

By: Vasut

H.B. No. 1262

A BILL TO BE ENTITLED

AN ACT

relating to the provision of written notice to vacate real property by electronic means.

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

SECTION 1. Section 24.005, Property Code, is amended by amending Subsection (f) and adding Subsections (f-3) and (f-4) to read as follows:

(f) Except as provided by Subsections [~~Subsection~~] (f-1) and (f-3), the notice to vacate shall be given in person or by mail at the premises in question. Notice in person may be by personal delivery to the tenant or any person residing at the premises who is 16 years of age or older or personal delivery to the premises and affixing the notice to the inside of the main entry door. Notice by mail may be by regular mail, by registered mail, or by certified mail, return receipt requested, to the premises in question.

(f-3) Notwithstanding Subsections (f) and (f-1), a landlord may give written notice to vacate to a tenant by sending the notice by at least two electronic means, including e-mail, text message, fax, and social media message, if:

(1) both parties agree, in a conspicuous writing separate from any written lease, that the notice may be given by sending the notice by at least two electronic means; and

(2) the tenant provides in the writing described by Subdivision (1) the information required for the landlord to send

1 the notice by at least two electronic means.

2 (f-4) Notice to vacate given under Subsection (f-3) is
3 considered delivered on the date notice is sent by at least two
4 electronic means for which information was provided by the tenant,
5 regardless of the date the notice is received.

6 SECTION 2. This Act takes effect September 1, 2023.