

1-1 By: Anchia (Senate Sponsor - West) H.B. No. 1862
1-2 (In the Senate - Received from the House April 26, 2011;
1-3 April 27, 2011, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 6, 2011, reported favorably by
1-5 the following vote: Yeas 3, Nays 0; May 6, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to a tenant's remedies regarding a local government's
1-9 revocation of a certificate of occupancy due to a landlord's
1-10 failure to maintain the premises.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter A, Chapter 92, Property Code, is
1-13 amended by adding Section 92.023 to read as follows:

1-14 Sec. 92.023. TENANT'S REMEDIES REGARDING REVOCATION OF
1-15 CERTIFICATE OF OCCUPANCY. If a municipality or a county revokes a
1-16 certificate of occupancy for a leased premises because of the
1-17 landlord's failure to maintain the premises, the landlord is liable
1-18 to a tenant who is not in default under the lease for:

1-19 (1) the full amount of the tenant's security deposit;

1-20 (2) the pro rata portion of any rental payment the
1-21 tenant has paid in advance;

1-22 (3) the tenant's actual damages, including any moving
1-23 costs, utility connection fees, storage fees, and lost wages; and

1-24 (4) court costs and attorney's fees arising from any
1-25 related cause of action by the tenant against the landlord.

1-26 SECTION 2. The changes in the law made by this Act apply
1-27 only to a lease entered into on or after September 1, 2011. A lease
1-28 entered into before September 1, 2011, is governed by the law as it
1-29 existed immediately before the effective date of this Act, and that
1-30 law is continued in effect for that purpose.

1-31 SECTION 3. This Act takes effect September 1, 2011.

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