

By: Baxter

H.B. No. 2180

A BILL TO BE ENTITLED

AN ACT

1
2 relating to charges assessed by a landlord under a commercial
3 lease.

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

5 SECTION 1. Chapter 93, Property Code, is amended by adding
6 Section 93.004 to read as follows:

7 Sec. 93.012 [~~93.004~~]. ASSESSMENT OF CHARGES. (a) A
8 landlord may not assess a charge, excluding a charge for rent or
9 physical damage to the leased premises, to a tenant unless

10 (1) the amount of the charge or the method by which the
11 charge is to be computed is stated in the lease or an amendment to
12 the lease, or

13 (2) the charge is permitted in the lease without
14 including the method of computation, and the charge is computed in
15 accordance with Subsection (b).

16 (b) The method by which a charge is computed under
17 Subsection (a)(2) must be reasonable and must be a method
18 customarily used by landlords in commercial leases of a similar
19 duration and for a similar type of commercial property as the lease
20 entered into by the landlord and tenant.

21 (c) [~~(b)~~] This section does not affect a landlord's right to
22 assess a charge or obtain a remedy allowed under a statute or common
23 law.

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

1 (b) The change in law made by this Act applies only to a
2 commercial lease that is signed, entered into, renewed, or extended
3 by negotiation on or after the effective date of this Act.

4 (c) A commercial lease that was signed before September 1,
5 2003, and is renewed or extended by the exercise of a tenant's
6 option that existed in the lease signed before September 1, 2003,
7 regardless of the date of renewal or extension, is governed by the
8 law in effect at the time the lease was signed, and the former law is
9 continued in effect for that purpose.

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