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H.B. No. 1819

A BILL TO BE ENTITLED

AN ACT

relating to minimum habitability standards for multi-family rental buildings in certain municipalities; providing a penalty.

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

SECTION 1. Subchapter G, Chapter 214, Local Government Code, is amended by adding Section 214.219 to read as follows:

Sec. 214.219. MINIMUM HABITABILITY STANDARDS FOR MULTI-FAMILY RENTAL BUILDINGS IN CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality with a population of 1.7 million or more.

(b) In this section:

(1) "Multi-family rental building" means a building that has three or more single-family residential units.

(2) "Unit" means one or more rooms rented for use as a permanent residence under a single lease to one or more tenants.

(c) A municipality shall adopt an ordinance to establish minimum habitability standards for multi-family rental buildings, including requiring maintenance of the proper operating condition of:

(1) foundations, stairways, walls, floors, ceilings, and all supporting structures at a level sufficient to bear reasonably imposed loads without material risk to tenants;

(2) foundations, walls, floors, ceilings, doors, and windows so that the interior of each unit is reasonably protected

1 from adverse weather conditions;

2 (3) signs to identify each unit in a multi-family
3 residential building and each building in a complex of multi-family
4 residential buildings, sufficiently legible and conspicuous to
5 allow emergency personnel to locate a unit at night;

6 (4) electric circuits and outlets in each unit
7 sufficient to safely carry the electrical load imposed by the
8 normal use of lighting and appliances;

9 (5) approved heating devices capable of maintaining a
10 minimum inside temperature of 70 degrees Fahrenheit when the
11 outside temperature is 20 degrees Fahrenheit;

12 (6) plumbing to supply each unit with potable water at
13 adequate pressure;

14 (7) water heating devices to supply each unit with a
15 reasonable amount of water at a minimum temperature of 120 degrees
16 Fahrenheit;

17 (8) one or more toilets for each unit or group of
18 units, located in a manner to afford privacy to the user and
19 connected to a water source and to a public sanitary sewer system or
20 to a septic system approved under Chapter 366, Health and Safety
21 Code;

22 (9) security devices required by Section 92.153,
23 Property Code; and

24 (10) swimming pools, if any, in a manner consistent
25 with the requirements of Chapter 757, Health and Safety Code.

26 (d) The municipality shall designate in the ordinance the
27 method for determining the devices that qualify as approved heating

1 devices under Subsection (c)(5).

2 (e) A municipality may establish other standards as
3 necessary to reduce material risks to the physical health or safety
4 of tenants of multi-family rental buildings.

5 (f) A municipality shall establish a program for the
6 inspection of multi-family rental buildings to determine if the
7 buildings meet the minimum required habitability standards.

8 (g) The owner of a multi-family rental building commits an
9 offense if the owner violates an ordinance adopted under this
10 section. An offense under this subsection is a Class C misdemeanor.
11 Each day the violation continues constitutes a separate offense.

12 (h) A municipality may impose a civil penalty under Section
13 54.017 for a violation of this section.

14 SECTION 2. A municipality shall adopt the minimum
15 habitability standards required under Section 214.219, Local
16 Government Code, as added by this Act, not later than December 31,
17 2009.

18 SECTION 3. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2009.