

By: Walle

H.B. No. 4490

A BILL TO BE ENTITLED

AN ACT

relating to a landlord's liability to a tenant for a casualty loss to residential rental premises caused by the landlord.

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

SECTION 1. Section 92.054, Property Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) If the rental premises become unusable for residential purposes as a result of a casualty loss caused by the negligence or fault of the landlord, the landlord:

(1) if comparable rental premises owned by the landlord are available for occupancy, shall allow the tenant to move to the premises for the remainder of the tenant's lease; or

(2) if rental premises owned by the landlord are not available, shall:

(A) locate comparable rental premises; and

(B) be liable to the tenant for the amount of the rent for the comparable rental premises that exceeds the amount of rent the tenant pays to the landlord under the tenant's lease for the remainder of the tenant's lease.

(e) The duties of a landlord under Subsection (d) are in addition to any other duties of a landlord or remedies of a tenant under this subchapter.

SECTION 2. Section 92.054(d), Property Code, as added by this Act, applies only to a lease that is executed or renewed on or

1 after the effective date of this Act. A lease that is executed or
2 renewed before the effective date of this Act is governed by the law
3 in effect at the time the lease was executed or renewed, and that
4 law is continued in effect for that purpose.

5 SECTION 3. This Act takes effect September 1, 2021.