

By: Hernandez

H.B. No. 2801

A BILL TO BE ENTITLED

AN ACT

relating to requiring a notice of proposed eviction for residential and commercial leases after a failure to pay rent.

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

SECTION 1. Chapter 24, Property Code, is amended by adding Section 24.0041 to read as follows:

Sec. 24.0041. NOTICE OF PROPOSED EVICTION. (a) Before a landlord may give a notice to vacate under Section 24.005 to a tenant who defaults based on a failure to pay rent, the landlord must give the tenant a notice of proposed eviction and 30 days to cure the default after the notice of proposed eviction is delivered. The notice of proposed eviction must state that:

(1) rent is due and unpaid;

(2) the tenant must pay the delinquent rent and any current rent due not later than the 30th day after the date the tenant receives the notice of proposed eviction; and

(3) the landlord may notify the tenant to vacate the premises and file an eviction suit if the tenant fails to pay the delinquent and current rent before the end of that period.

(b) A landlord shall deliver a notice of proposed eviction in the same manner as a notice to vacate is delivered to a tenant under Section 24.005.

(c) Notwithstanding Subsection (a), a landlord and tenant may contract for a longer opportunity to cure period for a default

1 based on failure to pay rent in a written lease or agreement.

2 SECTION 2. Section 94.206, Property Code, is amended to
3 read as follows:

4 Sec. 94.206. TERMINATION AND EVICTION FOR NONPAYMENT OF
5 RENT. A landlord may terminate the lease agreement and evict a
6 tenant if:

7 (1) the tenant fails to timely pay rent or other
8 amounts due under the lease that in the aggregate equal the amount
9 of at least one month's rent;

10 (2) the landlord notifies the tenant in writing that
11 the payment is delinquent; and

12 (3) the tenant has not tendered the delinquent payment
13 and any other amount due in full to the landlord before the 30th
14 [~~10th~~] day after the date the tenant receives the notice.

15 SECTION 3. The changes in law made by this Act apply only to
16 a lease entered into or renewed on or after the effective date of
17 this Act. A lease entered into or renewed before that date is
18 governed by the law applicable to the lease immediately before the
19 effective date of this Act, and the former law is continued in
20 effect for that purpose.

21 SECTION 4. This Act takes effect September 1, 2021.