

~ TENANTS' ADVOCATES, TEXAS APARTMENT ASSOCIATION JOIN IN PRAISE OF ANCHIA'S GROUND-BREAKING TENANTS' RIGHTS BILL ~

~ House Bill 3101 Passes House, Senator West Carries it in Senate ~

Austin, Texas -- On a (97-28) vote today, the Texas House of Representatives overwhelmingly passed House Bill 3101, authored by Representative Rafael Anchia. The omnibus tenants' rights bill has been hailed by tenants groups and landlords alike as the most comprehensive tenants' rights bill to pass the House in years.

"It's been over ten years since we've seen this many improvements in landlord-tenant law in one fell swoop", said Robert Doggett, of the Texas Low Income Housing Information Service. He added, "From late fees to landlord lockouts, this bill reins in some of the practices most responsible landlords agree are abusive.

In testimony before the House Committee on Business & Industry, David Mintz, Vice President of Government Affairs for the Texas Apartment Association said, "It is fair to characterize this bill as probably the most significant omnibus landlord-tenant bill in the last decade." He continued, "It really does address, in some of the key areas, some of the true abuses that we have seen with some rental property owners."

Among other tenant protections, HB 3101 changes the Property Code to prohibit a landlord from intentionally "locking out" a tenant from their leased premises because of a rent delinquency unless the fact that the landlord has the right to change the locks is placed in the lease. If a "lockout" is going to occur, the bill requires the landlord, three days prior to lockout, to hand-deliver or post on the door a notice that states the tenant's right to receive a key to the new lock at any hour, regardless of whether the tenant pays the delinquent rent.

"Many tenants don't know their rights, and some unscrupulous landlords take advantage of that." said Representative Anchia. "This bill takes steps, in several important areas, to address that problem by making landlords advise tenants of their rights ahead of time, and increases penalties on landlords who don't treat their tenants in good faith"

HB 3101 stops the practice of landlords' piling on late fees that, in some egregious cases, have actually exceeded the amount owed for that month's rent. At the same time, the bill increases penalties on landlords who violate this provision.

Another provision of HB 3101 requires that the lease contain, in underlined or bold print, language that lets the tenant know about the landlord's obligation to repair or remedy conditions that make the dwelling uninhabitable.

Additionally, the bill requires landlords to provide applicants, in writing, notice of the landlord's tenant selection criteria, and the grounds for which the application may be denied.

If the landlord rejects the application, and has not provided the notice of selection criteria, the applicant is entitled to a full refund of the application fee.

"The provisions in HB 3101 are a definite step in the right direction" said Sandy Rollins, of the Texas Tenants' Union, adding, "This bill helps bring Texas tenant/landlord law out of the 1970's."

Representative Rafael Anchia is a former DISD school board trustee serving his second term in the Texas House and represents District 103 of Dallas County. Representative Anchia serves on the Elections, Financial Institutions and Local and Consent Calendars committees.