

By: Anchia

H.B. No. 3101

A BILL TO BE ENTITLED

AN ACT

relating to a residential tenant's rights and remedies.

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

SECTION 1. Section 92.0131, Property Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) As a precondition for allowing a tenant to park in a specific parking space or a common parking area that the landlord has made available for tenant use, the landlord may require a tenant to provide only the make, model, year, and license number of the vehicle to be parked.

SECTION 2. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.019 to read as follows:

Sec. 92.019. LATE PAYMENT OF RENT; FEES. A landlord may not charge a penalty or fee for nonpayment or late payment of rent that exceeds seven percent of the amount of the rent that is unpaid or paid late.

SECTION 3. Section 92.056, Property Code, is amended by adding Subsection (g) to read as follows:

(g) A residential lease must contain conspicuous language that informs the tenant of the remedies available under this section and Section 92.0561.

SECTION 4. Section 92.1031, Property Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

1           (a) Except as provided in Subsection (b), a landlord who  
2 receives a security deposit or rent prepayment for a dwelling from a  
3 tenant who fails to occupy the dwelling according to a lease between  
4 the landlord and the tenant may not retain the security deposit or  
5 rent prepayment if:

6                 (1) the tenant secures a replacement tenant  
7 satisfactory to the landlord and the replacement tenant occupies  
8 the dwelling on or before the commencement date of the lease; ~~[or]~~

9                 (2) the landlord secures a replacement tenant  
10 satisfactory to the landlord and the replacement tenant occupies  
11 the dwelling on or before the commencement date of the lease; or

12                 (3) the tenant vacated the premises on or before the  
13 30th day after the date the tenant was a victim of a burglary or an  
14 offense punishable under Title 5, Penal Code, as reported in a  
15 police report.

16           (a-1) A residential lease must contain conspicuous language  
17 notifying the tenant of the tenant's right to terminate the lease  
18 and obtain a refund of a security deposit under circumstances  
19 described by Subsection (a)(3).

20           SECTION 5. This Act applies only to a lease agreement or a  
21 renewal of a lease agreement entered into on or after the effective  
22 date of this Act. A lease agreement or a renewal of a lease  
23 agreement entered into before the effective date of this Act is  
24 covered by the law in effect at the time the lease agreement or  
25 renewal of the lease agreement was entered into, and the former law  
26 is continued in effect for that purpose.

27           SECTION 6. This Act takes effect September 1, 2007.