

BILL ANALYSIS

Senate Research Center
89R21506 RAL-F

H.B. 2037
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When a tenant makes certain repairs for health and safety that their landlord will not make after requested, the tenant must hire a contractor that is listed in the yellow pages or the classified advertising section of a newspaper. Additionally, when a tenant leaves a property on termination of a lease, the tenant typically provides a physical forwarding address for the delivery of certain notices and for the return of the security deposit. These antiquated requirements either do not comport with modern online leasing practices, are confusing, or are impractical.

H.B. 2037 seeks to address this issue by revising provisions relating to rental unit repairs and by providing for the use of email for certain notices and communications between a landlord and tenant.

H.B. 2037 amends current law relating to repairs made pursuant to a residential or manufactured home tenant's notice of intent to repair and the provision of notice regarding a residential or manufactured home tenant's security deposit.

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 92.0561(f), Property Code, as follows:

(f) Requires that repairs made pursuant to the tenant's notice be made by an independent company, contractor, or repairman, rather than a company, contractor, or repairman listed in the yellow or business pages of the telephone directory or in the classified advertising section of a newspaper of the local city, county, or adjacent county at the time of the tenant's notice of intent to repair. Requires the person or entity performing the repair, if the rental unit is located in a municipality requiring the company, contractor, or repairman to be licensed, to be licensed in accordance with the municipality's requirements. Makes a nonsubstantive change.

SECTION 2. Amends Subchapter C, Chapter 92, Property Code, by adding Sections 92.112 and 92.113, as follows:

Sec. 92.112. AGENTS FOR DELIVERY OF NOTICE. Provides that a managing agent, leasing agent, or resident manager is the agent of the landlord for purposes of notice and other communications required or permitted by Subchapter C (Security Deposits).

Sec. 92.113. NOTICE BY E-MAIL. (a) Authorizes notice and other communications required or permitted by this subchapter to be sent by e-mail if the tenant and the landlord or landlord's agent have previously communicated by e-mail.

(b) Authorizes the landlord or landlord's agent to designate a specific e-mail address for a tenant to use for the purpose of Subsection (a).

SECTION 3. Amends Subchapter C, Chapter 94, Property Code, by adding Sections 94.110 and 94.111, as follows:

Sec. 94.110. AGENTS FOR DELIVERY OF NOTICE. Provides that a managing agent, leasing agent, or resident manager is the agent of the landlord for purposes of notice and other communications required or permitted by this subchapter.

Sec. 94.111. NOTICE BY E-MAIL. (a) Authorizes notice and other communications required or permitted by this subchapter to be sent by e-mail if the tenant and the landlord or landlord's agent have previously communicated by e-mail.

(b) Authorizes the landlord or landlord's agent to designate a specific e-mail address for a tenant to use for the purpose of Subsection (a).

SECTION 4. Amends Section 94.157(g), Property Code, to make conforming and nonsubstantive changes.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2025.