

AN ACT

relating to the refund or retention by a landlord of a security deposit under a commercial lease.

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

SECTION 1. Section 93.005(a), Property Code, is amended to read as follows:

(a) The landlord shall refund the security deposit to the tenant not later than the 60th day after the date the tenant surrenders the premises and provides notice to the landlord or the landlord's agent of the tenant's forwarding address under Section 93.009.

SECTION 2. Section 93.011(d), Property Code, is amended to read as follows:

(d) A landlord who fails to return a security deposit or to provide a written description and itemized list of deductions on or before the 60th [~~30th~~] day after the date the tenant surrenders possession is presumed to have acted in bad faith.

SECTION 3. This Act applies only to a lease of commercial rental property entered into or renewed on or after the effective date of this Act. A lease of commercial rental property entered into or renewed before the effective date of this Act is governed by the law in effect on the date the lease was entered into or renewed, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2003.

H.B. No. 3190

President of the Senate

Speaker of the House

I certify that H.B. No. 3190 was passed by the House on May 10, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 3190 was passed by the Senate on May 28, 2003, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor