

BILL ANALYSIS

H.B. 1578
By: Goolsby
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Subchapter D of Chapter 92 of the Property Code requires a residential landlord to install certain security devices, locks and latches for example, on exterior doors and windows. The landlord must rekey the locks each time there is a tenant turnover in the dwelling. The landlord is burdened with the cost of installing, repairing, and rekeying the required security devices. Under current law, if a tenant breaches the lease and vacates the property, the landlord must rekey the security devices before a new tenant moves into the dwelling and the landlord may not charge the breaching tenant the cost of rekeying the security devices.

House Bill 1578 would permit a landlord to charge the cost of rekeying the property only in a situation in which a tenant breached the lease and vacated the property. The bill also requires this ability to charge the breaching tenant to be expressed in the written lease.

RULEMAKING AUTHORITY

It is the opinion of the committee opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 92.162(a) and Section 92.162(f), Texas Property Code to provide that a landlord may charge the cost to rekey a security device to the tenant if: (1) the tenant is in default; (2) the tenant has vacated the property; and (3) the lease authorizes the charge if the tenant is in default.

SECTION 2. Effective date: Immediately, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

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