

1-1 By: Anchia, et al. (Senate Sponsor - Carona) H.B. No. 1109
1-2 (In the Senate - Received from the House April 29, 2009;
1-3 May 1, 2009, read first time and referred to Committee on Business
1-4 and Commerce; May 14, 2009, reported favorably by the following
1-5 vote: Yeas 7, Nays 1; May 14, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to late fees under a residential lease.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 92.019(a), Property Code, is amended to
1-11 read as follows:

1-12 (a) A landlord may not charge a tenant a late fee for failing
1-13 to pay rent unless:

1-14 (1) notice of the fee is included in a written lease;

1-15 (2) the fee is a reasonable estimate of uncertain
1-16 damages to the landlord that are incapable of precise calculation
1-17 and result from late payment of rent; and

1-18 (3) the rent has remained [~~remains~~] unpaid one full
1-19 [~~after the second~~] day after the date the rent was originally due.

1-20 SECTION 2. This Act takes effect immediately if it receives
1-21 a vote of two-thirds of all the members elected to each house, as
1-22 provided by Section 39, Article III, Texas Constitution. If this
1-23 Act does not receive the vote necessary for immediate effect, this
1-24 Act takes effect September 1, 2009.

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