

By: Collier

H.B. No. 314

A BILL TO BE ENTITLED

AN ACT

relating to the provision of access to a dwelling by a landlord to a cotenant or occupant who commits certain offenses.

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

SECTION 1. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.01611 to read as follows:

Sec. 92.01611. PROVIDING CERTAIN OFFENDERS ACCESS TO DWELLING PROHIBITED. (a) In this section, "occupant" has the meaning assigned by Section 92.016.

(b) A landlord who rekeys or changes a security device for a tenant's dwelling at the request of the tenant under Section 92.156(b) may not provide a key, code, or other means of access to the dwelling to a cotenant or occupant of the dwelling if the tenant:

(1) is entitled to vacate the dwelling under Section 92.016 or 92.0161;

(2) chooses to not vacate the dwelling; and

(3) provides the landlord or the landlord's agent a copy of a court order granting the tenant possession of the dwelling to the exclusion of the cotenant or occupant because the cotenant or occupant committed family violence, as defined by Section 71.004, Family Code, or an offense described by Section 92.0161 against the tenant or a child or ward of the tenant.

(c) This section does not release a cotenant from liability

1 or obligations under the rental agreement.

2 SECTION 2. Section 92.165, Property Code, is amended to  
3 read as follows:

4 Sec. 92.165. TENANT REMEDIES FOR OTHER LANDLORD VIOLATIONS.  
5 If a landlord does not comply with a tenant's request regarding  
6 rekeying, changing, adding, repairing, or replacing a security  
7 device under Section 92.156(b), 92.157, or 92.158 in accordance  
8 with the time limits and other requirements of this subchapter or  
9 violates Section 92.01611, the tenant may:

10 (1) install, repair, change, replace, or rekey the  
11 security devices as required by this subchapter and deduct the  
12 reasonable cost of material, labor, taxes, and extra keys from the  
13 tenant's next rent payment in accordance with Section 92.166;

14 (2) unilaterally terminate the lease without court  
15 proceedings; and

16 (3) file suit against the landlord and obtain a  
17 judgment for:

18 (A) a court order directing the landlord to  
19 comply, if the tenant is in possession of the dwelling;

20 (B) the tenant's actual damages;

21 (C) punitive damages if the tenant suffers actual  
22 damages and the landlord's failure to comply is intentional,  
23 malicious, or grossly negligent;

24 (D) a [~~civil~~] penalty of one month's rent plus  
25 \$500;

26 (E) court costs; and

27 (F) attorney's fees except in suits for recovery

H.B. No. 314

1 of property damages, personal injuries, or wrongful death.

2 SECTION 3. This Act takes effect September 1, 2021.