

CHAPTER 200

H.B. No. 1550

An Act relating to the rights of landlords and tenants.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 24.002(a), Property Code, is amended to read as follows:

(a) A person who refuses to surrender possession of real property on demand commits a forcible detainer if the person:

- (1) is a tenant or a subtenant wilfully and without force holding over after the *termination of the tenant's right of possession* [~~expiration of the lease under which the person claimed~~];
- (2) is a tenant at will or by sufferance;
- (3) is a tenant of a person who acquired possession by forcible entry;
- (4) has made a forcible entry on the possession of a person who acquired possession by forcible entry; or
- (5) has made a forcible entry on the possession of a tenant whose term has expired.

SECTION 2. Section 54.021, Property Code, is amended to read as follows:

Sec. 54.021. LIEN. A person who leases *or rents all or part of a building for nonresidential use* [~~a building~~] has a preference lien on the property of the tenant or subtenant in the building for rent that is due and for rent that is to become due during the current 12-month period succeeding the date of the beginning of the rental agreement or an anniversary of that date.

SECTION 3. Section 91.001, Property Code, is amended to read as follows:

Sec. 91.001. NOTICE FOR TERMINATING CERTAIN TENANCIES. (a) A monthly tenancy or a tenancy from month to month may be terminated by the tenant or the landlord giving notice of termination to the other.

(b) If a notice of termination is given under Subsection (a) and if the rent-paying period is at least one month, the tenancy terminates on whichever of the following days is the later:

- (1) the day given in the notice for termination; or
- (2) one month after the day on which the notice is given.

(c) If a notice of termination is given under Subsection (a) and if the rent-paying period is less than a month, the tenancy terminates on whichever of the following days is the later:

- (1) the day given in the notice for termination; or
- (2) the day following the expiration of the period beginning on the day on which notice is given and extending for a number of days equal to the number of days in the rent-paying period.

(d) ~~[(e)]~~ If a tenancy terminates on a day that does not correspond to the beginning or end of a rent-paying period, the tenant is liable for rent only up to the date of termination.

(e) ~~[(d)]~~ Subsections (a), (b), ~~and~~ (c), and (d) do not apply if:

(1) a landlord and a tenant have agreed in an instrument signed by both parties on a different period of notice to terminate the tenancy or that no notice is required; or

(2) there is a breach of contract recognized by law.

SECTION 4. Subsections (a), (c), and (d), Section 91.002, Property Code, are amended to read as follows:

(a) A landlord or a landlord's agent may not interrupt or cause the interruption of utility service paid for directly to the utility company by a tenant unless the interruption results from bona fide repairs, construction, or an emergency.

(c) If a landlord or a landlord's agent changes the door lock of a tenant who is delinquent in paying rent, the landlord or the landlord's agent must:

(1) place a written notice on the tenant's front door stating the name and location of the individual from whom the new key may be obtained *at any hour*; and

(2) provide the new key to the tenant at any hour, regardless of whether or not the tenant pays any of the delinquent rent.

(d) If ~~[The tenant of]~~ a landlord or a landlord's agent ~~[who]~~ violates this section, the tenant may:

(1) either recover possession of the premises or terminate the lease; and

(2) recover from the landlord an amount equal to the sum of his actual damages, one month's rent, and reasonable attorney's fees, less any delinquent rents or other sums for which the tenant is liable.

SECTION 5. Section 92.061, Property Code, is amended to read as follows:

Sec. 92.061. EFFECT ON OTHER RIGHTS. ~~[(e)]~~ The duties of a landlord and the remedies of a tenant under this subchapter are in lieu of existing common law and other statutory law warranties and duties of landlords for maintenance, repair, security, habitability, and nonretaliation, and remedies of tenants for a violation of those warranties and duties. *Otherwise, this subchapter does not affect any other right of a landlord or tenant under contract, statutory law, or common law that is consistent with the purposes of this subchapter or any right a landlord or tenant may have to bring an action for personal injury or property damage under the law of this state. This subchapter does not impose obligations on a landlord or tenant other than those expressly stated in this subchapter. [However, Subchapter C is cumulative of this subchapter.*

~~[(b) This subchapter does not affect a cause of action for personal injuries or property damages.]~~

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 25, 1985, by a non-record vote; passed by the Senate on May 9, 1985, by the following vote: Yeas 31, Nays 0.

Approved: May 24, 1985

Effective: August 26, 1985