

By: Leach

H.B. No. 2489

A BILL TO BE ENTITLED

AN ACT

relating to regulation by a property owners' association of residential leases or rental agreements.

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

SECTION 1. Chapter 202, Property Code, is amended by adding Section 202.019 to read as follows:

Sec. 202.019. REGULATION OF RESIDENTIAL LEASES OR RENTAL AGREEMENTS. (a) A property owners' association may not adopt or enforce a provision in a dedicatory instrument that:

(1) in connection with the leasing or renting of a property owner's property, imposes a fee, charge, assessment, or fine or requires dues or any other contribution or payment to the association;

(2) requires a lease or rental applicant or a tenant to be approved by the property owners' association; or

(3) requires a property owner, a lease or rental applicant, a tenant, or that person's agent to provide a copy of a document related to leasing or renting the property owner's property, including a lease or rental application, a lease or rental agreement, or a consumer or credit report.

(b) This section does not apply to a master mixed-use property owners' association described by Chapter 215.

(c) This section does not apply to a property owners' association that manages or regulates a condominium.

1 (d) Subsection (a)(1) does not exempt a property owner whose
2 property is leased or rented from a requirement to pay a fee,
3 charge, assessment, or fine under a provision of the dedicatory
4 instrument other than the provision prohibited by that subsection.

5 (e) Notwithstanding Section 202.002, this section applies
6 only to a dedicatory instrument that is adopted on or after
7 September 1, 2015.

8 SECTION 2. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2015.