

**House Bill 1819**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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 from adverse weather conditions;

(3) signs to identify each unit in a multi-family

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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 proper operating conditions.

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residential building and each building in a complex of multi-family residential buildings, sufficiently legible and conspicuous to allow emergency personnel to locate a unit at night;

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

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

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

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

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

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

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

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

(e) A municipality may establish other standards as

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(d) A municipality may establish other standards as

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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.

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

(e) 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.

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

(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.

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No equivalent provision.

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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SECTION \_\_. Subchapter Z, Chapter 214, Local Government Code, is amended by adding Section 214.907 to read as follows:

Sec. 214.907. RELOCATION OF DISPLACED RESIDENTS BY CERTAIN MUNICIPALITIES. (a) In this section, "multi-family rental building" has the meaning assigned by Section 214.219.

(b) This section applies only to a municipality with a population of 1.7 million or more.

(c) A municipality may not order the closure of a multi-family rental building because of a violation of an ordinance adopted by the municipality relating to habitability unless the municipality locates housing for the residents displaced by the closure.

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

Same as House version.

CONFERENCE

