

## **BILL ANALYSIS**

Senate Research Center

S.B. 1448  
By: West  
Intergovernmental Relations  
10/8/2009  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Poor maintenance practices at residential and commercial lease properties in the state occasionally result in death or injury to occupants even after municipal citations have been served. Under current law, a leaseholder must endure a lengthy and expensive process to correct violations of municipal health and safety code.

The purpose of this bill is to provide an affordable and timely recourse to occupants who wish to take direct corrective action to protect their families and possessions.

S.B. 1448 amends current law relating to actions in a justice court regarding the repair of residential rental property.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Supreme Court in SECTION 2 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 92.0563, Property Code, by amending Subsection (c) and adding Subsections (d), (e), and (f), as follows:

- (c) Provides that the justice, county, and district courts have concurrent jurisdiction in an action under Subsection (a). Deletes existing text providing that the justice, county, and district courts have concurrent jurisdiction of an action under Subsection (a) of this section except that the justice court is prohibited from ordering repairs under Subsection (a)(1) (relating to requiring a tenant's judicial remedies to include an order directing the landlord to take reasonable action to repair or remedy the condition) of this section.
- (d) Requires the justice court, if a suit is filed in a justice court requesting relief under Subsection (a), to conduct a hearing on the request not earlier than the sixth day after the date of service of citation and not later than the 10th day after that date.
- (e) Prohibits a justice court from awarding a judgment under this section, including an order of repair, that exceeds \$10,000, excluding interest and costs of court.
- (f) Provides that an appeal of a judgment of a justice court under this section takes precedence in county court and is authorized to be held at any time after the eighth day after the date the transcript is filed in the county court. Provides that an owner of real property who files a notice of appeal of a judgment of a justice court to the county court perfects the owner's appeal and stays the effect of the judgment without the necessity of posting an appeal bond.

SECTION 2. Requires the Texas Supreme Court, not later than January 1, 2010, to adopt rules of civil procedure applicable to orders of repair issued by a justice court under Section 92.0563(a)(1), Property Code.

SECTION 3. Makes application of Section 92.0563, Property Code, as amended by this Act, prospective.

SECTION 4. Effective date: January 1, 2010.