BILL ANALYSIS

BACKGROUND AND PURPOSE

Some municipalities in Texas are requiring prospective renters of dwelling units to obtain an additional license or permit issued by the municipality prior to renting or leasing housing units. This practice places an additional financial burden on prospective renters, especially those with low incomes, and places an additional regulatory burden on landlords.

C.S.S.B. 1398 prohibits a municipality from requiring a tenant to acquire a license or permit issued by the municipality as a condition for occupying or leasing an individual dwelling unit in a single-family, duplex, or multifamily structure.

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

C.S.S.B. 1398 amends the Local Government Code to prohibit a municipality from requiring a tenant to acquire a license or permit issued by the municipality as a condition for occupying or leasing an individual dwelling unit in a single-family, duplex, or multifamily structure. The bill establishes that this prohibition does not prohibit a municipality from requiring a license or permit relating to the nonresidential use or the condition of a dwelling unit.

EFFECTIVE DATE

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

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 1398 adds a provision not in the original establishing that the prohibition against a municipality requiring a tenant to acquire a municipality-issued license or permit as a condition for occupying or leasing an individual dwelling unit in a single-family, duplex, or multifamily structure does not prohibit a municipality from requiring a license or permit relating to the nonresidential use or the condition of a dwelling unit.