

By: Anchia

H.B. No. 1862

A BILL TO BE ENTITLED

AN ACT

1
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.