

BILL ANALYSIS

C.S.H.B. 2404
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Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that current provisions relating to required security devices on residential rental property do not adequately address concerns involving these devices, particularly how the liability for the cost of providing these security devices is impacted by the breach of a lease by a tenant. C.S.H.B. 2404 seeks to address these concerns.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2404 amends the Property Code to authorize a landlord, if a tenant breaches a written lease and vacates the premises, to deduct from the tenant's security deposit the reasonable cost incurred by the landlord to rekey a certain required security device only if the lease includes a provision that is underlined or printed in boldface type authorizing the deduction. The bill changes from a sliding door pin lock to a sliding door handle latch the type of sliding door security device a landlord is required to install, as an alternative to a sliding door security bar, at a tenant's request made at any time and at the tenant's expense if the door is an exterior sliding glass door without either such a handle latch or security bar.

C.S.H.B. 2404 changes one of the grounds on which a landlord's defense to liability for a failure to install or rekey certain security devices is established from the ground that the tenant has not fully paid all rent then due from the tenant on the date the tenant requests the installation of a specific security device on an exterior door that does not have such specific device to the ground that the tenant has not fully paid all rent then due from the tenant on the date the tenant requests the installation of a security device that otherwise is required to be installed without necessity of a tenant's request.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2404 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial

differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 92.151(2), Property Code, is amended to read as follows:

(2) "Door viewer" means a permanently installed device in or immediately adjacent to an exterior door that allows a person inside the dwelling to view a person outside the door. The device must be:

(A) a clear glass pane or one-way mirror; or
(B) a peephole in an exterior door having a barrel with a one-way lens of glass or other substance providing an angle view of not less than 160 degrees.

SECTION 2. Section 92.153(a), Property Code, is amended to read as follows:

(a) Except as provided by Subsections (b), (e), (f), (g), and (h) and without necessity of request by the tenant, a dwelling must be equipped with:

(1) a window latch on each exterior window of the dwelling;

(2) a doorknob lock or keyed dead bolt on each exterior door;

(3) a sliding door pin lock on each exterior sliding glass door of the dwelling;

(4) a sliding door handle latch or a sliding door security bar on each exterior sliding glass door of the dwelling; ~~and~~

(5) a keyless bolting device ~~[and a door viewer]~~ on each exterior door of the dwelling; and

(6) a door viewer in or immediately adjacent to each exterior door of the dwelling.

SECTION 3. Section 92.156, Property Code, is amended to read as follows:

Sec. 92.156. REKEYING OR CHANGE OF SECURITY DEVICES.

(a) Except as otherwise provided in Subsection (e), [A] a security device operated by a key, card, or combination shall be rekeyed by the landlord at the landlord's expense not later than the seventh day after each tenant turnover date.

(b) A landlord shall perform additional rekeying or change a security device at the tenant's expense if requested by the tenant. A tenant may make an unlimited number of

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

No equivalent provision.

SECTION 1. Section 92.156, Property Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) Except as otherwise provided by Subsection (e), a [A] security device operated by a key, card, or combination shall be rekeyed by the landlord at the landlord's expense not later than the seventh day after each tenant turnover date.

requests under this subsection.

(c) The expense of rekeying security devices for purposes of the use or change of the landlord's master key must be paid by the landlord.

(d) This section does not apply to locks on closet doors or other interior doors.

(e) In the event a tenant breaches a written lease, a landlord may deduct reasonable costs to rekey certain security devices as required by this section, from the tenant's security deposit, only if a written lease authorizes the landlord to do so in underlined or boldface print.

(e) If a tenant breaches a written lease and vacates the premises, the landlord may deduct from the tenant's security deposit the reasonable cost incurred by the landlord to rekey a security device as required by this section only if the lease includes a provision that is underlined or printed in boldface type authorizing the deduction.

SECTION 4. Section 92.157(a), Property Code, is amended to read as follows:

(a) At a tenant's request made at any time, a landlord, at the tenant's expense, shall install:

(1) a keyed dead bolt on an exterior door if the door has:

(A) a doorknob lock but not a keyed dead bolt; or

(B) a keyless bolting device but not a keyed dead bolt or doorknob lock; and

(2) a sliding door [~~pin lock~~] handle latch or sliding door security bar if the door is an exterior sliding glass door without a sliding door [~~pin lock~~] handle latch or sliding door security bar.

SECTION 2. Substantially the same as introduced version.

SECTION 5. Section 92.1641, Property Code, is amended to read as follows:

Sec. 92.1641. LANDLORD'S DEFENSES RELATING TO INSTALLING OR REKEYING CERTAIN SECURITY DEVICES. The landlord has a defense to liability under Section 92.164 if:

(1) the tenant has not fully paid all rent then due from the tenant on the date the tenant gives a request under Subsection [~~(a)~~] (c) of Section 92.157 or the notice required by Section 92.164; or

(2) on the date the tenant terminates the lease or files suit the tenant has not fully paid costs requested by the landlord and authorized by Section 92.162.

SECTION 3. Substantially the same as introduced version.

No equivalent provision.

SECTION 4. The changes in law made by this Act apply only to a lease entered into or

renewed on or after the effective date of this Act. A lease entered into or renewed before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 6. This Act takes effect September 1, 2015.

SECTION 5. Same as introduced version.