

By: Lambert, Darby

H.B. No. 3504

A BILL TO BE ENTITLED

AN ACT

relating to repairs made pursuant to a tenant's notice of intent to repair and the refund of a tenant's security deposit.

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

SECTION 1. Section 92.0561(f), Property Code, is amended to read as follows:

(f) Repairs made pursuant to the tenant's notice must be made by an independent [a] company, contractor, or repairman [~~listed in the yellow or business pages of the telephone directory or in the classified advertising section of a newspaper of the local city, county, or adjacent county at the time of the tenant's notice of intent to repair~~]. If the rental unit is located in a municipality requiring the company, contractor, or repairman to be licensed, the person or entity performing the repair must be licensed by that municipality. Unless the landlord and tenant agree otherwise under Subsection (g) [~~of this section~~], repairs may not be made by the tenant, the tenant's immediate family, the tenant's employer or employees, or a company in which the tenant has an ownership interest. Repairs may not be made to the foundation or load-bearing structural elements of the building if it contains two or more dwelling units.

SECTION 2. Section 92.107, Property Code, is amended to read as follows:

Sec. 92.107. TENANT'S FORWARDING ADDRESS. (a) The

1 landlord is not obligated to return a tenant's security deposit or  
2 give the tenant a written description of damages and charges until  
3 the tenant provides [~~gives~~] the landlord a written statement of the  
4 tenant's forwarding address for the purpose of refunding the  
5 security deposit.

6 (b) A tenant may satisfy the requirement of Subsection (a):

7 (1) by providing the statement in accordance with the  
8 lease; or

9 (2) regardless of the lease terms, by:

10 (A) hand delivering the statement to the landlord  
11 or landlord's property manager if rent has been paid in that manner;  
12 or

13 (B) sending the statement to the landlord or  
14 landlord's property manager or to an address where the tenant has  
15 paid rent under the lease by:

16 (i) first class mail;

17 (ii) certified mail, return receipt  
18 requested;

19 (iii) registered mail; or

20 (iv) any other delivery service that  
21 provides delivery tracking information.

22 (c) A tenant who complies with Subsection (b) has satisfied  
23 the requirement of Subsection (a), even if the landlord fails to  
24 claim or refuses delivery of the written statement of the tenant's  
25 forwarding address.

26 (d) The tenant does not forfeit the right to a refund of the  
27 security deposit or the right to receive a description of damages

1 and charges merely for failing to give a forwarding address to the  
2 landlord.

3 SECTION 3. Section 92.109(d), Property Code, is amended to  
4 read as follows:

5 (d) A landlord is presumed to have acted in bad faith if the  
6 landlord ~~[who]~~ fails either to return a security deposit or to  
7 provide a written description and itemization of deductions on or  
8 before the 30th day after the date the tenant has both:

- 9 (1) surrendered ~~[surrenders]~~ possession; and  
10 (2) satisfied the requirement of Section 92.107(a) ~~[is~~  
11 ~~presumed to have acted in bad faith]~~.

12 SECTION 4. Section 94.157(g), Property Code, is amended to  
13 read as follows:

14 (g) Repairs made based on a tenant's notice must be made by  
15 an independent ~~[a]~~ company, contractor, or repairman ~~[listed at the~~  
16 ~~time of the tenant's notice of intent to repair in the yellow or~~  
17 ~~business pages of the telephone directory or in the classified~~  
18 ~~advertising section of a newspaper of the municipality or county in~~  
19 ~~which the manufactured home community is located or in an adjacent~~  
20 ~~county]~~. If the rental unit is located in a municipality requiring  
21 the company, contractor, or repairman to be licensed, the person or  
22 entity performing the repair must be licensed by the municipality.

23 Unless the landlord and tenant agree otherwise under Subsection  
24 (i), repairs may not be made by the tenant, the tenant's immediate  
25 family, the tenant's employer or employees, or a company in which  
26 the tenant has an ownership interest. Repairs may not be made to  
27 the foundation or load-bearing structural elements of the

1 manufactured home lot.

2           SECTION 5. The changes in law made by this Act apply only to  
3 a lease entered into or renewed on or after the effective date of  
4 this Act. A lease entered into or renewed before the effective date  
5 of this Act is governed by the law in effect immediately before the  
6 effective date of this Act, and that law is continued in effect for  
7 that purpose.

8           SECTION 6. This Act takes effect September 1, 2021.