

1-1 By: West S.B. No. 1448
1-2 (In the Senate - Filed March 6, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 17, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 3, Nays 1;
1-6 April 17, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1448 By: West

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

1-10 relating to actions in a justice court regarding the repair of
1-11 residential rental property.

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

1-13 SECTION 1. Section 92.0563, Property Code, is amended by
1-14 amending Subsection (c) and adding Subsections (d), (e), and (f) to
1-15 read as follows:

1-16 (c) The justice, county, and district courts have
1-17 concurrent jurisdiction in ~~of~~ an action under Subsection (a) ~~of~~
1-18 ~~this section except that the justice court may not order repairs~~
1-19 ~~under Subdivision (1) of Subsection (a) of this section].~~

1-20 (d) If a suit is filed in a justice court requesting relief
1-21 under Subsection (a), the justice court shall conduct a hearing on
1-22 the request not earlier than the sixth day after the date of service
1-23 of citation and not later than the 10th day after that date.

1-24 (e) A justice court may not award a judgment under this
1-25 section, including an order of repair, that exceeds \$10,000,
1-26 excluding interest and costs of court.

1-27 (f) An appeal of a judgment of a justice court under this
1-28 section takes precedence in county court and may be held at any time
1-29 after the eighth day after the date the transcript is filed in the
1-30 county court. An owner of real property who files a notice of
1-31 appeal of a judgment of a justice court to the county court perfects
1-32 the owner's appeal and stays the effect of the judgment without the
1-33 necessity of posting an appeal bond.

1-34 SECTION 2. Not later than January 1, 2010, the Texas Supreme
1-35 Court shall adopt rules of civil procedure applicable to orders of
1-36 repair issued by a justice court under Subdivision (1), Subsection
1-37 (a), Section 92.0563, Property Code.

1-38 SECTION 3. Section 92.0563, Property Code, as amended by
1-39 this Act, applies only to an action filed on or after the effective
1-40 date of this Act. An action filed before the effective date of this
1-41 Act is governed by the law in effect immediately before that date,
1-42 and that law is continued in effect for that purpose.

1-43 SECTION 4. This Act takes effect January 1, 2010.

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