

House Bill 2489
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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.

(d) Subsection (a)(1) does not exempt a property owner whose property is leased or rented from a requirement to pay a

SENATE VERSION (CS)

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

Sec. 209.016. REGULATION OF RESIDENTIAL LEASES OR RENTAL AGREEMENTS.

(a) In this section, "sensitive personal information" means an individual's:

(1) social security number;

(2) driver's license number;

(3) government-issued identification number; or

(4) account, credit card, or debit card number.

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

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

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

(A) a consumer or credit report; or

(B) a lease or rental application submitted by the applicant, tenant, or that person's agent to the property owner or property owner's agent when applying for tenancy.

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fee, charge, assessment, or fine under a provision of the dedicatory instrument other than the provision prohibited by that subsection.

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

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

SENATE VERSION (CS)

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

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

SECTION 2. Same as House version.

CONFERENCE