

By: Coleman

H.B. No. 993

A BILL TO BE ENTITLED

AN ACT

relating to notice to a prospective residential tenant regarding a dwelling that is located in a floodplain or that has been damaged by flooding.

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

SECTION 1. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.0132 to read as follows:

Sec. 92.0132. NOTICE REGARDING FLOODPLAIN OR FLOOD DAMAGE. (a) In this section, "floodplain" means any area of land that is located in a 100-year floodplain or a 500-year floodplain as determined by the most recent flood hazard map published by the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 et seq.).

(b) This section applies only to a dwelling that:

(1) is located in a floodplain; or

(2) has been damaged by flooding due to rainfall or storm surge during the 20 years preceding the date of the lease.

(c) Before entering into a lease with a prospective tenant, a landlord or landlord's agent must inform the prospective tenant in a written notice, signed by both the landlord or landlord's agent and the prospective tenant, that the dwelling that is the subject of the lease:

(1) is located in a floodplain; or

(2) has been previously damaged by flooding due to

1 rainfall or storm surge.

2 (d) If a landlord or a landlord's agent violates this  
3 section and a tenant suffers loss of or damage to the tenant's  
4 personal property as a result of a flood, the tenant:

5 (1) may terminate the lease or maintain possession of  
6 the premises under the terms of the lease; and

7 (2) is entitled to recover from the landlord the  
8 following amounts, less any delinquent rent or other sum for which  
9 the tenant is liable to the landlord:

10 (A) the tenant's actual damages;

11 (B) the greater of one month's rent or \$1,000;

12 and

13 (C) reasonable attorney's fees and court costs  
14 incurred in recovering the amounts in Paragraphs (A) and (B).

15 (e) It is a defense to liability under this section that, at  
16 the time the parties entered into the lease, the landlord or  
17 landlord's agent did not know that the dwelling that is the subject  
18 of the lease was located in a floodplain or had been previously  
19 damaged by flooding.

20 SECTION 2. The changes in law made by this Act apply only to  
21 a lease entered into on or after the effective date of this Act. A  
22 lease entered into before that date is governed by the law  
23 applicable to the lease immediately before the effective date of  
24 this Act, and the former law is continued in effect for that  
25 purpose.

26 SECTION 3. This Act takes effect September 1, 2019.