

By: Miles

S.B. No. 2524

A BILL TO BE ENTITLED

AN ACT

relating to an action to remedy certain conditions affecting safety or habitability of certain residential rental property; providing a civil penalty.

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

SECTION 1. Title 4, Property Code, is amended by adding Chapter 32 to read as follows:

CHAPTER 32. ACTION TO REMEDY CONDITIONS AFFECTING SAFETY OR
HABITABILITY OF CERTAIN RESIDENTIAL RENTAL PROPERTY

Sec. 32.001. DEFINITION. In this chapter, "residential rental property" means a dwelling unit, as defined by Section 92.251, leased to a tenant and any common area that the tenant may access under the lease.

Sec. 32.002. APPLICABILITY. This chapter applies only to residential rental property located in an unincorporated area of a county with a population greater than one million.

Sec. 32.003. CERTAIN CONDITIONS PROHIBITED. (a) A landlord may not maintain residential rental property to which this chapter applies in an unsafe, unsanitary, or uninhabitable condition.

(b) For purposes of this section, residential rental property is maintained in an unsafe, unsanitary, or uninhabitable condition if:

(1) the property substantially lacks any of the

following features installed and maintained in a manner that
conforms to applicable law and that are kept in good working order:

(A) appliances;

(B) waterproofing and weather protection of the
roof and exterior walls;

(C) intact doors and windows with functioning
locks or other security devices;

(D) plumbing facilities and, if present and
necessary, gas facilities;

(E) running hot and cold water and sewage
disposal;

(F) heating and air conditioning;

(G) electrical lighting and power; or

(H) a sufficient number of exterior garbage
receptacles;

(2) common areas of the property are not kept
reasonably clean, sanitary, and safe;

(3) the property is infested by rodents, insects, or
other vermin and is not reasonably treated for the infestation;

(4) any floors, stairways, or railings are not
maintained in good repair;

(5) the property:

(A) contains harmful mold; or

(B) has a condition causing dampness to an extent
that, if not remedied, would materially interfere with the health
and safety of a tenant;

(6) the property is not maintained in compliance with

1 applicable laws or codes in a manner causing a material risk to the
2 health or safety of a tenant; or

3 (7) the property has any other condition that may
4 cause a material risk to the health and safety of a tenant.

5 Sec. 32.004. NOTICE OF VIOLATION. (a) Except as provided
6 by Subsection (b), before bringing an action against a landlord
7 under this chapter, a district attorney or county attorney must
8 send written notice to the landlord describing any condition listed
9 in Section 32.003 affecting the landlord's residential rental
10 property and notifying the landlord that the landlord must remedy
11 the condition not later than the 30th day after the date of
12 receiving notice.

13 (b) Notice under this section is not required if such an
14 emergency exists that immediate and irreparable injury, loss, or
15 damage would occur as a result of delay in obtaining a temporary
16 restraining order.

17 Sec. 32.005. ENFORCEMENT ACTION. (a) The district
18 attorney or county attorney may bring an action in the name of the
19 county against the landlord to restrain by temporary restraining
20 order, temporary injunction, or permanent injunction a violation of
21 Section 32.003.

22 (b) The remediation of a condition of residential rental
23 property after receipt of a notice under Section 32.004 does not
24 cause an action under this section to become moot, and injunctive
25 relief is available in the action to restrain the condition
26 described in the notice.

27 (c) In an action under this section, the district attorney

1 or county attorney may recover from the landlord a civil penalty in
2 an amount not to exceed \$100 for each day on which the violation
3 that is the subject of the action exists. In determining the amount
4 of the violation, the court shall consider the seriousness of the
5 violation.

6 (d) A county shall deposit 75 percent of any penalty
7 recovered under this section into the general fund of the county and
8 25 percent into the general revenue fund of the state.

9 (e) In an action under this section, the court may make any
10 additional orders or judgments necessary to compensate
11 identifiable persons for actual damages resulting from the
12 condition that is the subject of the action or restore money or
13 property expended to remedy the condition, so long as the damages or
14 expenditures were not incurred more than four years before the
15 commencement of the action.

16 (f) An action under this section must be brought not later
17 than the later of:

18 (1) four years after the date on which the condition
19 that is the subject of the action began; or

20 (2) four years after the date on which a tenant
21 discovered or in the exercise of reasonable diligence should have
22 discovered the condition.

23 SECTION 2. This Act takes effect September 1, 2025.