

BILL ANALYSIS

Senate Research Center

H.B. 2769
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State Affairs
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Engrossed

DIGEST

Texas law does not provide a procedure that permits a tenant who leases residential real property to make arrangements with the landlord for the removal, storage, or disposal of the tenant's property in the event the tenant dies. H.B. 2769 would establish conditions regarding the disposition of the personal property and security deposit of a deceased residential tenant.

PURPOSE

As proposed, H.B. 2769 establishes conditions regarding the disposition of the personal property and security deposit of a deceased residential tenant.

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. **PERSONAL PROPERTY AND SECURITY DEPOSIT OF DECEASED TENANT.** Sets forth requirements a tenant must furnish to a landlord, upon the landlord's request, regarding a contact for the tenant, and instructions regarding the disposition of personal property and security deposit in the event of the tenant's death. Authorizes a tenant, without request, to provide the landlord with the information in Subsection (a). Sets forth provisions for the landlord regarding the personal property and security deposit of a deceased tenant who is the sole occupant of a rental dwelling. Authorizes a landlord and tenant, in a written lease, to agree to a procedure different than the procedure in this section. Requires the landlord, if a tenant knowingly violates Subsection (a), to have no responsibility after the tenant's death. Requires the landlord, if the landlord knowingly violates Subsection (c), to be liable to the estate of the deceased tenant for actual damages.

SECTION 2. Amends Section 92.005(a), Property Code, to make a conforming change.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.