

BILL ANALYSIS

H.B. 3443
By: Anchia
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, if a municipality or county revokes a certificate of occupancy due to a determination of substandard housing, the tenant is left with limited resources to recoup the tenant's losses incurred as a result of the revocation.

H.B. 3443 makes a landlord whose certificate of occupancy is revoked following a determination of substandard housing liable to a tenant who is not in default for the full amount of the tenant's security deposit; the pro rata portion of any rental payment that the tenant has paid in advance; the tenant's actual damages, including costs associated with relocation; and court costs and attorney's fees arising from any related cause of action by the tenant against the landlord.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3443 amends the Property Code to make a landlord liable to a tenant who is not in default under a lease if a municipality or a county revokes a certificate of occupancy for the leased premises because of the landlord's failure to maintain the premises. The bill makes the landlord liable for the full amount of the tenant's security deposit; the pro rata portion of any rental payment the tenant has paid in advance; the tenant's actual damages, including any moving costs, utility connection fees, storage fees, and lost wages; and court costs and attorney's fees arising from any related cause of action by the tenant against the landlord.

EFFECTIVE DATE

September 1, 2009.