

SUBJECT: Requiring hot water service for residential rental units

COMMITTEE: Business and Industry — committee substitute recommended

VOTE: 8 ayes — Giddings, Elkins, Darby, Bohac, Castro, Martinez, Solomons, Zedler

0 nays

1 absent — Bailey

WITNESSES: For — Jack Burleson, International Code Council

Against — None

On — David Mintz, Texas Apartment Association

BACKGROUND: Property Code, sec. 92.052(a) requires a landlord to make a diligent effort to repair or remedy a condition if:

- the tenant specifies the condition in a notice to the landlord;
- the tenant is not delinquent in the payment of rent at the time notice is given; and
- the condition materially affects the physical health or safety of an ordinary tenant.

DIGEST: CSHB 177 would amend Property Code, sec. 92.052(a)(3) to require a landlord to repair or remedy a condition that arises from the landlord's failure to provide and maintain a device to supply hot water of a minimum temperature of 120°F.

The bill would take effect September 1, 2007, and apply to tenant notices made on or after the effective date.

SUPPORTERS SAY: CSHB 117 would assure the availability of hot water in rental units across Texas. Current law leaves landlords to broadly interpret what materially affects the physical health or safety of a tenant. As a result, some landlords are slow to repair broken hot water heaters, while others do not supply hot water at all to their residential units, a fact that some tenants discover only

after they have signed rental agreements. Hot water is essential for maintaining sanitation and hygiene. This bill would clearly stipulate that landlords have a duty to provide hot water and to make necessary repairs for this purpose.

OPPONENTS
SAY:

This bill would excessively regulate the owners of rental properties. Prescribing the services that must be provided to renters under a maintenance statute could open the door to future burdensome regulations such as requiring door-to-door trash service or the installation of security devices in each unit.

OTHER
OPPONENTS
SAY:

The bill should conform its provisions with established state building and plumbing standards. For safety reasons, the Uniform Plumbing Code (UPC) sets the *maximum* temperature for tempered water used for bathing at 120°F. By setting the minimum temperature at 120°F, this bill could pose a potential danger for residents.

NOTES:

The bill as introduced would have required a landlord to connect a cold and hot water source to a bathtub/shower and a lavatory in a residential rental unit. It also would have imposed a civil penalty of \$1,000 for each day that the landlord failed to provide or maintain hot and cold running water and bath and toilet facilities. The committee substitute removed these provisions.