

By: Solomons

H.B. No. 690

A BILL TO BE ENTITLED

AN ACT

relating to the right of a tenant to hold a landlord liable for  
falsely advertised square footage or amenities.

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

SECTION 1. Subchapter A, Chapter 92, Property Code, is  
amended by adding Section 92.021 to read as follows:

Sec. 92.021. LIABILITY OF LANDLORD FOR FALSE, MISLEADING,  
OR DECEPTIVE REPRESENTATIONS OF SQUARE FOOTAGE OR AMENITY. (a) A  
landlord who represents that a dwelling has a particular square  
footage or amenity when the dwelling does not have the square  
footage or amenity is liable to a tenant as provided by this  
section.

(b) If a landlord is liable to a tenant under this section,  
the tenant may:

(1) request that the landlord:

(A) move the tenant to a dwelling with the square  
footage or amenity as represented by the landlord; or

(B) reduce the amount of the tenant's rent to  
reflect the difference between the square footage and amenities  
represented by the landlord and the actual square footage and  
amenities; or

(2) terminate the lease and recover from the landlord  
an amount equal to the amount the tenant incurs in locating and  
moving to another dwelling.

1        (c) This section does not limit any remedy the tenant may  
2 have against the landlord for false, misleading, or deceptive acts  
3 or practices under Subchapter E, Chapter 17, Business & Commerce  
4 Code.

5        SECTION 2. This Act applies only to a lease that is first  
6 entered into on or after the effective date of this Act. A lease  
7 entered into or renewed before the effective date of this Act is  
8 governed by the law that applied to the lease immediately before the  
9 effective date of this Act, and that law is continued in effect for  
10 that purpose.

11        SECTION 3. This Act takes effect September 1, 2009.