

By: Leibowitz

H.B. No. 23

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to a residential landlord's disclosure of previous use of  
3 leased premises for manufacture of methamphetamine and related  
4 remedial action.

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

6 SECTION 1. Section 92.006(a), Property Code, is amended to  
7 read as follows:

8 (a) A landlord's duty or a tenant's remedy concerning  
9 security deposits, security devices, the landlord's disclosure of  
10 ownership and management, or utility cutoffs, as provided by  
11 Subchapter C, D, E, or G, respectively, or the landlord's duty under  
12 Section 92.0132 to disclose previous use of leased premises for  
13 manufacture of methamphetamine and related remedial measures may  
14 not be waived. A landlord's duty to install a smoke detector under  
15 Subchapter F may not be waived, nor may a tenant waive a remedy for  
16 the landlord's noninstallation or waive the tenant's limited right  
17 of installation and removal. The landlord's duty of inspection and  
18 repair of smoke detectors under Subchapter F may be waived only by  
19 written agreement.

20 SECTION 2. Subchapter A, Chapter 92, Property Code, is  
21 amended by adding Section 92.0132 to read as follows:

22 Sec. 92.0132. NOTICE OF METHAMPHETAMINE MANUFACTURE ON  
23 LEASED PREMISES. (a) Before a lease or renewal of a lease is  
24 entered into, a landlord shall disclose to the prospective tenant

1 or tenant in writing:

2 (1) any actual knowledge of the landlord of previous  
3 use of the leased premises for the manufacture of methamphetamine;  
4 and

5 (2) if disclosure is required to be made under  
6 Subdivision (1), whether the landlord took any remedial action to  
7 remove from the leased premises hazardous substances resulting from  
8 that use.

9 (b) If a landlord fails to make a disclosure required by  
10 this section, the tenant:

11 (1) may terminate the lease; and

12 (2) is entitled to a refund of all rent paid under the  
13 lease.

14 (c) A written lease must contain a statement in underlined  
15 or bold print that informs the tenant of the remedies available  
16 under this section.

17 SECTION 3. This Act applies only to a lease or renewal of a  
18 lease entered into on or after the effective date of this Act. A  
19 lease or renewal of a lease entered into before the effective date  
20 of this Act is governed by the law that applied to the lease or  
21 renewal of the lease immediately before the effective date of this  
22 Act, and that law is continued in effect for that purpose.

23 SECTION 4. This Act takes effect January 1, 2010.