

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Manuel

H.B. No. 3536

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a commercial landlord's remedies regarding certain  
3 unlawful activities on the premises of commercial rental property.

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

5 SECTION 1. Section 93.013(a), Property Code, is amended to  
6 read as follows:

7 (a) Notwithstanding a provision in a lease to the contrary,  
8 a tenant's right of possession terminates and the landlord has a  
9 right to recover possession of the leased premises if the tenant is  
10 using the premises or allowing the premises to be used for the  
11 purposes of:

12 (1) prostitution as described by Section 43.02, Penal  
13 Code, solicitation of prostitution as described by Section 43.021,  
14 Penal Code, promotion of prostitution as described by Section  
15 43.03, Penal Code, aggravated promotion of prostitution as  
16 described by Section 43.04, Penal Code, or compelling prostitution  
17 as described by Section 43.05, Penal Code;

18 (2) [~~7-04~~] trafficking of persons as described by  
19 Section 20A.02, Penal Code; or

20 (3) operating, maintaining, or advertising a massage  
21 establishment, as defined by Section 455.001, Occupations Code,  
22 that is not in compliance with:

23 (A) Chapter 455, Occupations Code; or

24 (B) an applicable local ordinance relating to the

1 licensing or regulation of a massage establishment.

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

8           SECTION 3. This Act takes effect September 1, 2023.

ADOPTED

MAY 19 2023

FLOOR AMENDMENT NO. \_\_\_\_\_

BY:

*Angela Paxton*

*Lately Lewis*  
Secretary of the Senate

1 Amend H.B. No. 3536 (senate committee report) in SECTION 1 of  
2 the bill, amending Section 93.013(a), Property Code, by striking  
3 added Subdivision (3) of that subsection (page 1, lines 39 through  
4 44) and substituting the following:

5 (3) operating, maintaining, or advertising a massage  
6 establishment, as defined by Section 455.001, Occupations Code,  
7 that:

8 (A) is not exempt from licensing requirements  
9 under state or federal law and:

10 (i) has never been issued a license by the  
11 Texas Department of Licensing and Regulation; or

12 (ii) the license for which was suspended,  
13 revoked, or refused renewal by the Texas Department of Licensing  
14 and Regulation after the establishment obtained a right of  
15 possession in the leased premises; or

16 (B) was issued a citation, administrative  
17 penalty, civil penalty, or other civil or criminal sanction for:

18 (i) violating a local ordinance that  
19 relates to an offense listed in Subdivision (1) or (2) of this  
20 subsection;

21 (ii) operating a sexually oriented  
22 business; or

23 (iii) violating Section 455.202,  
24 Occupations Code.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 20, 2023**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3536** by Manuel (Relating to a commercial landlord's remedies regarding certain unlawful activities on the premises of commercial rental property.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 452 Department of Licensing and Regulation

**LBB Staff:** JMc, CMA, SZ, MW, RSTE

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 15, 2023**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Business & Commerce

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3536** by Manuel (Relating to a commercial landlord's remedies regarding certain unlawful activities on the premises of commercial rental property.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

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**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 452 Department of Licensing and Regulation

**LBB Staff:** JMc, SZ, MW, RSTE

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**April 13, 2023**

**TO:** Honorable Oscar Longoria, Chair, House Committee on Business & Industry

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3536** by Manuel (Relating to a commercial landlord's remedies regarding certain unlawful activities on the premises of commercial rental property.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 452 Department of Licensing and Regulation

**LBB Staff:** JMc, SZ, MW, RSTE