

1-1 By: Minjarez, et al. (Senate Sponsor - Zaffirini) H.B. No. 69
 1-2 (In the Senate - Received from the House April 26, 2019;
 1-3 April 29, 2019, read first time and referred to Committee on
 1-4 Business & Commerce; May 20, 2019, reported favorably by the
 1-5 following vote: Yeas 8, Nays 0; May 20, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the right to vacate and avoid liability under a
 1-20 residential lease after a tenant's death.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter A, Chapter 92, Property Code, is
 1-23 amended by adding Section 92.0162 to read as follows:

1-24 Sec. 92.0162. RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING
 1-25 TENANT'S DEATH. (a) A representative of the estate of a tenant who
 1-26 dies before the expiration of the tenant's lease and was, at the
 1-27 time of the tenant's death, the sole occupant of a rental dwelling
 1-28 may terminate the tenant's rights and obligations under the lease
 1-29 and may vacate the leased premises and avoid liability for future
 1-30 rent and any other sums due under the lease for terminating the
 1-31 lease and vacating the leased premises before the end of the lease
 1-32 term if:

1-33 (1) the representative provides to the landlord or the
 1-34 landlord's agent written notice of the termination of the lease
 1-35 under this section;

1-36 (2) the deceased tenant's property is removed from the
 1-37 leased premises in accordance with Section 92.014(c) or (d); and

1-38 (3) the representative signs an inventory of the
 1-39 removed property, if required by the landlord or the landlord's
 1-40 agent.

1-41 (b) Termination of a lease under this section is effective
 1-42 on the later of:

1-43 (1) the 30th day after the date on which the notice
 1-44 under Subsection (a) was provided; or

1-45 (2) the date on which all of the conditions in
 1-46 Subsection (a) have been met.

1-47 (c) After receipt of the notice provided under Subsection
 1-48 (a), the landlord shall provide a copy of the written lease
 1-49 agreement to the person who provided the notice on written request
 1-50 of that person.

1-51 (d) This section does not affect the obligations or
 1-52 liability of the tenant or the tenant's estate under the lease
 1-53 before the lease is terminated under this section, including the
 1-54 liability of the tenant or the tenant's estate for:

1-55 (1) delinquent, unpaid rent; and

1-56 (2) damages to the leased premises not caused by
 1-57 normal wear and tear.

1-58 (e) A landlord or landlord's agent who lawfully permits a
 1-59 person described by Subsection (a) to enter or facilitates the
 1-60 person's entry into the leased premises under this section is not
 1-61 liable for an act or omission that arises in connection with

2-1 permitting or facilitating the entry.

2-2 SECTION 2. Section 92.0162, Property Code, as added by this
2-3 Act, applies only to a lease agreement entered into on or after the
2-4 effective date of this Act. A lease agreement entered into before
2-5 the effective date of this Act is governed by the law in effect at
2-6 the time the lease agreement was entered into, and the former law is
2-7 continued in effect for that purpose.

2-8 SECTION 3. This Act takes effect January 1, 2020.

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