

By: Alvarado

S.B. No. 1802

A BILL TO BE ENTITLED

AN ACT

relating to a landlord's duty to repair or remedy certain conditions.

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

SECTION 1. Section 92.052(a), Property Code, is amended to read as follows:

(a) A landlord shall make a diligent effort to repair or remedy a condition if:

(1) the tenant specifies the condition in a notice to the person to whom or to the place where rent is normally paid;

(2) the tenant is not delinquent in the payment of rent at the time notice is given; and

(3) the condition:

(A) materially affects the physical health or safety of an ordinary tenant; or

(B) arises from the landlord's failure to provide and maintain in good operating condition:

(i) a device to supply hot water of a minimum temperature of 120 degrees Fahrenheit; or

(ii) 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.

SECTION 2. Section 92.056, Property Code, is amended by amending Subsections (b) and (e) and adding Subsection (e-1) to

1 read as follows:

2 (b) A landlord is liable to a tenant as provided by this  
3 subchapter if:

4 (1) the tenant has given the landlord notice to repair  
5 or remedy a condition by giving that notice to the person to whom or  
6 to the place where the tenant's rent is normally paid;

7 (2) the condition:

8 (A) materially affects the physical health or  
9 safety of an ordinary tenant; or

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

14 (3) the tenant has given the landlord a subsequent  
15 written notice to repair or remedy the condition after a reasonable  
16 time to repair or remedy the condition following the notice given  
17 under Subdivision (1) or the tenant has given the notice under  
18 Subdivision (1) by sending that notice by certified mail, return  
19 receipt requested, by registered mail, or by another form of mail  
20 that allows tracking of delivery from the United States Postal  
21 Service or a private delivery service;

22 (4) the landlord has had a reasonable time to repair or  
23 remedy the condition after the landlord received the tenant's  
24 notice under Subdivision (1) and, if applicable, the tenant's  
25 subsequent notice under Subdivision (3);

26 (5) the landlord has not made a diligent effort to  
27 repair or remedy the condition after the landlord received the

tenant's notice under Subdivision (1) and, if applicable, the  
tenant's notice under Subdivision (3); and

(6) the tenant was not delinquent in the payment of  
rent at the time any notice required by this subsection was given.

(e) Except as provided in Subsection (f), a tenant to whom a  
landlord is liable under Subsection (b) of this section may:

(1) terminate the lease;

(2) have the condition repaired or remedied according  
to Section 92.0561;

(3) deduct from the tenant's rent, without necessity  
of judicial action, the cost of the repair or remedy according to  
Section 92.0561; and

(4) obtain judicial remedies according to Section  
92.0563 and pay the tenant's rent in the court registry until the  
condition is repaired or remedied.

(e-1) If a landlord is liable to a tenant under Subsection  
(b)(2)(B), the landlord shall 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. The changes in law made by this Act apply only to  
a lease entered into or renewed on or after the effective date of  
this Act. A lease entered into or renewed before the effective date  
of this Act is governed by the law as it existed immediately before  
that date, and the former law is continued in effect for that

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1 purpose.

2 SECTION 4. This Act takes effect September 1, 2025.