

By: West
(Anchia)

S.B. No. 1240

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

(b) This section does not apply if the revocation of the certificate is based on conditions at the premises that are the result of a casualty loss, such as fire, smoke, hail, explosion, or natural disaster, that did not result from the landlord's failure to maintain the premises.

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

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