

By: Naishtat

H.B. No. 3261

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to procedures for notifying residential tenants before  
3 rehabilitation or a change in use of leased premises; providing a  
4 civil penalty.

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

6 SECTION 1. Subchapter A, Chapter 92, Property Code, is  
7 amended by adding Section 92.027 to read as follows:

8 Sec. 92.027. NOTICE BEFORE REHABILITATION OR CHANGE IN USE  
9 OF PREMISES. (a) Unless there is a casualty loss making a premises  
10 unusable for residential purposes, a landlord may not refuse to  
11 renew a tenant's lease to allow the landlord to rehabilitate or  
12 change the use of a premises unless the landlord:

13 (1) delivers a notice to the tenant that:

14 (A) states the date on which the rehabilitation  
15 of the premises will begin or the use of the premises will change;  
16 and

17 (B) informs the tenant that the tenant must  
18 relocate on a specific date, which may not be earlier than the 120th  
19 day after the date the landlord delivers the notice; and

20 (2) posts in a conspicuous place on the outside of the  
21 premises a notice that states the date on which rehabilitation of  
22 the premises will begin or the use of the premises will change.

23 (b) A landlord may not change the use of the premises,  
24 terminate or modify a lease, or require a tenant to relocate under

1 this section before the expiration of a lease term.

2 (c) If a landlord intentionally attempts to deter or deters  
3 a tenant from renewing a lease to avoid application of this section  
4 by raising the tenant's rent, depriving the tenant of the use of the  
5 premises, or decreasing services to the tenant, the tenant may  
6 recover from the landlord actual damages, injunctive relief, a  
7 civil penalty of \$1,000 plus an amount equal to one month's rent,  
8 and reasonable attorney's fees.

9 (d) A provision of a lease that purports to waive a right or  
10 exempt a party from liability or a duty under this section is void.

11 SECTION 2. This Act takes effect January 1, 2010.