

BILL ANALYSIS

Senate Research Center
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S.B. 1186
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Veteran Affairs & Military Installations
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The federal Servicemember Civil Relief Act grants servicemembers the right to terminate lease agreements upon entering the military or being called to duty. However, this federal Act allows for the servicemember to waive his or her rights. There are some apartment associations that include this waiver in form contracts, effectively erasing the benefits of the Act.

As proposed, S.B. 1186 allows servicemembers to terminate lease agreements if and when they are transferred for military service, prohibits those rights from being waived, and requires the lease agreement to contain a provision describing a servicemember's rights to termination.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 92, Property Code, by adding Section 92.017, as follows:

Sec. 92.017. RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING CERTAIN DECISIONS RELATED TO MILITARY SERVICE. (a) Defines "dependent," "military service," and "servicemember."

(b) Authorizes a residential tenant who is a servicemember or a dependent of a servicemember to vacate the leased premises and avoid liability for rent or other sums due under the lease if certain conditions apply.

(c) Requires a residential tenant who terminates a lease under Subsection (b) to deliver to the landlord or landlord's agent a written notice of termination of the lease and a copy of an appropriate government document providing evidence of the entrance into military service or a copy of the servicemember's military orders, as applicable.

(d) Sets forth conditions under which the termination of a lease under this section is effective.

(e) Requires a landlord, not later than the 30th day after the effective date of the termination of a lease under this section, to refund to the residential tenant terminating the lease all rent or other amounts paid in advance under the lease for any period after the effective date of the termination of the lease.

SECTION 2. Amends Section 92.006, Property Code, by adding Subsection (g), to prohibit a tenant's right to vacate the leased premises and avoid liability under Section 92.017 from being waived by a tenant or landlord.

SECTION 3. Amends Section 94.053, Property Code, by adding Subsection (f), to require a lease agreement to contain liability avoidance provisions described by Section 92.017 in addition to the information required under Subsection (c) (relating to a landlord's repair obligations).

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2005.