

By: Nixon

H.B. No. 537

A BILL TO BE ENTITLED

AN ACT

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

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

5 SECTION 1. Subchapter A, Chapter 92, Property Code, is
6 amended by adding Section 92.015 to read as follows:

7 Sec. 92.015. LANDLORD'S DUTY TO MITIGATE DAMAGES. (a) A
8 landlord has a duty to mitigate damages if a tenant abandons the
9 leased premises in violation of the lease.

10 (b) A provision of a lease that purports to waive a right or
11 to exempt a landlord from a liability or duty under this section is
12 void.

13 SECTION 2. Section 91.006, Property Code, is repealed.

14 SECTION 3. (a) This Act takes effect September 1, 2003.

15 (b) The change in law made by this Act applies only to a
16 cause of action that accrues on or after September 1, 2003. A cause
17 of action that accrues before September 1, 2003, is covered by the
18 law in effect at the time the cause of action accrued, and that law
19 is continued in effect for that purpose.