

A BILL TO BE ENTITLED
AN ACT

relating to a residential landlord's **disclosure** of previous use of leased premises for manufacture of **methamphetamine** and related remedial action.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 92.006(a), Property Code, is amended to read as follows:

(a) A landlord's duty or a tenant's remedy concerning security deposits, security devices, the landlord's **disclosure** of ownership and management, or utility cutoffs, as provided by Subchapter C, D, E, or G, respectively, or the landlord's duty under Section 92.0132 to disclose previous use of leased premises for manufacture of **methamphetamine** and related remedial measures may not be waived. A landlord's duty to install a smoke detector under Subchapter F may not be waived, nor may a tenant waive a remedy for the landlord's noninstallation or waive the tenant's limited right of installation and removal. The landlord's duty of inspection and repair of smoke detectors under Subchapter F may be waived only by written agreement.

SECTION 2. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.0132 to read as follows:

Sec. 92.0132. NOTICE OF **METHAMPHETAMINE** MANUFACTURE ON LEASED PREMISES. (a) Before a lease or renewal of a lease is entered into, a landlord shall disclose to the prospective tenant or tenant in writing:

(1) any actual knowledge of the landlord of previous use of the leased premises for the manufacture of **methamphetamine**;
and

(2) if **disclosure** is required to be made under Subdivision (1), whether the landlord took any remedial action to remove from the leased premises hazardous substances resulting from that use.

(b) If a landlord fails to make a **disclosure** required by this section, the tenant:

(1) may terminate the lease; and

(2) is entitled to a refund of all rent paid under the lease.

(c) A written lease must contain a statement in underlined

or bold print that informs the tenant of the remedies available under this section.

SECTION 3. This Act applies only to a lease or renewal of a lease entered into on or after the effective date of this Act. A lease or renewal of a lease entered into before the effective date of this Act is governed by the law that applied to the lease or renewal of the lease immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect January 1, 2010.