

By: Nixon

H.B. No. 299

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a landlord's duty to mitigate damages under certain
3 circumstances.

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

5 SECTION 1. Section 91.006, Property Code, is amended to
6 read as follows:

7 Sec. 91.006. LANDLORD'S DUTY TO MITIGATE DAMAGES. (a)
8 Subject to Subsection (b), a [A] landlord has a duty to make
9 reasonable efforts to mitigate damages if a tenant abandons the
10 leased premises in violation of the lease.

11 (b) A provision of a lease with an original term of five
12 years or less that purports to waive a right or to exempt a landlord
13 from a liability or duty under this section is void.

14 SECTION 2. (a) This Act takes effect immediately if it
15 receives a vote of two-thirds of all the members elected to each
16 house, as provided by Section 39, Article III, Texas Constitution.
17 If this Act does not receive the vote necessary for immediate
18 effect, this Act takes effect September 1, 2003.

19 (b) The change in law made by this Act applies only to a
20 lease signed or entered into on or after the effective date of this
21 Act. A lease signed or entered into before the effective date of
22 this Act is governed by the law as it existed at the time the lease
23 was signed or entered into, and that law is continued in effect for
24 that purpose.