

1 AN ACT

2 relating to a tenant's remedies regarding a local government's  
3 revocation of a certificate of occupancy due to a landlord's  
4 failure to maintain the premises.

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

6 SECTION 1. Subchapter A, Chapter 92, Property Code, is  
7 amended by adding Section 92.023 to read as follows:

8 Sec. 92.023. TENANT'S REMEDIES REGARDING REVOCATION OF  
9 CERTIFICATE OF OCCUPANCY. If a municipality or a county revokes a  
10 certificate of occupancy for a leased premises because of the  
11 landlord's failure to maintain the premises, the landlord is liable  
12 to a tenant who is not in default under the lease for:

13 (1) the full amount of the tenant's security deposit;

14 (2) the pro rata portion of any rental payment the  
15 tenant has paid in advance;

16 (3) the tenant's actual damages, including any moving  
17 costs, utility connection fees, storage fees, and lost wages; and

18 (4) court costs and attorney's fees arising from any  
19 related cause of action by the tenant against the landlord.

20 SECTION 2. The changes in the law made by this Act apply  
21 only to a lease entered into on or after September 1, 2011. A lease  
22 entered into before September 1, 2011, is governed by the law as it  
23 existed immediately before the effective date of this Act, and that  
24 law is continued in effect for that purpose.

1 SECTION 3. This Act takes effect September 1, 2011.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1862 was passed by the House on April 20, 2011, by the following vote: Yeas 132, Nays 9, 3 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1862 was passed by the Senate on May 17, 2011, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor