

SUBJECT: Requiring landlords to change security device when occupants vacate

COMMITTEE: Business and Industry — committee substitute recommended

VOTE: 8 ayes — Brimer, Dukes, Corte, George, Ritter, Siebert, Solomons, Woolley
0 nays
1 absent — Giddings

WITNESSES: None

BACKGROUND: Sec. 92.156 of the Property Code requires landlords at their expense to rekey a security device operated by a key, card, or combination not later than the seventh day after each tenant turnover date. Sec. 92.151 defines “tenant turnover date” as the date a new tenant moves into a dwelling under a lease after all previous tenants have moved out. Sec. 92.001 defines “tenant” as a person who is authorized by a lease to occupy a dwelling to the exclusion of others and who is obligated to pay rent.

DIGEST: CSHB 896 would change the definition of “tenant turnover date” in the Property Code to the date any tenant of a dwelling moved in under a lease after all previous occupants, rather than tenants, have moved out.

The bill would take effect on September 1, 1999.

SUPPORTERS SAY: CSHB 896 would close a loophole in the Property Code that allows property owners to sidestep the requirement to rekey a dwelling when a tenant moves in. Under the current definition of tenant turnover date, a landlord is required to rekey exterior locks only when the last person to move out of the dwelling is an official lease-holder. In many cases, the last person to move out may be a roommate or other person who may not fit the definition of a tenant. CSHB 896 would simply clarify that the rekeying requirement applies when all previous occupants, regardless of whether they were tenants, have moved out.

Changing the definition of the turnover date would clarify that a landlord is responsible for rekeying the dwelling when the entire tenancy of a dwelling

changes. This would prevent tenants from having a false sense of security, thinking that their locks have been changed when they have not. It also could help prevent burglaries by former occupants.

Most landlords are responsible and make no distinction between occupants and tenants in rekeying locks after the last person moves out, so clarifying the law would create additional expense for relatively few.

OPPONENTS
SAY:

“Occupant” is accepted to mean a person who lives in a dwelling but who is not an official tenant. However, “occupant” is not explicitly defined in the Property Code to include or exclude tenants. To clear up any uncertainty in the bill’s intent, “tenant turnover date” should be defined as the date when all previous occupants *and tenants* have moved out.

NOTES:

The committee substitute would define tenant turnover as occurring when any tenant, rather than only a new tenant, moved in.

The companion bill, SB 166 by Carona, passed the Senate on February 22 by voice vote. The House Business and Industry Committee reported SB 166 favorably, without amendment, on April 6, making it eligible to be considered in lieu of HB 896.