

By: Naishtat

H.B. No. 1502

A BILL TO BE ENTITLED

AN ACT

relating to a residential tenant's right to summon police or emergency assistance; providing a civil penalty.

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

SECTION 1. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.015 to read as follows:

Sec. 92.015. TENANT'S RIGHT TO SUMMON POLICE OR EMERGENCY ASSISTANCE. (a) A landlord may not:

(1) prohibit or limit a residential tenant's right to summon police or other emergency assistance in response to family violence; or

(2) impose monetary or other penalties on a tenant who summons police or emergency assistance.

(b) A provision in a lease is void if the provision purports to:

(1) waive a tenant's right to summon police or other emergency assistance in response to family violence; or

(2) exempt any party from a liability or a duty under this section.

(c) In addition to other remedies provided by law, if a landlord violates this section, a tenant is entitled to recover from or against the landlord:

(1) a civil penalty in an amount equal to one month's rent;

1 (2) actual damages suffered by the tenant as a result
2 of the landlord's violation of this section;

3 (3) court costs;

4 (4) injunctive relief; and

5 (5) reasonable attorney's fees incurred by the tenant
6 in seeking enforcement of this section.

7 (d) Nothing in this section prevents a landlord from filing
8 an eviction action against a tenant who fails to take reasonable
9 steps to prevent an unreasonable disturbance of another tenant's
10 quiet enjoyment.

11 (e) For purposes of this section, if a tenant's rent is
12 subsidized in whole or in part by a governmental entity, "one
13 month's rent" means one month's fair market rent.

14 (f) For purposes of this section, "family violence" has the
15 meaning assigned by Section 71.004, Family Code.

16 SECTION 2. A provision in a lease entered into or renewed
17 before the effective date of this Act that does not comply with
18 Section 92.015, Property Code, as added by this Act, is governed by
19 the law in effect immediately before the effective date of this Act,
20 and that law is continued in effect for that purpose.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2003.