

1-1 By: West S.B. No. 1240
1-2 (In the Senate - Filed March 7, 2011; March 16, 2011, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 14, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 April 14, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1240 By: West

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to a tenant's remedies regarding a local government's
1-11 revocation of a certificate of occupancy due to a landlord's
1-12 failure to maintain the premises.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter A, Chapter 92, Property Code, is
1-15 amended by adding Section 92.023 to read as follows:

1-16 Sec. 92.023. TENANT'S REMEDIES REGARDING REVOCATION OF
1-17 CERTIFICATE OF OCCUPANCY. (a) If a municipality or a county
1-18 revokes a certificate of occupancy for a leased premises because of
1-19 the landlord's failure to maintain the premises, the landlord is
1-20 liable to a tenant who is not in default under the lease for:

1-21 (1) the full amount of the tenant's security deposit;

1-22 (2) the pro rata portion of any rental payment the
1-23 tenant has paid in advance;

1-24 (3) the tenant's actual damages, including any moving
1-25 costs, utility connection fees, storage fees, and lost wages; and

1-26 (4) court costs and attorney's fees arising from any
1-27 related cause of action by the tenant against the landlord.

1-28 (b) This section does not apply if the revocation of the
1-29 certificate is based on conditions at the premises that are the
1-30 result of a casualty loss, such as fire, smoke, hail, explosion, or
1-31 natural disaster, that did not result from the landlord's failure
1-32 to maintain the premises.

1-33 SECTION 2. The changes in the law made by this Act apply
1-34 only to a lease entered into on or after September 1, 2011. A lease
1-35 entered into before September 1, 2011, is governed by the law as it
1-36 existed immediately before the effective date of this Act, and that
1-37 law is continued in effect for that purpose.

1-38 SECTION 3. This Act takes effect September 1, 2011.

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