

By: Bucy

H.B. No. 79

A BILL TO BE ENTITLED

AN ACT

relating to the notice period for certain evictions.

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

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

(a) Except as otherwise provided by Subsection (b-1), if ~~if~~ the occupant is a tenant under a written lease or oral rental agreement, the landlord must give a tenant who defaults or holds over beyond the end of the rental term or renewal period at least 14 ~~three~~ days' written notice to vacate the premises before the landlord files a forcible detainer suit, unless the parties have contracted for a shorter or longer notice period in a written lease or agreement. A landlord who files a forcible detainer suit on grounds that the tenant is holding over beyond the end of the rental term or renewal period must also comply with the tenancy termination requirements of Section 91.001.

(b) Except as otherwise provided by Subsection (b-1), if ~~if~~ the occupant is a tenant at will or by sufferance, the landlord must give the tenant at least 14 ~~three~~ days' written notice to vacate before the landlord files a forcible detainer suit unless the parties have contracted for a shorter or longer notice period in a written lease or agreement. If a building is purchased at a tax foreclosure sale or a trustee's foreclosure sale under a lien

1 superior to the tenant's lease and the tenant timely pays rent and
2 is not otherwise in default under the tenant's lease after
3 foreclosure, the purchaser must give a residential tenant of the
4 building at least 30 days' written notice to vacate if the purchaser
5 chooses not to continue the lease. The tenant is considered to
6 timely pay the rent under this subsection if, during the month of
7 the foreclosure sale, the tenant pays the rent for that month to the
8 landlord before receiving any notice that a foreclosure sale is
9 scheduled during the month or pays the rent for that month to the
10 foreclosing lienholder or the purchaser at foreclosure not later
11 than the fifth day after the date of receipt of a written notice of
12 the name and address of the purchaser that requests payment. Before
13 a foreclosure sale, a foreclosing lienholder may give written
14 notice to a tenant stating that a foreclosure notice has been given
15 to the landlord or owner of the property and specifying the date of
16 the foreclosure.

17 (b-1) Notwithstanding Subsections (a) and (b), if the
18 landlord terminates the lease as provided by Section 91.003, the
19 landlord may file a forcible detainer suit on or after the third day
20 after the date the landlord gives notice to a tenant under a written
21 lease or oral rental agreement or at will or by sufferance.

22 SECTION 2. The changes in law made by this Act apply only to
23 an eviction suit in which the notice to vacate is given on or after
24 the effective date of this Act. An eviction suit in which the
25 notice to vacate is given before the effective date of this Act is
26 governed by the law as it existed immediately before the effective
27 date of this Act, and that law is continued in effect for that

1 purpose.

2 SECTION 3. This Act takes effect on the 91st day after the
3 last day of the legislative session.