

SUBCHAPTER E. DISCLOSURE OF OWNERSHIP AND MANAGEMENT

Sec. 92.201. DISCLOSURE OF OWNERSHIP AND MANAGEMENT.

(a) A landlord shall disclose to a tenant, or to any government official or employee acting in an official capacity, according to this subchapter:

- (1) the name and either a street or post office box address of the holder of record title, according to the deed records in the county clerk's office, of the dwelling rented by the tenant or inquired about by the government official or employee acting in an official capacity; and
- (2) if an entity located off-site from the dwelling is primarily responsible for managing the dwelling, the name and street address of the management company.

(b) Disclosure to a tenant under Subsection (a) must be made by:

- (1) giving the information in writing to the tenant on or before the seventh day after the day the landlord receives the tenant's request for the information;
- (2) continuously posting the information in a conspicuous place in the dwelling or the office of the on-site manager or on the outside of the entry door to the office of the on-site manager on or before the seventh day after the date the landlord receives the tenant's request for the information; or
- (3) including the information in a copy of the tenant's lease or in written rules given to the tenant before the tenant requests the information.

(c) Disclosure of information to a tenant may be made under Subdivision (1) or (2) of Subsection (b) before the tenant requests the information.

(d) Disclosure of information to a government official or employee must be made by giving the information in writing to the official or employee on or before the seventh day after the date the landlord receives the request from the official or employee for the information.

(e) A correction to the information may be made by any of the methods authorized for providing the information.

(f) For the purposes of this section, an owner or property manager may disclose either an actual name or names or an assumed name if an assumed name certificate has been recorded with the county clerk.

Acts 1983, 68th Leg., p. 3646, ch. 576, Sec. 1, eff. Jan. 1, 1984. Amended by Acts 1995, 74th Leg., ch. 869, Sec. 4, eff. Jan. 1, 1996.

Sec. 92.202. LANDLORD'S FAILURE TO DISCLOSE INFORMATION.

(a) A landlord is liable to a tenant or a governmental body according to this subchapter if:

- (1) after the tenant or government official or employee makes a request for information under Section 92.201, the landlord does not provide the information; and
- (2) the landlord does not give the information to the tenant or government official or employee before the eighth day after the date the tenant, official, or employee gives the landlord written notice that the tenant, official, or employee may exercise remedies under this subchapter if the landlord does not comply with the request by the tenant, official, or employee for the information within seven days.

(b) If the tenant's lease is in writing, the lease may require the tenant's initial request for information to be written. A request by a government official or employee for information must be in writing.

Acts 1983, 68th Leg., p. 3647, ch. 576, Sec. 1, eff. Jan. 1, 1984. Amended by Acts 1995, 74th Leg., ch. 869, Sec. 4, eff. Jan. 1, 1996.

Sec. 92.203. LANDLORD'S FAILURE TO CORRECT INFORMATION. A landlord who has provided information under Subdivision (2) or (3) of Subsection (b) of Section 92.201 is liable to a tenant according to this subchapter if:

- (1) the information becomes incorrect because a name or address changes; and
- (2) the landlord fails to correct the information on or before the seventh day after the date the tenant gives the landlord written notice that the tenant may exercise the remedies under this subchapter if the corrected information is not provided within seven days.

Acts 1983, 68th Leg., p. 3647, ch. 576, Sec. 1, eff. Jan. 1, 1984. Amended by Acts 1995, 74th Leg., ch. 869, Sec. 4, eff. Jan. 1, 1996.

Sec. 92.204. BAD FAITH VIOLATION. A landlord acts in bad faith and is liable according to this subchapter if the landlord gives an incorrect name or address under Subsection (a) of Section 92.201 by wilfully:

- (1) disclosing incorrect information under Section 92.201(b)(1) or (2) or Section 92.201(d); or
- (2) failing to correct information given under Section 92.201(b)(1) or (2) or Section 92.201(d) that the landlord knows is incorrect.

Acts 1983, 68th Leg., p. 3647, ch. 576, Sec. 1, eff. Jan. 1, 1984. Amended by Acts 1993, 73rd Leg., ch. 48, Sec. 18, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 869, Sec. 4, eff. Jan. 1, 1996.

Sec. 92.205. REMEDIES.

(a) A tenant of a landlord who is liable under Section 92.202, 92.203, or 92.204 may obtain or exercise one or more of the following remedies:

- (1) a court order directing the landlord to make a disclosure required by this subchapter;
- (2) a judgment against the landlord for an amount equal to the tenant's actual costs in discovering the information required to be disclosed by this subchapter;
- (3) a judgment against the landlord for one month's rent plus \$100;
- (4) a judgment against the landlord for court costs and attorney's fees; and
- (5) unilateral termination of the lease without a court proceeding.

(b) A governmental body whose official or employee has requested information from a landlord who is liable under Section 92.202 or 92.204 may obtain or exercise one or more of the following remedies:

- (1) a court order directing the landlord to make a disclosure required by this subchapter;
- (2) a judgment against the landlord for an amount equal to the governmental body's actual costs in discovering the information required to be disclosed by this subchapter;
- (3) a judgment against the landlord for \$500; and
- (4) a judgment against the landlord for court costs and attorney's fees.

Acts 1983, 68th Leg., p. 3648, ch. 576, Sec. 1, eff. Jan. 1, 1984. Amended by Acts 1995, 74th Leg., ch. 869, Sec. 4, eff. Jan. 1, 1996.

Sec. 92.206. LANDLORD'S DEFENSE. A landlord has a defense to liability under Section 92.202 or 92.203 if the tenant owes rent on the date the tenant gives a notice required by either of those sections. Rent delinquency is not a defense for a violation of Section 92.204.

Acts 1983, 68th Leg., p. 3648, ch. 576, Sec. 1, eff. Jan. 1, 1984.

Sec. 92.207. AGENTS FOR DELIVERY OF NOTICE.

(a) A managing or leasing agent, whether residing or maintaining an office on-site or off-site, is the agent of the landlord for purposes of:

- (1) notice and other communications required or permitted by this subchapter;
- (2) notice and other communications from a governmental body relating to a violation of health, sanitation, safety, or nuisance laws on the landlord's property where the dwelling is located, including notices of:
 - (A) demands for abatement of nuisances;
 - (B) repair of a substandard dwelling;
 - (C) remedy of dangerous conditions;
 - (D) reimbursement of costs incurred by the governmental body in curing the violation;
 - (E) fines;
 - (F) service of process.

(b) If the landlord's name and business street address in this state have not been furnished in writing to the tenant or government official or employee, the person who collects the rent from a tenant is the landlord's authorized agent for purposes of Subsection (a).

Acts 1983, 68th Leg., p. 3648, ch. 576, Sec. 1, eff. Jan. 1, 1984. Amended by Acts 1995, 74th Leg., ch. 869, Sec. 4, eff. Jan. 1, 1996.

Sec. 92.208. ADDITIONAL ENFORCEMENT BY LOCAL ORDINANCE. The duties of a landlord and the remedies of a tenant under this subchapter are in lieu of the common law, other statutory law, and local ordinances relating to the disclosure of ownership and management of a dwelling by a landlord to a tenant. However, this subchapter does not prohibit the adoption of a local ordinance that conforms to this subchapter but which contains additional enforcement provisions.

Acts 1983, 68th Leg., p. 3648, ch. 576, Sec. 1, eff. Jan. 1, 1984.