the lease was signed, and the former law  
14 is continued in effect for that purpose.

15           (d) A commercial lease that is signed or entered into before  
16 the effective date of this Act is governed by the law in effect at  
17 the time the lease was signed or entered into, and the former law is  
18 continued in effect for that purpose.