

By: Bailey

H.B. No. 177

A BILL TO BE ENTITLED

AN ACT

relating to provision of hot water service to residential rental units.

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

SECTION 1. Section 92.052(a), Property Code, is amended to read as follows:

(a) A landlord shall make a diligent effort to repair or remedy a condition if:

(1) the tenant specifies the condition in a notice to the person to whom or to the place where rent is normally paid;

(2) the tenant is not delinquent in the payment of rent at the time notice is given; and

(3) the condition:

(A) materially affects the physical health or safety of an ordinary tenant; or

(B) arises from the landlord's failure to comply with Section 92.0521.

SECTION 2. Subchapter B, Chapter 92, Property Code, is amended by adding Section 92.0521 to read as follows:

Sec. 92.0521. PROVISION OF HOT WATER. A landlord shall:

(1) provide and maintain in good operating condition a device to supply hot water of a minimum temperature of 120 degrees Fahrenheit; and

(2) provide, maintain, and connect to a cold and hot

1 water source:

2 (A) a bathtub or shower in a room affording  
3 privacy to the user; and

4 (B) a lavatory in a dwelling unit.

5 SECTION 3. Section 92.0563(a), Property Code, is amended to  
6 read as follows:

7 (a) A tenant's judicial remedies under Section 92.056 shall  
8 include:

9 (1) an order directing the landlord to take reasonable  
10 action to repair or remedy the condition;

11 (2) an order reducing the tenant's rent, from the date  
12 of the first repair notice, in proportion to the reduced rental  
13 value resulting from the condition until the condition is repaired  
14 or remedied;

15 (3) a judgment against the landlord for a civil  
16 penalty of one month's rent plus:

17 (A) \$1,000 for each day after the date of the  
18 first repair notice that the landlord failed to repair or remedy a  
19 condition arising from a failure to comply with Section 92.0521; or

20 (B) \$500 for any other condition for which a  
21 tenant is entitled to a remedy under Section 92.056;

22 (4) a judgment against the landlord for the amount of  
23 the tenant's actual damages; and

24 (5) court costs and attorney's fees, excluding any  
25 attorney's fees for a cause of action for damages relating to a  
26 personal injury.

27 SECTION 4. The change in law made by this Act to Section

1 92.052, Property Code, applies only to a notice under that section  
2 that is made on or after the effective date of this Act. A notice  
3 under that section made before the effective date of this Act is  
4 governed by the law in effect immediately before that date, and that  
5 law is continued in effect for that purpose.

6 SECTION 5. This Act takes effect September 1, 2007.