

AN ACT

relating to minimum habitability standards for multi-family rental buildings in certain municipalities; providing a penalty.

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

SECTION 1. Subchapter G, Chapter 214, Local Government Code, is amended by adding Section 214.219 to read as follows:

Sec. 214.219. MINIMUM HABITABILITY STANDARDS FOR MULTI-FAMILY RENTAL BUILDINGS IN CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality with a population of 1.7 million or more. 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) In this section:

(1) "Multi-family rental building" means a building that has three or more single-family residential units.

(2) "Unit" means one or more rooms rented for use as a permanent residence under a single lease to one or more tenants.

(c) A municipality shall adopt an ordinance to establish minimum habitability standards for multi-family rental buildings, including requiring maintenance of proper operating conditions.

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

(e) A municipality shall establish a program for the

1 inspection of multi-family rental buildings to determine if the
2 buildings meet the minimum required habitability standards. The
3 program shall include inspections under the direction of:

4 (1) the municipality's building official, as defined
5 by the International Building Code or by a local amendment to the
6 code under Section 214.216;

7 (2) the chief executive of the municipality's fire
8 department; and

9 (3) the municipality's health authority, as defined by
10 Section 121.021, Health and Safety Code.

11 (f) A municipality may not order the closure of a
12 multi-family rental building due to a violation of an ordinance
13 adopted by the municipality relating to habitability unless the
14 municipality makes a good faith effort to locate housing with
15 comparable rental rates in the same school district for the
16 residents displaced by the closure.

17 (g) The owner of a multi-family rental building commits an
18 offense if the owner violates an ordinance adopted under this
19 section. An offense under this subsection is a Class C misdemeanor.
20 Each day the violation continues constitutes a separate offense.

21 (h) A municipality may impose a civil penalty under Section
22 54.017 for a violation of this section.

23 SECTION 2. A municipality shall adopt the minimum
24 habitability standards required by Section 214.219, Local
25 Government Code, as added by this Act, not later than December 31,
26 2010.

27 SECTION 3. This Act takes effect immediately if it receives

H.B. No. 1819

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 1819 was passed by the House on April 7, 2009, by the following vote: Yeas 129, Nays 15, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1819 on May 29, 2009, by the following vote: Yeas 124, Nays 12, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1819 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor