

**LEGISLATIVE UPDATE:
SIGNIFICANT BILLS OF THE 88TH TEXAS LEGISLATURE, REGULAR
SESSION AFFECTING REAL ESTATE, LENDING
AND OTHER COMMERCIAL MATTERS**

REAL ESTATE LEGISLATIVE AFFAIRS COMMITTEE
TEXAS REAL ESTATE AND PROBATE INSTITUTE
FINAL REPORT

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COMMISSIONED BY THE REAL ESTATE PROBATE AND TRUST LAW SECTION
OF THE STATE BAR OF TEXAS



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I. INTRODUCTION

This is the final report of the Real Estate Legislative Affairs Committee (“**RELACs**”) of the Texas Real Estate and Probate and Trust Law Institute (“**TREPI**” or “**T-REPs**”). This report was commissioned by the Real Estate, Probate and Trust Law Section (“**REPTL**”) of the State Bar of Texas. This report summarizes significant bills passed during the Regular Session of the 88th Texas Legislature affecting real estate, mortgage lending, and other business and commercial issues of interest to Texas real estate law practitioners.

During the Session, Texans’ elected representatives introduced 8,163 bills. Among those bills, RELACs identified over 2,000 to track throughout the Session. From among the bills that were being tracked and passed, RELACs chose for inclusion in this report 202 bills that were believed would be of general interest to practitioners of Texas real estate law.

This report categorizes bill summaries by code in alphabetical order. Some bills may be broad enough in scope to justify placement under multiple codes and/or under multiple titles within a code; however, in the interest of brevity, each bill summary appears in this report only once under the primarily affected code and title. Consequently, we encourage the reader to carefully review the entire report to ensure recognition of every bill of relevance to a particular topic.

Bill captions in this report are copied from the actual legislation. However, neither the bill caption, nor RELACs’ general summary can address all relevant aspects of each bill. Rather, this report serves only to alert the reader to each bill’s general scope and effect. The reader must choose which bills, if any, merit closer scrutiny for their potential effect on his or her practice.

II. EFFECTIVE DATES

Pursuant to Section 39, Article III, of the Texas Constitution, the effective date of acts without specific effective dates (and without provisions for immediate effect) passed by the Legislature in regular session is ninety-one days after adjournment of the regular session. For the 88th

Legislature’s Regular Session this date is Monday, August 28, 2023. If, however, a bill has a provision for immediate effect and is passed by a two-thirds majority in each of the House and Senate, then the bill becomes law immediately upon: (a) the date the Governor signs it, (b) the date the Governor files it with the Secretary of State (with neither signature, nor veto), (c) in the absence of signing or filing, the date the deadline for gubernatorial action expires, or (d) if the Governor vetoes the bill, the date the Legislature overrides the veto.

To reduce the potential for confusion and uncertainty as to effective dates, this report states the earliest effective date for each summarized bill as reported by the Texas Legislative Service on its website. RELACs advises the reader to review these effective dates because a substantial number of bills included in this report have effective dates prior to August 31, 2023. Note as well that different portions of a bill may have different effective dates and the summaries in this report do not necessarily indicate all effective dates within a bill.

III. INTERNET RESOURCES

Bills from the 88th Texas Legislature can be accessed on the official website for the Texas legislature at:

<http://www.capitol.state.tx.us/>.

Additionally, this report hyperlinks each bill summary to the final, enrolled version of the bill as posted on the Texas Legislature’s website. Simply right-click on the bill number, choose “Open Hyperlink” from the drop-down menu, and the enrolled bill will appear in your web browser.

IV. ACKNOWLEDGMENTS

RELACs is almost entirely dependent on volunteer efforts from real estate lawyers across the State. Without these lawyers’ collective efforts, this report would not be feasible. RELACs for the 88th Texas Legislature is:

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