

BILL ANALYSIS

Senate Research Center

H.B. 1429
By: Deshotel (Carona)
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, there is no clear requirement in Texas law that a landlord give a tenant a copy of the tenant's lease, although a licensed real estate broker must provide a signer of real estate documents with a copy of those documents. Under Texas law, the primary protection a tenant has from retaliation by a landlord is the exercise of a right granted to the tenant in the lease or under local, state, or federal law; when a tenant gives a notice for repair or remedy; or when the tenant makes a complaint to a governmental entity. Tenant organizations offer additional protection to tenants, and in several states tenant organizing is a protected category in retaliation statutes.

H.B. 1429 seeks to clarify a tenant's right to a copy of a lease, which provides the tenant with the tenant's rights regarding remedies for violations of the lease. The bill establishes a tenant's right to participate in a tenant organization and the right to address any issue regarding the property without fear of retaliation.

H.B. 1429 amends current law relating to rights and remedies of certain residential tenants and provides civil penalties.

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 92.026, as follows:

Sec. 92.026. 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 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 copy of the lease to the requesting tenant.

(c) Authorizes a tenant, after giving written notice to the landlord of the failure to comply with Subsection (a) or (b), to bring an action to obtain a copy of the lease and recover actual damages resulting from the failure to provide a copy of the lease, court costs, and reasonable attorney's fees if a landlord fails to comply with Subsection (a) or (b).

SECTION 2. Amends Section 92.331(a), Property Code, as follows:

(a) Prohibits a landlord from retaliating against a tenant by taking an action described by Subsection (b) (relating to prohibiting a landlord from committing certain retaliatory actions against a tenant) because the tenant:

(1)-(2) Makes no changes to these subdivisions;

(3) Makes a nonsubstantive change to this subdivision; or

(4) establishes, attempts to establish, or participates in a tenant organization.

SECTION 3. Makes application of the changes in law made by Section 92.026, Property Code, as added by this Act, prospective.

SECTION 4. Effective date: January 1, 2012.