

1-1 By: Deshotel (Senate Sponsor - Carona) H.B. No. 1429
1-2 (In the Senate - Received from the House May 16, 2011;
1-3 May 16, 2011, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 19, 2011, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 19, 2011, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to rights and remedies of certain residential tenants;
1-10 providing civil penalties.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter A, Chapter 92, Property Code, is
1-13 amended by adding Section 92.026 to read as follows:

1-14 Sec. 92.026. LANDLORD'S DUTY TO PROVIDE COPY OF LEASE. (a)
1-15 Not later than the third business day after the date the lease is
1-16 signed by each party to the lease, a landlord shall provide at least
1-17 one copy of the lease to at least one tenant who is a party to the
1-18 lease.

1-19 (b) If more than one tenant is a party to the lease, not
1-20 later than the third business day after the date a landlord receives
1-21 a written request for a copy of a lease from a tenant who has not
1-22 received a copy of the lease under Subsection (a), the landlord
1-23 shall provide one copy of the lease to the requesting tenant.

1-24 (c) If a landlord fails to comply with Subsection (a) or
1-25 (b), a tenant, after giving written notice to the landlord of the
1-26 failure to comply with Subsection (a) or (b), may bring an action to
1-27 obtain a copy of the lease and recover actual damages resulting from
1-28 the failure to provide a copy of the lease, court costs, and
1-29 reasonable attorney's fees.

1-30 SECTION 2. Section 92.331(a), Property Code, is amended to
1-31 read as follows:

1-32 (a) A landlord may not retaliate against a tenant by taking
1-33 an action described by Subsection (b) because the tenant:

1-34 (1) in good faith exercises or attempts to exercise
1-35 against a landlord a right or remedy granted to the tenant by lease,
1-36 municipal ordinance, or federal or state statute;

1-37 (2) gives a landlord a notice to repair or exercise a
1-38 remedy under this chapter; ~~or~~

1-39 (3) complains to a governmental entity responsible for
1-40 enforcing building or housing codes, a public utility, or a civic or
1-41 nonprofit agency, and the tenant:

1-42 (A) claims a building or housing code violation
1-43 or utility problem; and

1-44 (B) believes in good faith that the complaint is
1-45 valid and that the violation or problem occurred; or

1-46 (4) establishes, attempts to establish, or
1-47 participates in a tenant organization.

1-48 SECTION 3. The changes in law made by Section 92.026,
1-49 Property Code, as added by this Act, apply only to a lease the
1-50 effective date of which is on or after the effective date of this
1-51 Act. A lease the effective date of which is before the effective
1-52 date of this Act is governed by the law as it existed immediately
1-53 before the effective date of this Act, and that law is continued in
1-54 effect for that purpose.

1-55 SECTION 4. This Act takes effect January 1, 2012.

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