

By: West

S.B. No. 1047

A BILL TO BE ENTITLED

AN ACT

relating to the rehabilitation, demolition, or change in use of residential property occupied by a tenant.

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

SECTION 1. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.026 to read as follows:

Sec. 92.026. REHABILITATION, DEMOLITION, OR CHANGE IN USE.

(a) Unless there is a casualty loss making a rental premises unusable for residential purposes, a landlord may not refuse to renew a tenant's lease to allow the landlord to rehabilitate, sell or close for demolition and redevelopment, or change the use of the rental unit or premises unless the landlord delivers a notice to the tenant that:

(1) states the date on which the rehabilitation of the rental unit or premises will begin, the rental unit or premises will be offered for sale or closed, or the use of the rental unit or premises will change, as applicable;

(2) informs the tenant that the tenant must relocate on a specific date, which may not be earlier than the 90th day after the date the landlord delivers the notice; and

(3) if the rental unit is a single-family house or duplex that is the only residential building on the property and the landlord intends to sell the property for demolition and redevelopment, informs the tenant that the tenant has a right of

1 first refusal to purchase the property that may be exercised on or  
2 before the 90th day after the date the notice is delivered.

3 (b) A landlord may not:

4 (1) change the use of the rental unit or premises,  
5 terminate or modify a lease, or require a tenant to relocate under  
6 this section before the expiration of a lease term;

7 (2) require a tenant to relocate before the date  
8 described by Subsection (a)(2);

9 (3) refuse to grant the tenant a right of first refusal  
10 to purchase the property as described by Subsection (a)(3), if  
11 applicable; or

12 (4) intentionally attempt to deter or deter a tenant  
13 from renewing a lease to avoid application of this section by  
14 raising the tenant's rent, depriving the tenant of the use of the  
15 premises, or decreasing services to the tenant.

16 (c) If a tenant is required to relocate under this section,  
17 the landlord shall promptly return the tenant's security deposit  
18 if:

19 (1) all fixtures and appliances of the rental unit  
20 remain in the rental unit; and

21 (2) all property of the tenant is removed from the  
22 premises by the tenant on or before the date the tenant moves out of  
23 the rental unit.

24 (d) A tenant may recover from a landlord who violates this  
25 section:

26 (1) actual damages;

27 (2) injunctive relief; and

1           (3) court costs and reasonable attorney's fees.

2           (e) To the extent that a local ordinance provides greater  
3 protection to a tenant than is provided by this section, the local  
4 ordinance prevails.

5           (f) A provision of a lease that purports to waive a right or  
6 exempt a party from liability or a duty under this section is void.

7           SECTION 2. The changes in law made by this Act apply only to  
8 a lease agreement entered into or renewed on or after the effective  
9 date of this Act.

10          SECTION 3. This Act takes effect January 1, 2020.