

1-1 By: Bohac, et al. (Senate Sponsor - Ellis) H.B. No. 1819  
1-2 (In the Senate - Received from the House April 8, 2009;  
1-3 April 27, 2009, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 18, 2009, reported adversely,  
1-5 with favorable Committee Substitute by the following vote: Yeas 5,  
1-6 Nays 0; May 18, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1819 By: Patrick

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to minimum habitability standards for multi-family rental  
1-11 buildings in certain municipalities; providing a penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter G, Chapter 214, Local Government  
1-14 Code, is amended by adding Section 214.219 to read as follows:

1-15 Sec. 214.219. MINIMUM HABITABILITY STANDARDS FOR  
1-16 MULTI-FAMILY RENTAL BUILDINGS IN CERTAIN MUNICIPALITIES. (a) This  
1-17 section applies only to a municipality with a population of 1.7  
1-18 million or more. This section does not affect the authority of a  
1-19 municipality to which this section does not apply to enact or  
1-20 enforce laws relating to multi-family rental buildings.

1-21 (b) In this section:

1-22 (1) "Multi-family rental building" means a building  
1-23 that has three or more single-family residential units.

1-24 (2) "Unit" means one or more rooms rented for use as a  
1-25 permanent residence under a single lease to one or more tenants.

1-26 (c) A municipality shall adopt an ordinance to establish  
1-27 minimum habitability standards for multi-family rental buildings,  
1-28 including requiring maintenance of the proper operating condition  
1-29 of:

1-30 (1) foundations, stairways, walls, floors, ceilings,  
1-31 and all supporting structures at a level sufficient to bear  
1-32 reasonably imposed loads without material risk to tenants;

1-33 (2) foundations, walls, floors, ceilings, doors, and  
1-34 windows so that the interior of each unit is reasonably protected  
1-35 from adverse weather conditions;

1-36 (3) signs to identify each unit in a multi-family  
1-37 residential building and each building in a complex of multi-family  
1-38 residential buildings, sufficiently legible and conspicuous to  
1-39 allow emergency personnel to locate a unit at night;

1-40 (4) electric circuits and outlets in each unit  
1-41 sufficient to safely carry the electrical load imposed by the  
1-42 normal use of lighting and appliances;

1-43 (5) approved heating devices capable of maintaining a  
1-44 minimum inside temperature of 70 degrees Fahrenheit when the  
1-45 outside temperature is 20 degrees Fahrenheit;

1-46 (6) plumbing to supply each unit with potable water at  
1-47 adequate pressure;

1-48 (7) water heating devices to supply each unit with a  
1-49 reasonable amount of water at a minimum temperature of 120 degrees  
1-50 Fahrenheit;

1-51 (8) one or more toilets for each unit or group of  
1-52 units, located in a manner to afford privacy to the user and  
1-53 connected to a water source and to a public sanitary sewer system or  
1-54 to a septic system approved under Chapter 366, Health and Safety  
1-55 Code;

1-56 (9) security devices required by Section 92.153,  
1-57 Property Code; and

1-58 (10) swimming pools, if any, in a manner consistent  
1-59 with the requirements of Chapter 757, Health and Safety Code.

1-60 (d) The municipality shall designate in the ordinance the  
1-61 method for determining the devices that qualify as approved heating  
1-62 devices under Subsection (c)(5).

1-63 (e) A municipality may establish other standards as

necessary to reduce material risks to the physical health or safety of tenants of multi-family rental buildings.

(f) A municipality shall establish a program for the inspection of multi-family rental buildings to determine if the buildings meet the minimum required habitability standards. The program shall include inspections under the direction of:

(1) the municipality's building official, as defined by the International Building Code or by a local amendment to the code under Section 214.216;

(2) the chief executive of the municipality's fire department; and

(3) the municipality's health authority, as defined by Section 121.021, Health and Safety Code.

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

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

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

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

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