

By: West

S.B. No. 1448

A BILL TO BE ENTITLED

AN ACT

relating to actions in a justice court regarding the repair of residential rental property.

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

SECTION 1. Section 92.0563, Property Code, is amended by amending Subsection (c) and adding Subsections (d), (e), and (f) to read as follows:

(c) The justice, county, and district courts have concurrent jurisdiction in ~~in~~ an action under Subsection (a) ~~of this section except that the justice court may not order repairs under Subdivision (1) of Subsection (a) of this section]~~.

(d) If a suit is filed in a justice court requesting relief under Subsection (a), the justice court shall 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.

(e) A justice court may not award a judgment under this section, including an order of repair, that exceeds \$10,000, excluding interest and costs of court.

(f) An appeal of a judgment of a justice court under this section takes precedence in county court and may be held at any time after the eighth day after the date the transcript is filed in the county court. 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

1 necessity of posting an appeal bond.

2 SECTION 2. Not later than January 1, 2010, the Texas Supreme
3 Court shall adopt rules of civil procedure applicable to orders of
4 repair issued by a justice court under Subdivision (1), Subsection
5 (a), Section 92.0563, Property Code.

6 SECTION 3. Section 92.0563, Property Code, as amended by
7 this Act, applies only to an action filed on or after the effective
8 date of this Act. An action filed before the effective date of this
9 Act is governed by the law in effect immediately before that date,
10 and that law is continued in effect for that purpose.

11 SECTION 4. This Act takes effect January 1, 2010.