

By: Leibowitz

H.B. No. 1226

A BILL TO BE ENTITLED

AN ACT

1
2 relating to right to vacate and avoid residential lease liability
3 following the occurrence of certain criminal offenses or family
4 violence.

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

6 SECTION 1. The heading to Section 92.016, Property Code, is
7 amended to read as follows:

8 Sec. 92.016. RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING
9 CERTAIN CRIMINAL OFFENSES OR FAMILY VIOLENCE.

10 SECTION 2. Sections 92.016(b) and (f), Property Code, are
11 amended to read as follows:

12 (b) A tenant may terminate the tenant's rights and
13 obligations under a lease [~~and may vacate the dwelling~~] and avoid
14 liability for future rent and any other sums due under the lease for
15 terminating the lease [~~and vacating the dwelling~~] before the end of
16 the lease term beginning on the date after [~~if~~] the tenant vacates
17 the premises [~~complies with Subsection (c) and obtains~~] and
18 provides the landlord or the landlord's agent a copy of:

19 (1) if the tenant is a victim of an offense under
20 Chapter 20, 21, 22, 28, 29, 30, or 31, Penal Code, that took place on
21 the premises or at any dwelling on the premises, an official law
22 enforcement report of the offense; or

23 (2) if the tenant or occupant is the victim of family
24 violence under Section 71.004, Family Code, one or more of the

1 following orders protecting the tenant or an occupant from family
2 violence committed by a cotenant or occupant of the dwelling:

3 (A) [~~(1)~~] a temporary injunction issued under
4 Subchapter F, Chapter 6, Family Code; or

5 (B) [~~(2)~~] a protective order issued under
6 Chapter 85, Family Code.

7 (f) A tenant who terminates a lease under Subsection (b) is
8 released from all liability for any delinquent, unpaid rent owed to
9 the landlord by the tenant on the effective date of the lease
10 termination if the lease does not contain language substantially
11 equivalent to the following:

12 "Tenants may have special statutory rights to
13 terminate the lease early in certain situations
14 involving certain criminal offenses, family violence,
15 or a military deployment or transfer."

16 SECTION 3. Section 92.016(c), Property Code, is repealed.

17 SECTION 4. The change in law made by this Act applies only
18 to a lease that is executed or renewed on or after the effective
19 date of this Act. A lease that is executed or renewed before the
20 effective date of this Act is governed by the law in effect at the
21 time the lease was executed or renewed, and that law is continued in
22 effect for that purpose.

23 SECTION 5. This Act takes effect September 1, 2009.