

By: Deshotel

H.B. No. 1429

A BILL TO BE ENTITLED

AN ACT

relating to rights and remedies of certain residential tenants;
providing civil penalties.

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

SECTION 1. Subchapter A, Chapter 92, Property Code, is
amended by adding Section 92.026 to read as follows:

Sec. 92.026. LANDLORD'S DUTY TO PROVIDE COPY OF LEASE. (a)
Not later than the third business day after the date the lease is
signed by each party to the lease, a landlord shall provide at least
one copy of the lease to at least one tenant who is a party to the
lease.

(b) If more than one tenant is a party to the lease, not
later than the third business day after the date a landlord receives
a written request for a copy of a lease from a tenant who has not
received a copy of the lease under Subsection (a), the landlord
shall provide one copy of the lease to the requesting tenant.

(c) If a landlord fails to comply with Subsection (a) or
(b), a tenant, after giving written notice to the landlord of the
failure to comply with Subsection (a) or (b), may bring an action to
obtain a copy of the lease and recover actual damages resulting from
the failure to provide a copy of the lease, court costs, and
reasonable attorney's fees.

SECTION 2. Section 92.331(a), Property Code, is amended to
read as follows:

1 (a) A landlord may not retaliate against a tenant by taking
2 an action described by Subsection (b) because the tenant:

3 (1) in good faith exercises or attempts to exercise
4 against a landlord a right or remedy granted to the tenant by lease,
5 municipal ordinance, or federal or state statute;

6 (2) gives a landlord a notice to repair or exercise a
7 remedy under this chapter; ~~[or]~~

8 (3) complains to a governmental entity responsible for
9 enforcing building or housing codes, a public utility, or a civic or
10 nonprofit agency, and the tenant:

11 (A) claims a building or housing code violation
12 or utility problem; and

13 (B) believes in good faith that the complaint is
14 valid and that the violation or problem occurred; or

15 (4) establishes, attempts to establish, or
16 participates in a tenant organization.

17 SECTION 3. The changes in law made by Section 92.026,
18 Property Code, as added by this Act, apply only to a lease the
19 effective date of which is on or after the effective date of this
20 Act. A lease the effective date of which is before the effective
21 date of this Act is governed by the law as it existed immediately
22 before the effective date of this Act, and that law is continued in
23 effect for that purpose.

24 SECTION 4. This Act takes effect January 1, 2012.