

BILL ANALYSIS

Senate Research Center
88R31316 PRL-D

C.S.H.B. 3625
By: Walle (Huffman)
Business & Commerce
5/20/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires a landlord to provide written notice to a tenant indicating whether they are or are not aware that the dwelling in question is in a 100-year floodplain. There are concerns that the notification unintentionally applies to short-term leases and to temporary tenancies that occur when a buyer occupies the property before closing or a seller does so after closing.

H.B. 3625 seeks to address these concerns by providing for an exemption from the notice requirement in those circumstances.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 3625 amends current law relating to notice requirements for a leased dwelling located in a floodplain.

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 92.0135, Property Code, by adding Subsection (a-1) and amending Subsection (e), as follows:

(a-1) Provides that notices under Subsections (b) (relating to requiring a landlord to provide to a tenant a written notice similar to the language set forth therein) and (d) (relating to requiring a landlord to provide written notice to a tenant if the landlord knows that flooding has damaged any portion of a dwelling during the last five year period preceding the effective date of the lease and setting forth the language of the notice) are not required for a tenant under:

(1) a lease with a term of less than 30 days; or

(2) a temporary residential tenancy created by a contract for sale in which the buyer occupies the property before closing or the seller occupies the property after closing for a specific term not greater than 90 days.

(e) Requires that the notices required by Subsections (b) and (d) be included in a paragraph of the lease, as an addendum to the lease, or in a separate written document given to the tenant at or before execution of the lease. Requires the landlord and tenant to sign the document containing a required notice to evidence the provision and receipt of the notice.

SECTION 2. Makes application of Sections 92.0135(a-1), Property Code, as added by this Act, and Section 92.0135(e), Property Code, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2023.