

House Bill 3536
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

(a) Notwithstanding a provision in a lease to the contrary, a tenant's right of possession 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) prostitution as described by Section 43.02, Penal Code, solicitation of prostitution as described by Section 43.021, Penal Code, promotion of prostitution as described by Section 43.03, Penal Code, aggravated promotion of prostitution as described by Section 43.04, Penal Code, or compelling prostitution as described by Section 43.05, Penal Code;

(2) [~~7-0F~~] trafficking of persons as described by Section 20A.02, Penal Code; or

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

(A) Chapter 455, Occupations Code; or

(B) an applicable local ordinance relating to the licensing or regulation of a massage establishment.

SENATE VERSION (IE)

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

(a) Notwithstanding a provision in a lease to the contrary, a tenant's right of possession 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) prostitution as described by Section 43.02, Penal Code, solicitation of prostitution as described by Section 43.021, Penal Code, promotion of prostitution as described by Section 43.03, Penal Code, aggravated promotion of prostitution as described by Section 43.04, Penal Code, or compelling prostitution as described by Section 43.05, Penal Code;

(2) [~~7-0F~~] trafficking of persons as described by Section 20A.02, Penal Code; or

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

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

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

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

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

CONFERENCE

House Bill 3536
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(i) violating a local ordinance that relates to an offense listed in Subdivision (1) or (2) of this subsection;
(ii) operating a sexually oriented business; or
(iii) violating Section 455.202, Occupations Code. [FA1]

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

SECTION 2. Same as House version.

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

SECTION 3. Same as House version.