

1-1 By: Nelson S.B. No. 234
 1-2 (In the Senate - Filed December 13, 2018; February 7, 2019,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 March 6, 2019, reported favorably by the following vote: Yeas 8,
 1-5 Nays 0; March 6, 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 residential lease
 1-20 liability following the occurrence of family violence.

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

1-22 SECTION 1. Section 92.016, Property Code, is amended by
 1-23 amending Subsections (b), (c), and (c-1) and adding Subsection
 1-24 (b-1) to read as follows:

1-25 (b) A tenant may terminate the tenant's rights and
 1-26 obligations under a lease and may vacate the dwelling and avoid
 1-27 liability for future rent and any other sums due under the lease for
 1-28 terminating the lease and vacating the dwelling before the end of
 1-29 the lease term if the tenant complies with Subsection (c).

1-30 (b-1) A tenant may obtain relief under Subsection (b) if the
 1-31 tenant ~~and~~ provides the landlord or the landlord's agent:

1-32 (1) a copy of one or more of the following orders
 1-33 protecting the tenant or an occupant from family violence:

1-34 (A) ~~[(1)]~~ a temporary injunction issued under
 1-35 Subchapter F, Chapter 6, Family Code;

1-36 (B) ~~[(2)]~~ a temporary ex parte order issued under
 1-37 Chapter 83, Family Code; ~~or~~

1-38 (C) ~~[(3)]~~ a protective order issued under
 1-39 Chapter 85, Family Code; or

1-40 (D) an order of emergency protection under
 1-41 Article 17.292, Code of Criminal Procedure; or

1-42 (2) a copy of documentation of the family violence
 1-43 against the tenant or an occupant from:

1-44 (A) a licensed health care services provider who
 1-45 examined the victim;

1-46 (B) a licensed mental health services provider
 1-47 who examined or evaluated the victim; or

1-48 (C) an advocate as defined by Section 93.001,
 1-49 Family Code, who assisted the victim.

1-50 (c) A tenant may exercise the rights to terminate the lease
 1-51 under Subsection (b), vacate the dwelling before the end of the
 1-52 lease term, and avoid liability beginning on the date after all of
 1-53 the following events have occurred:

1-54 (1) a judge signs an order described by Subsection
 1-55 (b-1)(1) if the tenant obtained such an order ~~[(b)]~~;

1-56 (2) the tenant provides a copy of the relevant
 1-57 documentation described by Subsection (b-1)(1) or (2), as
 1-58 applicable, ~~[(b)]~~ to the landlord;

1-59 (3) the tenant provides written notice of termination
 1-60 of the lease to the landlord on or before the 30th day before the
 1-61 date the lease terminates;

2-1 (4) the 30th day after the date the tenant provided
2-2 notice under Subdivision (3) expires; and

2-3 (5) the tenant vacates the dwelling.

2-4 (c-1) If the family violence is committed by a cotenant or
2-5 occupant of the dwelling, a tenant may exercise the right to
2-6 terminate the lease under the procedures provided by Subsection
2-7 (b-1)(1)(A), (C), or (D) or (b-1)(2) [~~(b)(1) or (3)~~] and Subsection
2-8 (c), except that the tenant is not required to provide the notice
2-9 described by Subsection (c)(3).

2-10 SECTION 2. Section 92.016, Property Code, as amended by
2-11 this Act, applies only to a lease entered into or renewed on or
2-12 after the effective date of this Act. A lease entered into or
2-13 renewed before the effective date of this Act is governed by the law
2-14 as it existed immediately before the effective date of this Act, and
2-15 that law is continued in effect for that purpose.

2-16 SECTION 3. This Act takes effect September 1, 2019.

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