

By: Rodriguez

H.B. No. 881

A BILL TO BE ENTITLED

AN ACT

relating to a residential tenant's right to rescind a rental application or lease agreement.

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

SECTION 1. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.026 to read as follows:

Sec. 92.026. RIGHT TO RESCIND. (a) A tenant may rescind a rental application or lease without cause or penalty on or before the fifth day after the date the landlord provides to the tenant a key to the premises unless the landlord:

(1) notifies the tenant that the tenant may inspect the interior of the premises at the time the application is signed or before the lease is signed; and

(2) allows the tenant to inspect the interior of the premises before the lease is signed.

(b) A provision of a lease that purports to waive a tenant's right or to exempt a landlord from liability or duty under this section is void.

SECTION 2. This Act applies only to a lease agreement entered into on or after the effective date of this Act. A lease agreement entered into before the effective date of this Act is covered by the law in effect at the time the lease agreement was entered into, and the former law is continued in effect for that purpose.

1 SECTION 3. This Act takes effect September 1, 2009.