

BILL ANALYSIS

S.B. 1448
By: West
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Poor maintenance practices at residential and commercial lease properties in the state occasionally result in death or injury to occupants even after municipal citations have been served. Under current law, a leaseholder must endure a lengthy and expensive process to correct violations of municipal health and safety code.

S.B. 1448 amends current law relating to actions in a justice court regarding the repair of residential rental property to provide an affordable and timely recourse to occupants who wish to take direct corrective action to protect their families and possessions.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Supreme Court in SECTION 2 of this bill.

ANALYSIS

S.B. 1448 amends the Property Code to remove language that prohibits a justice court from ordering a landlord to take reasonable action to repair or remedy a condition for which the landlord is liable to the tenant. The bill requires a justice court in which a suit is filed by a tenant requesting relief regarding such a repair or remedy to conduct a hearing on the request not earlier than the sixth day after the date of service of citation and not later than the 10th day after that date. The bill prohibits a justice court from awarding a judgment to a tenant, including an order of repair, that exceeds \$10,000, excluding interest and costs of court. The bill establishes that an appeal of a judgment of a justice court takes precedence in county court, and authorizes the appeal to be held at any time after the eighth day after the date the transcript is filed in the county court. The bill establishes that an owner of real property who files a notice of appeal of a judgment of a justice court to the county court perfects the owner's appeal and stays the effect of the judgment without the necessity of posting an appeal bond.

S.B. 1448 requires the Texas Supreme Court, not later than January 1, 2010, to adopt rules of civil procedure applicable to orders of repair issued by a justice court.

EFFECTIVE DATE

January 1, 2010.