

**SUBJECT:** Warning evicted tenants of criminal penalties for damaging property

**COMMITTEE:** Business and Industry — committee substitute recommended

**VOTE:** 6 ayes — Deshotel, Elkins, Christian, Gattis, Giddings, S. Miller  
0 nays  
5 absent — England, Keffer, Orr, Quintanilla, S. Turner

**WITNESSES:** For — (*Registered, but did not testify*: David Mintz, Texas Apartment Association)  
  
Against — Robert Doggett, Texas Low Income Housing Information Service; Nelson Mock; (*Registered, but did not testify*: Laura Leal, Victor Leal)

**BACKGROUND:** Property Code, sec. 24.005 requires that a landlord give a tenant who defaults or holds over beyond the end of the rental term or renewal period at least three days' written notice to vacate the premises before the landlord files a forcible detainer suit with a justice of the peace court to evict the tenant.

**DIGEST:** CSHB 3351 would amend Property Code, sec. 24.005 to require that a landlord's notice to vacate would have to include the following or substantially similar language:  
  
"A person who intentionally or knowingly damages or destroys the property that is subject of this notice to vacate commits a crime and may be subject to a fine, imprisonment, or both a fine and imprisonment. Depending on the amount of loss incurred by the owner of the property, the crime may be a misdemeanor or a felony."  
  
The notice requirement would apply to any notices posted on or after September 1, 2009, when the bill would take effect.

**SUPPORTERS SAY:** CSHB 3351 would provide explicit and fair warning of the consequences of damaging or destroying an apartment or house before being evicted.

The legal process required for the eviction process creates up to a 10-day delay between tenant delinquency notification and removal from the premises. The bill would help lower the temptation to exact retribution by damaging a rental property before vacating.

The bill would not add new sanctions and would simply warn tenants of punishment already provided by state law.

OPPONENTS  
SAY:

A person that would irresponsibly destroy another's property would not be deterred by a warning notice on a piece of paper. If the tenants being evicted lack the money to pay rent, they also would lack the money to pay fines or restitution for damages.

NOTES:

The original bill would have reduced the notice period that a landlord would have had to give a tenant delinquent on the rent from three days to one day before filing a forcible detainer suit with a justice of the peace court to evict the tenant.