

BILL ANALYSIS

H.B. 1109
By: Anchia
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 80th Legislature, Regular Session, 2007, enacted H.B. 3101 that provides for the regulation of late fees in the residential landlord-tenant relationship. Although the authors' intent was to provide that residential lease late fees may be charged for unpaid rent beginning on the third day of the month, assuming rent is due on or before the first day of the month, the language needs clarification.

H.B. 1109 clarifies the language addressing late fees in residential lease agreements and makes it clear when a landlord can begin charging a late fee.

RULEMAKING AUTHORITY

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

ANALYSIS

H.B. 1109 amends the Property Code to clarify one of the conditions that must be met before a landlord is authorized to charge a late fee to a tenant for failure to pay rent. The bill clarifies that the rent must have remained unpaid one full day after the date the rent was originally due.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.