

BILL ANALYSIS

Senate Research Center
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S.B. 1802
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas law currently requires landlords to repair or remedy conditions that materially affect the health or safety of tenants, but existing statutes do not explicitly require the maintenance of mobility assistance devices, such as elevators, ramps, and handrails, that are available on the property when a lease is signed. This lack of legal requirements leaves many tenants, like those with disabilities or mobility challenges, vulnerable to unsafe living conditions with limited recourse when landlords fail to act. Without specific provisions addressing these issues, tenants struggle to enforce their rights when essential features of their homes and complexes no longer work.

Under current law, Chapter 92 of the Texas Property Code requires landlords to address conditions that affect a tenant's physical health or safety. However, mobility assistance devices are not explicitly included, creating a gap in tenant protections. When these systems fail, tenants may be left without essential accommodations, and their ability to seek remedies depends on broad interpretations of existing statutes rather than clear and enforceable requirements. As a result, many renters—especially those in multi-unit housing or older buildings—find themselves at the mercy of landlords who may delay or refuse repairs without consequence.

S.B. 1802 strengthens tenant protections by requiring landlords to maintain and repair mobility assistance devices. The bill also expands tenant remedies when mobility devices are not repaired to allow affected individuals to end their lease without penalty, deduct repair costs from rent if landlords fail to act, seek judicial relief by depositing rent into the court registry until the issue is resolved and get alternative housing at no cost when mobility assistance devices remain inoperable. By setting clear maintenance standards and enforcement mechanisms, S.B. 1802 closes existing loopholes in the law and ensures that tenants have legal options when landlords neglect critical repairs.

As proposed, S.B. 1802 amends current law relating to a landlord's duty to repair or remedy certain conditions.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 92.052(a), Property Code, as follows:

(a) Requires a landlord to make a diligent effort to repair or remedy a condition if certain conditions are met, including if the condition arises from the landlord's failure to provide and maintain in good operating condition a mobility assistance device, including a ramp, elevator, or hand rail, that was provided as an amenity at the time that the tenant signed the lease. Makes nonsubstantive changes.

SECTION 2. Amends Section 92.056, Property Code, by amending Subsections (b) and (e) and adding Subsection (e-1), as follows:

(b) Provides that a landlord is liable to a tenant as provided by Subchapter B (Repair or Closing of Leasehold) if:

(1) makes no changes to this subdivision;

(2) a condition the tenant has given the landlord reasonable notice to repair or remedy:

(A) creates this paragraph from existing text and makes a nonsubstantive change; or

(B) arises from the landlord's failure to provide and maintain in good operating condition a mobility assistance device, including a ramp, elevator, or hand rail, that was provided as an amenity at the time that the tenant signed the lease; and

(3)-(6) makes no changes to these subdivisions.

(e) Authorizes a tenant to whom a landlord is liable under Subsection (b) of Section 92.056 (Landlord Liability and Tenant Remedies; Notice and Time for Repair), except as provided in Subsection (f) (relating to providing that a tenant who elects to terminate the lease is entitled to certain refunds and remedies), to obtain judicial remedies according to Section 92.0563 (Tenant's Judicial Remedies) and pay the tenant's rent in the court registry until the condition is repaired or remedied.

(e-1) Requires a landlord, if the landlord is liable to a tenant under Subsection (b)(2)(B), to provide at no cost to the tenant alternative housing accommodations with comparable mobility assistance devices to those existing at the time the tenant signed the lease until the condition described by that subsection is repaired or remedied or until the end of the tenant's lease term, whichever is sooner.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2025.