

1-1 By: Baxter (Senate Sponsor - Carona) H.B. No. 2180
1-2 (In the Senate - Received from the House May 19, 2003;
1-3 May 20, 2003, read first time and referred to Committee on Business
1-4 and Commerce; May 23, 2003, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 23, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the computation of charges assessed against a tenant in
1-9 certain commercial leases.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 93.004, Property Code, as added by
1-12 Chapter 1397, Acts of the 77th Legislature, Regular Session, 2001,
1-13 is renumbered as Section 93.012, Property Code, and amended to read
1-14 as follows:

1-15 Sec. 93.012 [~~93.004~~]. ASSESSMENT OF CHARGES. (a) Except
1-16 as provided by Subsection (a-1), a [A] landlord may not assess a
1-17 charge, excluding a charge for rent or physical damage to the leased
1-18 premises, to a tenant unless the amount of the charge or the method
1-19 by which the charge is to be computed is stated in the lease, an
1-20 exhibit or attachment that is part of the lease, or an amendment to
1-21 the lease.

1-22 (a-1) A landlord may assess a charge to a tenant if the
1-23 charge is permitted by the lease but the method by which the charge
1-24 is to be computed and the amount of the charge are not stated in the
1-25 lease, an exhibit or attachment that is part of the lease, or an
1-26 amendment to the lease only if the method by which the charge is
1-27 computed is reasonable and is a method customarily used by
1-28 landlords in commercial leases of a similar duration and for a
1-29 similar type of commercial property as the lease signed or entered
1-30 into by the landlord and tenant.

1-31 (b) This section does not affect a landlord's right to
1-32 assess a charge or obtain a remedy allowed under a statute or common
1-33 law.

1-34 SECTION 2. (a) This Act takes effect September 1, 2003.

1-35 (b) Except as provided by Subsection (c), the change in law
1-36 made by this Act applies only to a commercial lease that is signed,
1-37 entered into, renewed, or extended by negotiation on or after the
1-38 effective date of this Act.

1-39 (c) A commercial lease that was signed before September 1,
1-40 2003, and is renewed or extended by the exercise of a tenant's
1-41 option that existed in the lease signed before September 1, 2003,
1-42 regardless of the date of renewal or extension, is governed by the
1-43 law in effect at the time the lease was signed, and the former law
1-44 is continued in effect for that purpose.

1-45 (d) A commercial lease that is signed or entered into before
1-46 the effective date of this Act is governed by the law in effect at
1-47 the time the lease was signed or entered into, and the former law is
1-48 continued in effect for that purpose.

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