

By: West

S.B. No. 1367

A BILL TO BE ENTITLED

AN ACT

relating to certain obligations of and limitations on landlords.

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

SECTION 1. Section 54.046, Property Code, is amended to read as follows:

Sec. 54.046. VIOLATION BY LANDLORD. If a landlord or the landlord's agent wilfully violates this subchapter, the tenant is entitled to:

(1) actual damages, return of any property seized that has not been sold, return of the proceeds of any sale of seized property, and the sum of one month's rent and \$1,000 ~~[or \$500, whichever is greater]~~, less any amount for which the tenant is liable; and

(2) reasonable attorney's fees.

SECTION 2. Section 92.006, Property Code, is amended by adding Subsection (h) to read as follows:

(h) A tenant's right to a jury trial in an action brought under this chapter may not be waived.

SECTION 3. Section 92.056(b), Property Code, is amended to read as follows:

(b) A landlord is liable to a tenant as provided by this subchapter if:

(1) the tenant has given the landlord notice to repair or remedy a condition by giving that notice to the person to whom or

1 to the place where the tenant's rent is normally paid;

2 (2) the condition materially affects the physical  
3 health or safety of an ordinary tenant;

4 (3) the tenant has given the landlord a subsequent  
5 written notice to repair or remedy the condition after a reasonable  
6 time to repair or remedy the condition following the notice given  
7 under Subdivision (1) or the tenant has given the notice under  
8 Subdivision (1) by sending that notice by certified mail, return  
9 receipt requested, ~~or~~ by registered mail, or by another form of  
10 mail that allows tracking of delivery from the United States Postal  
11 Service or a private delivery service;

12 (4) the landlord has had a reasonable time to repair or  
13 remedy the condition after the landlord received the tenant's  
14 notice under Subdivision (1) and, if applicable, the tenant's  
15 subsequent notice under Subdivision (3);

16 (5) the landlord has not made a diligent effort to  
17 repair or remedy the condition after the landlord received the  
18 tenant's notice under Subdivision (1) and, if applicable, the  
19 tenant's notice under Subdivision (3); and

20 (6) the tenant was not delinquent in the payment of  
21 rent at the time any notice required by this subsection was given.

22 SECTION 4. Section 92.105, Property Code, is amended by  
23 amending Subsections (a) and (b) and adding Subsection (b-1) to  
24 read as follows:

25 (a) If the owner's interest in the premises is terminated by  
26 sale, assignment, death, appointment of a receiver, bankruptcy, or  
27 otherwise, the new owner is liable for the return of security

1 deposits according to this subchapter from the date title to the  
2 premises is acquired~~[, regardless of whether notice is given to the~~  
3 ~~tenant under Subsection (b) of this section]~~.

4 (b) The ~~[person who no longer owns an interest in the rental~~  
5 ~~premises remains liable for a security deposit received while the~~  
6 ~~person was the owner until the]~~ new owner shall deliver ~~[delivers]~~  
7 to the tenant a signed statement acknowledging that the new owner  
8 has acquired the property ~~[received]~~ and is responsible for the  
9 tenant's security deposit and specifying the exact dollar amount of  
10 the deposit.

11 (b-1) The person who no longer owns an interest in the  
12 rental premises is liable for a security deposit received while the  
13 person was the owner until the new owner has received the deposit or  
14 has assumed the liability for the deposit, unless otherwise  
15 specified by the parties in a written contract.

16 SECTION 5. Subchapter C, Chapter 92, Property Code, is  
17 amended by adding Section 92.110 to read as follows:

18 Sec. 92.110. LEASE WITHOUT SECURITY DEPOSIT; REQUIRED  
19 NOTICE. (a) If a security deposit was not required by a  
20 residential lease and the tenant is liable for damages and charges  
21 on surrender of the premises, the landlord shall notify the tenant  
22 in writing of the landlord's claim for damages and charges on or  
23 before the date the landlord reports the claim to a consumer  
24 reporting agency or third-party debt collector.

25 (b) A landlord is not required to provide the notice under  
26 Subsection (a) if the tenant has not given the landlord the tenant's  
27 forwarding address as provided by Section [92.107](#).

1        (c) If a landlord does not provide the tenant the notice as  
2 required by this section, the landlord forfeits the right to  
3 collect damages and charges from the tenant. Forfeiture of the  
4 right to collect damages and charges from the tenant is the  
5 exclusive remedy for the failure to provide the proper notice to the  
6 tenant.

7        SECTION 6. The changes in law made by this Act apply only to  
8 a residential lease agreement entered into on or after the  
9 effective date of this Act. A residential lease agreement entered  
10 into before the effective date of this Act is governed by the law  
11 applicable to the agreement immediately before that date, and the  
12 former law is continued in effect for that purpose.

13        SECTION 7. This Act takes effect January 1, 2016.