

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1819
By: Bohac et al. (Ellis)
Intergovernmental Relations
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law does not set clear standards for habitability for rental units in large cities, nor does it set specifics for maintenance and repair standards for landlords.

C.S.H.B. 1819 requires a municipality to adopt minimum habitability standards for multi-family unit rental housing, provides for a program to inspect those standards, and provides a criminal penalty for non-compliance. It applies only to a municipality with a population of 1.7 million or more and affects multi-family rental buildings with three or more single-family units.

C.S.H.B. 1819 authorizes certain municipalities to establish maintenance and repair standards that benefit the habitability of multi-family units, for the health and safety of the residents who occupy them. A failure to meet those requirements would make a landlord subject to a Class C misdemeanor. Each day that a violation continues constitutes a separate offense. A municipality can also impose a civil penalty for violation.

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 Subchapter G, Chapter 214, Local Government Code, by adding Section 214.219, as follows:

Sec. 214.219. MINIMUM HABITABILITY STANDARDS FOR MULTI-FAMILY RENTAL BUILDINGS IN CERTAIN MUNICIPALITIES. (a) Provides that this section applies only to a municipality with a population of 1.7 million or more. Provides that this section does not affect the authority of a municipality to which this section does not apply to enact or enforce laws relating to multi-family rental buildings.

(b) Defines "multi-family rental building" and "unit."

(c) Requires a municipality to adopt an ordinance to establish minimum habitability standards for multi-family rental buildings, including requiring maintenance of the proper operation condition of certain items.

(d) Requires the municipality to designate in the ordinance the method for determining the devices that qualify as approved heating devices under Subsection (c)(5) (relating to approved heating devices).

(e) Authorizes a municipality to establish other standards as necessary to reduce material risks to the physical health or safety of tenants of multi-family rental buildings.

(f) Requires a municipality to establish a program for the inspection of multi-family rental buildings to determine if the buildings meet the minimum required habitability standards. Requires that the program include inspections under the direction of certain municipal authorities.

(g) Provides that the owner of a multi-family rental building commits an offense if the owner violates an ordinance adopted under this section. Provides that an offense under this subsection is a Class C misdemeanor. Provides that each day the violation continues constitutes a separate offense.

(h) Authorizes a municipality to impose a civil penalty under Section 54.017 (Civil Penalty) for a violation of this section.

SECTION 2. Requires a municipality to adopt the minimum habitability standards required under Section 214.219, Local Government Code, as added by this Act, not later than December 31, 2009.

SECTION 3. Effective date: upon passage or September 1, 2009.