

MEMORANDUM

TO: Kalyn Laney, Director of Governmental Relations, State Bar of Texas  
(KaLyn.Laney@texasbar.com and govtrelations@texasbar.com)

FROM: Roland Love (chair of REPTL Real Estate Legislative review subcommittee)

CC: Eric Reis, REPTL Chair (eric.reis@tklaw.com)  
Reid Carroll Wilson, REPTL Chair-Elect (rwilson@wcglaw.com)  
J. David Dickson, REPTL Immediate Past-Chair (dickson@thetexasfirm.com)  
Jeffrey C. Hopper, REPTL Treasurer (chopper@hoppermikeska.com)

DATE:

RE: Submission of 2020 REPTL Real Estate Legislative Proposal Regarding Chapters 92 and 94 of the Property Code.

Item I: Narrative – Section 8.01.06(C)(1), SBOT Policy Manual

The Real Estate, Probate, and Trust Law Section (“REPTL”), proposes to update Chapter 92. Residential Tenancies, and Chapter 94. Manufactured Home Tenancies, of the Texas Property Code. A summary of the bill can be found in the attached Bill Analysis.

Item II: Similar Legislation – Section 8.01.06(C)(2), SBOT Policy Manual

REPTL is unaware of any similar legislation that is being proposed.

Item III: Section and Committee Verification - Section 8.01.06(C)(3), SBOT Policy Manual

The legislative proposal has been submitted to all sections and committees of the State Bar. A copy of the transmittal emails circulating the proposals is attached. No comments have been received to date. Any comments received following this submission will be forwarded with the appropriate response.

Item IV: Statement of Previous Submission - Section 8.01.06(C)(4), SBOT Policy Manual

None of these proposals have been introduced in the current form during prior legislative sessions.

Item V: Statement of Known Position by Section or Committee - Section 8.01.06(C)(5), SBOT Policy Manual

REPTL does not believe that any of the proposals have been previously considered by any Section or Committee of the State Bar.

## **BILL ANALYSIS**

H.B.

By:

Business & Industry

Committee Report

### **BACKGROUND AND PURPOSE**

The Landlord Tenant Act is found in Chapter 92 of the Texas Property Code. It includes sub-chapters addressing tenant repairs and security deposits. The tenant repair provisions include outdated references to yellow pages, telephone directories, and newspaper advertising that do not reflect modern practices. The return of security deposits subchapter has an unclear start for a time period for the landlord to return a security deposit or provide an itemized account. These are corrected by this bill.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

Sections 1 and 2 clarify and simplify a tenant's choice of contractor or repairman to a person or entity independent of the tenant. If the property is located in a municipality requiring a license, the repair person or entity must be licensed.

Section 3 sets out means by which the tenant may provide a forwarding address to a landlord.

Section 4 makes it clear that the landlord is to return the deposit or provide a written description and itemization of any deductions within 30 days after the forwarding address is provided.

### **EFFECTIVE DATE**