

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Bohac, Alvarado, Thibaut, Allen, Vo

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. The  
8 program shall include inspections under the direction of:

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

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

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

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

20 (h) A municipality may impose a civil penalty under Section  
21 54.017 for a violation of this section.

22 SECTION 2. A municipality shall adopt the minimum  
23 habitability standards required under Section 214.219, Local  
24 Government Code, as added by this Act, not later than December 31,  
25 2009.

26 SECTION 3. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

H.B. No. 1819

1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2009.

ADOPTED

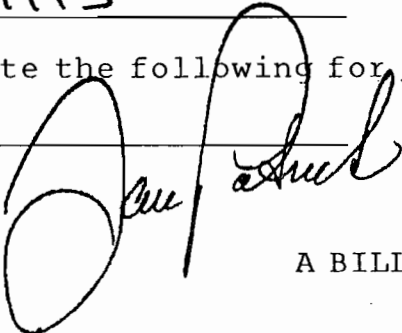
MAY 27 2009

*Leroy Spaw*  
Secretary of the Senate

By: Ellis

H.B. No. 1819

Substitute the following for H.B. No. 1819:

By: 

C.S. H.B. No. 1819

A BILL TO BE ENTITLED

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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. This section does not affect the authority of a municipality to which this section does not apply to enact or enforce laws relating to multi-family rental buildings.

(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;

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

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

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

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

14           (6) plumbing to supply each unit with potable water at  
15 adequate pressure;

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

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

24           (9) security devices required by Section 92.153,  
25 Property Code; and

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

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

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

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

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

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

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

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

22        (h) A municipality may impose a civil penalty under Section  
23 54.017 for a violation of this section.

24        SECTION 2. A municipality shall adopt the minimum  
25 habitability standards required under Section 214.219, Local  
26 Government Code, as added by this Act, not later than December 31,  
27 2009.

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



# ADOPTED

MAY 27 2009

FLOOR AMENDMENT NO. 2

Henry Spaw BY: Whitmire  
Secretary of the Senate

1 Amend C.S.H.B. 1819 (senate committee printing) by striking  
2 all below the enacting clause and substituting the following:

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

5 Sec. 214.219. MINIMUM HABITABILITY STANDARDS FOR MULTI-  
6 FAMILY RENTAL BUILDINGS IN CERTAIN MUNICIPALITIES. (a) This  
7 section applies only to a municipality with a population of 1.7  
8 million or more. This section does not affect the authority of  
9 a municipality to which this section does not apply to enact or  
10 enforce laws relating to multi-family rental buildings.

11 (b) In this section:

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

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

17 (c) A municipality shall adopt an ordinance to establish  
18 minimum habitability standards for multi-family rental  
19 buildings, including requiring maintenance of proper operating  
20 conditions.

21 (d) A municipality may establish other standards as  
22 necessary to reduce material risks to the physical health or  
23 safety of tenants of multi-family rental buildings.

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

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

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

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

5           (f) A municipality may not order the closure of a multi-  
6 family rental building due to a violation of an ordinance  
7 adopted by the municipality relating to habitability unless the  
8 municipality makes a good faith effort to locate housing with  
9 comparable rental rates in the same school district for the  
10 residents displaced by the closure.

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

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

18           SECTION 2. A municipality shall adopt the minimum  
19 habitability standards required by Section 214.219, Local  
20 Government Code, as added by this Act, not later than December  
21 31, 2010.

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

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 28, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1819** by Bohac (Relating to minimum habitability standards for multi-family rental buildings in certain municipalities; providing a penalty. ), **As Passed 2nd House**

<b>No fiscal implication to the State is anticipated.</b>
---

Based on the applicability criteria of the bill, it would affect only the City of Houston.

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, JRO, DB



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 14, 2009**

**TO:** Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1819** by Bohac (Relating to minimum habitability standards for multi-family rental buildings in certain municipalities; providing a penalty.), **Committee Report 2nd House, Substituted**

<b>No fiscal implication to the State is anticipated.</b>
---

Based on the applicability criteria of the bill, it would affect only the City of Houston.

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, JRO, DB



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 11, 2009**

**TO:** Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1819** by Bohac (Relating to minimum habitability standards for multi-family rental buildings in certain municipalities; providing a penalty.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
---

Based on the applicability criteria of the bill, it would affect only the City of Houston.

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, JRO, DB





**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 16, 2009**

**TO:** Honorable Joe Deshotel, Chair, House Committee on Business & Industry

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1819** by Bohac (Relating to minimum habitability standards for multi-family rental buildings in certain municipalities; providing a penalty.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
---

Based on the applicability criteria of the bill, it would affect only the City of Houston.

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, JRO, DB

