

BILL ANALYSIS

Senate Research Center
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H.B. 2408
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State Affairs
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Engrossed

DIGEST

Currently, a landlord may change a policy for the landlord's tenants regarding property without notifying the tenants of these changes. This may result in a tenant's property that is located outside of the dwelling being towed, moved, or affected in some way. H.B. 2408 requires a landlord to give prior written notice to a tenant regarding a change in rule or policy not included in the lease agreement that will affect any personal property owned by the tenant that is located outside the tenant's dwelling. This bill provides that a landlord who fails to give notice is liable to the tenant for any expense incurred by the tenant as a result of the landlord's failure to give the notice.

PURPOSE

As proposed, H.B. 2408 requires a landlord to give prior written notice to a tenant regarding a change in rule or policy not included in the lease agreement that will affect any personal property owned by the tenant that is located outside the tenant's dwelling.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 92A, Property Code, by adding Section 92.013, as follows:

Sec. 92.013. NOTICE OF RULE OR POLICY CHANGE AFFECTING TENANT'S PERSONAL PROPERTY. (a) Requires a landlord to give prior written notice to a tenant regarding a change in rule or policy not included in the lease agreement and that will affect any personal property owned by the tenant that is located outside the tenant's dwelling, including any change in vehicle towing rules or policies.

(b) Requires the notice to be given in person or by mail to the affected tenant. Authorizes notice in person to be by personal delivery to the tenant or any person residing at the tenant's dwelling who is 16 years of age or older or by personal delivery to the tenant's dwelling and affixing the notice to the inside of the main entry door. Authorizes notice by mail to be by regular mail, by registered mail, or by certified mail, return receipt requested. Authorizes the landlord, if the dwelling has no mailbox and has a keyless bolting device, alarm system, or dangerous animal that prevents the landlord from entering the premises to leave the notice on the inside of the main entry door, to securely affix the notice on the outside of the main entry door.

(c) Provides that a landlord who fails to give notice as required by this section, is liable to the tenant for any expense incurred by the tenant as a result of the landlord's failure to give the notice.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.