

By: Farrar

H.B. No. 3556

Substitute the following for H.B. No. 3556:

By: Collier

C.S.H.B. No. 3556

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:

(1) "Floodplain" means any area of land that is located in a 100-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.).

(2) "Residential property" means real property containing one or more dwelling units.

(b) This section applies only to a landlord who offers a residential property for lease knowing that:

(1) the property is located in a floodplain; or

(2) a structure on the property has previously received water penetration from a flood caused by rainfall that occurred during the four years preceding the date of the lease.

(c) Before entering into a lease with a prospective tenant, a landlord or landlord's representative must inform the prospective

1 tenant in a written notice, signed by the landlord and the
2 prospective tenant, that, based on the landlord's knowledge and as
3 applicable:

4 (1) the residential property that is the subject of
5 the lease is located in a floodplain; or

6 (2) a structure on the property has previously
7 received water penetration from a flood caused by rainfall that
8 occurred during the four years preceding the date of the lease.

9 (d) If a landlord or a landlord's representative fails to
10 provide the notice required by Subsection (c) and a tenant suffers
11 loss of or damage to the tenant's personal property located in the
12 tenant's leased premises on the residential property and as a
13 result of water penetration into the leased premises from a flood
14 caused by rainfall, the tenant may:

15 (1) maintain possession of the premises under the
16 terms of the lease; or

17 (2) terminate the lease after the 10th day after the
18 date the tenant provides notice to terminate the lease to the
19 landlord or the landlord's representative.

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.