

By: Gates

H.B. No. 4305

A BILL TO BE ENTITLED

AN ACT

relating to disclosure of rent and certain fees and charges by a landlord.

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

SECTION 1. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.0115 to read as follows:

Sec. 92.0115. DISCLOSURE OF RENT AND CERTAIN FEES AND CHARGES. (a) A monthly fixed, recurring fee to be charged by a landlord to a tenant during the lease term as a condition of leasing a dwelling must be disclosed by the landlord with or alongside the rent in a lease quote, a rental application, and any advertisement or listing that includes the rental price for the dwelling. For purposes of this subsection, a fixed, recurring fee is charged to the tenant in the same amount each month and includes valet trash fees, insurance fees, pest control fees, Internet fees, cable fees, amenity fees, washer and dryer usage fees, and fees for services provided by a third party at the direction of the landlord.

(b) The lease must also state clearly and conspicuously on the first page the following fees and charges that the tenant is responsible for paying under the lease:

(1) the monthly rent without any fees described by Subsection (a);

(2) an itemized list of each fee described by Subsection (a);

1           (3) an itemized list of each fixed or one-time charge  
2 or fixed fee not included under Subdivision (1) or (2), including  
3 pet fees and fees for goods, services, or amenities that the tenant  
4 has opted to receive;

5           (4) the security deposit amount or, if the tenant  
6 opted to pay a fee in lieu of a security deposit under Section  
7 92.111, the amount of the fee and the disclosure required under  
8 Section 92.111(b)(2);

9           (5) an itemized list of goods, services, or amenities  
10 with variable charges, including any utilities with variable  
11 charges;

12           (6) an itemized list of charges for any lease  
13 violation, including holdover fees;

14           (7) any late fee charges; and

15           (8) any returned check or rejected payment fee.

16           (c) Any change to a fee or charge described by Subsection  
17 (a) or (b) must be agreed to in writing by the landlord and tenant.  
18 A tenant may not waive this subsection.

19           (d) In addition to the disclosures required under  
20 Subsection (a), a lease quote and a rental application must clearly  
21 and conspicuously state:

22           (1) an itemized list of charges for any optional  
23 goods, services, or amenities the landlord is offering to the  
24 tenant in the rental of the unit and information on the tenant's  
25 right to receive housing even if the tenant does not opt into  
26 receiving the good, service, or amenity;

27           (2) an itemized list of goods, services, or amenities

1 with variable charges that the landlord will require the tenant to  
2 pay during the lease term as a condition of leasing the dwelling;

3 (3) an itemized list of utilities for which the tenant  
4 is responsible, including whether the utility payment is made to  
5 the landlord or a third party;

6 (4) an itemized list of any nonrefundable charges  
7 assessed by the landlord as part of the application process or  
8 before the execution of a lease, including application fees, hold  
9 fees, and processing fees; and

10 (5) the security deposit amount and, if the landlord  
11 offers a tenant the option of paying a fee in lieu of a security  
12 deposit under Section 92.111, the information required to be in a  
13 written notice under Section 92.111(b).

14 (e) A landlord may not assess a tenant a fee or charge that  
15 is not disclosed in the lease as required by Subsection (b). A  
16 landlord who violates this subsection is liable to the tenant for an  
17 amount equal to the sum of \$100, three times the amount of a fee or  
18 charge assessed in violation of this subsection, and the tenant's  
19 reasonable attorney's fees.

20 (f) A landlord may not file an eviction proceeding against a  
21 tenant for nonpayment of a fee or charge that is not disclosed in  
22 the lease as required by Subsection (b).

23 (g) A prospective tenant may make a written demand to a  
24 landlord requesting the return of an application fee, deposits, and  
25 any other money paid in relation to the rental of a unit if:

26 (1) the landlord's rental application for the unit  
27 does not comply with the disclosure requirements in Subsection (d)

1 or the amounts for any fixed fees or charges listed in the lease for  
2 the unit exceed the amounts listed for those fees or charges in the  
3 application;

4 (2) the prospective tenant makes the written demand  
5 not later than the 14th business day after the date on which the  
6 prospective tenant receives the lease for the unit; and

7 (3) at the time the prospective tenant makes the  
8 written demand, the prospective tenant has not signed the lease or  
9 taken possession of the unit.

10 (h) If a prospective tenant makes a written demand in  
11 accordance with Subsection (g), the landlord shall return all money  
12 the prospective tenant paid the landlord not later than the fifth  
13 business day after the date on which the landlord receives the  
14 written demand. A landlord who violates this subsection is liable  
15 to the prospective tenant for an amount equal to the sum of \$100,  
16 three times the amount of the fee or charge that was not disclosed  
17 in accordance with this section, and the prospective tenant's  
18 reasonable attorney's fees.

19 (i) An advertisement or listing made in violation of  
20 Subsection (a) is a false, misleading, or deceptive act or practice  
21 under Subchapter E, Chapter 17, Business & Commerce Code, and is  
22 actionable under that subchapter. A landlord who demonstrates a  
23 good faith effort to comply with the disclosure requirements may  
24 present evidence that a violation was unintentional or resulted  
25 from a clerical error to mitigate penalties.

26 (j) This section does not affect or alter a remedy at law or  
27 in equity otherwise available to a tenant.

1           (k) A provision of a lease that purports to waive a right or  
2 exempt a party from a liability or duty under this section is void.

3           SECTION 2. Section 92.0115, Property Code, as added by this  
4 Act, applies only to a fee or charge under a lease entered into or  
5 renewed, or to be entered into or renewed, on or after the effective  
6 date of this Act.

7           SECTION 3. This Act takes effect September 1, 2025.