

By: Carona

S.B. No. 630

A BILL TO BE ENTITLED

AN ACT

relating to certain obligations of and limitations on residential landlords.

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

SECTION 1. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.024 to read as follows:

Sec. 92.024. LANDLORD'S DUTY TO PROVIDE COPY OF LEASE. (a)
Not later than the third business day after the date the lease is signed by each party to the lease, a landlord shall provide at least one complete copy of the lease to at least one tenant who is a party to the lease.

(b) If more than one tenant is a party to the lease, not later than the third business day after the date a landlord receives a written request for a copy of a lease from a tenant who has not received a copy of the lease under Subsection (a), the landlord shall provide one complete copy of the lease to the requesting tenant.

(c) In a legal action brought to enforce a written lease, other than an action for nonpayment of rent, there is a rebuttable presumption that the tenant does not have knowledge of the lease terms if the landlord failed to comply with Subsection (a) or (b). The presumption may be rebutted by proof that the tenant had actual knowledge of the lease terms on which the legal action is based.

SECTION 2. Section 92.331(a), Property Code, is amended to

1 read as follows:

2 (a) A landlord may not retaliate against a tenant by taking
3 an action described by Subsection (b) because the tenant:

4 (1) in good faith exercises or attempts to exercise
5 against a landlord a right or remedy granted to the tenant by lease,
6 municipal ordinance, or federal or state statute;

7 (2) gives a landlord a notice to repair or exercise a
8 remedy under this chapter; ~~or~~

9 (3) complains to a governmental entity responsible for
10 enforcing building or housing codes, a public utility, or a civic or
11 nonprofit agency, and the tenant:

12 (A) claims a building or housing code violation
13 or utility problem; and

14 (B) believes in good faith that the complaint is
15 valid and that the violation or problem occurred; or

16 (4) establishes, attempts to establish, or
17 participates in a tenant organization.

18 SECTION 3. The changes in law made by Section 92.024,
19 Property Code, as added by this Act, apply only to a lease the
20 effective date of which is on or after the effective date of this
21 Act. A lease the effective date of which is before the effective
22 date of this Act is governed by the law as it existed immediately
23 before the effective date of this Act, and that law is continued in
24 effect for that purpose.

25 SECTION 4. This Act takes effect January 1, 2014.