

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

MAY 26 2015

Atty. Gen.
Secretary of the Senate

By: _____ .B. No. _____

Substitute the following for _____ .B. No. _____:

By: *RBH* _____ C.S.H. .B. No. 2489

A BILL TO BE ENTITLED

1 AN ACT

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

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

5 SECTION 1. Chapter 209, Property Code, is amended by adding
6 Section 209.016 to read as follows:

7 Sec. 209.016. REGULATION OF RESIDENTIAL LEASES OR RENTAL
8 AGREEMENTS. (a) In this section, "sensitive personal information"
9 means an individual's:

- 10 (1) social security number;
11 (2) driver's license number;
12 (3) government-issued identification number; or
13 (4) account, credit card, or debit card number.

14 (b) A property owners' association may not adopt or enforce
15 a provision in a dedicatory instrument that:

16 (1) requires a lease or rental applicant or a tenant to
17 be submitted to and approved for tenancy by the property owners'
18 association; or

19 (2) requires the following information to be submitted
20 to a property owners' association regarding a lease or rental
21 applicant or current tenant:

- 22 (A) a consumer or credit report; or
23 (B) a lease or rental application submitted by
24 the applicant, tenant, or that person's agent to the property owner

1 or property owner's agent when applying for tenancy.

2 (c) If a copy of the lease or rental agreement is required by
3 the property owners' association, any sensitive personal
4 information may be redacted or otherwise made unreadable or
5 indecipherable.

6 (d) Except as provided by Subsection (b), nothing in this
7 section shall be construed to prohibit the adoption or enforcement
8 of a provision in a dedicatory instrument establishing a
9 restriction relating to occupancy or leasing.

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 27, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2489 by Leach (Relating to regulation by a property owners' association of residential leases or rental agreements.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, SD, CL, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 21, 2015

TO: Honorable Kevin Eltife, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2489 by Leach (Relating to regulation by a property owners' association of residential leases or rental agreements.), **Committee Report 2nd House, Substituted**

<p>No fiscal implication to the State is anticipated.</p>
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Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, CL, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 13, 2015

TO: Honorable Kevin Eltife, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2489 by Leach (Relating to regulation by a property owners' association of residential leases or rental agreements.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, CL, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 4, 2015

TO: Honorable René Oliveira, Chair, House Committee on Business & Industry

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2489 by Leach (Relating to regulation by a property owners' association of residential leases or rental agreements.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, CL, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 20, 2015

TO: Honorable René Oliveira, Chair, House Committee on Business & Industry

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2489 by Leach (Relating to the ability of a property owners' association to enforce certain provisions on the lease or rental of real property.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, CL, EK