

1-1 By: West S.B. No. 92  
1-2 (In the Senate - Filed November 12, 2002; January 27, 2003,  
1-3 read first time and referred to Committee on Business and Commerce;  
1-4 May 1, 2003, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 5, Nays 0; May 1, 2003, sent  
1-6 to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 92 By: Estes

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to a residential tenant's right to summon police or  
1-11 emergency assistance; providing a civil penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 92, Property Code, is  
1-14 amended by adding Section 92.015 to read as follows:

1-15 Sec. 92.015. TENANT'S RIGHT TO SUMMON POLICE OR EMERGENCY  
1-16 ASSISTANCE. (a) A landlord may not:

1-17 (1) prohibit or limit a residential tenant's right to  
1-18 summon police or other emergency assistance in response to family  
1-19 violence; or

1-20 (2) impose monetary or other penalties on a tenant who  
1-21 summons police or emergency assistance in response to family  
1-22 violence.

1-23 (b) A provision in a lease is void if the provision purports  
1-24 to:

1-25 (1) waive a tenant's right to summon police or other  
1-26 emergency assistance in response to family violence; or

1-27 (2) exempt any party from a liability or a duty under  
1-28 this section.

1-29 (c) In addition to other remedies provided by law, if a  
1-30 landlord violates this section, a tenant is entitled to recover  
1-31 from or against the landlord:

1-32 (1) a civil penalty in an amount equal to one month's  
1-33 rent;

1-34 (2) actual damages suffered by the tenant as a result  
1-35 of the landlord's violation of this section;

1-36 (3) court costs;

1-37 (4) injunctive relief; and

1-38 (5) reasonable attorney's fees incurred by the tenant  
1-39 in seeking enforcement of this section.

1-40 (d) For purposes of this section, if a tenant's rent is  
1-41 subsidized in whole or in part by a governmental entity, "one  
1-42 month's rent" means one month's fair market rent.

1-43 (e) For purposes of this section, "family violence" has the  
1-44 meaning assigned by Section 71.004, Family Code.

1-45 SECTION 2. A provision in a lease entered into or renewed  
1-46 before the effective date of this Act that does not comply with  
1-47 Section 92.015, Property Code, as added by this Act, is governed by  
1-48 the law in effect immediately before the effective date of this Act,  
1-49 and that law is continued in effect for that purpose.

1-50 SECTION 3. This Act takes effect immediately if it receives  
1-51 a vote of two-thirds of all the members elected to each house, as  
1-52 provided by Section 39, Article III, Texas Constitution. If this  
1-53 Act does not receive the vote necessary for immediate effect, this  
1-54 Act takes effect September 1, 2003.

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