

BILL ANALYSIS

Senate Research Center
83R6912 PMO-D

S.B. 630
By: Carona
Business & Commerce
3/15/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Property Code, which governs the rights and responsibilities of both tenants and landlords, is silent on a landlord's statutory duty to provide a tenant with a copy of the tenant's lease. While many landlords regularly provide tenants a copy of their lease, regardless of the provisions of the Property Code, there are instances where tenants enter into a lease and are not provided with a copy.

Under the Property Code, landlords are prohibited from retaliating against tenants when the tenant has engaged in lawful conduct including exercising a right or remedy against a landlord, providing a landlord with a notice to repair, or complaining in good faith to the governmental entity responsible for enforcing building or housing codes. However, unlike the majority of other states, current law does not prohibit retaliatory actions by the landlord for the tenant's participation or involvement with a tenant organization.

S.B. 630 requires landlords to provide a tenant with a complete copy of the tenant's lease within three business days after it is signed by both parties. S.B. 630 also states that a landlord cannot retaliate against a tenant who establishes, attempts to establish, or participates in a tenant organization.

As proposed, S.B. 630 amends current law relating to certain obligations of and limitations on residential landlords.

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 Subchapter A, Chapter 92, Property Code, by adding Section 92.024, as follows:

Sec. 92.024. LANDLORD'S DUTY TO PROVIDE COPY OF LEASE. (a) Requires a landlord, not later than the third business day after the date the lease is signed by each party to the lease, to provide at least one complete copy of the lease to at least one tenant who is a party to the lease.

(b) Requires the landlord, if more than one tenant is a party to the lease, not later than the third business day after the date a landlord receives a written request for a copy of a lease from a tenant who has not received a copy of the lease under Subsection (a), to provide one complete copy of the lease to the requesting tenant.

(c) Provides that in a legal action brought to enforce a written lease, other than an action for nonpayment of rent, there is a rebuttable presumption that the tenant does not have knowledge of the lease terms if the landlord failed to comply with Subsection (a) or (b). Authorizes the presumption to be rebutted by proof that the tenant had actual knowledge of the lease terms on which the legal action is based.

SECTION 2. Amends Section 92.331(a), Property Code, to prohibit a landlord from retaliating against a tenant by taking an action described by Subsection (b) (relating to prohibiting a landlord from retaliating against a tenant) because the tenant takes certain actions, including attempting to establish or participating in a tenant organization.

SECTION 2. Makes application of the changes in law made by Section 92.024, Property Code, as added by this Act, prospective.

SECTION 3. Effective date: January 1, 2014.