

BILL ANALYSIS

Senate Research Center
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H.B. 3536
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, commercial landlords are excepted from normal eviction requirements when a tenant is using the premises for prostitution or human trafficking. However, there is no parallel protection for landlords when evicting a tenant that operates an illicit massage business, even though having such a business on the leased premises exposes the landlord to liability through common nuisance laws.

In an effort to combat commercial sexual activity and human trafficking, the legislature has taken steps to increase the regulatory oversight of massage establishments. Removing eviction protections from establishments operating in violation of the law could serve as motivation for establishment owners to ensure that violations do not occur. H.B. 3536 seeks to provide protections to landlords that evict a tenant operating a massage establishment that is not in compliance with state law relating to massage therapy or an applicable local ordinance relating to the licensing or regulation of a massage establishment.

H.B. 3536 amends current law relating to a commercial landlord's remedies regarding certain unlawful activities on the premises of commercial rental property.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 93.013(a), Property Code, as follows:

(a) Provides that a tenant's right of possession, notwithstanding a provision in a lease to the contrary, terminates and the landlord has a right to recover possession of the leased premises if the tenant is using the premises or allowing the premises to be used for the purposes of:

(1)-(2) creates these subdivisions from existing text and makes nonsubstantive changes;

(3) operating, maintaining, or advertising a massage establishment, as defined by Section 455.001 (Definitions), Occupations Code, that is not in compliance with Chapter 455 (Massage Therapy), Occupations Code, or with an applicable local ordinance relating to the licensing or regulation of a massage establishment.

Makes a nonsubstantive change.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.