

By: Guillen

H.B. No. 211

A BILL TO BE ENTITLED

AN ACT

relating to the effect of certain orders relating to family violence on residential leases and lease agreements.

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

SECTION 1. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.016 to read as follows:

Sec. 92.016. REQUIRED LEASE PROVISION: RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING FAMILY VIOLENCE. (a) For purposes of this section, "family violence" has the meaning assigned by Section 71.004, Family Code.

(b) A residential lease must contain a provision that allows a victim of family violence to vacate the leased premises and avoid liability for rent or other sums due under the lease if the victim obtains, and provides the victim's landlord with a copy of, one or more of the following orders protecting the victim from family violence committed by a cotenant of the leased premises:

(1) an emergency order for protection issued under Article 17.292, Code of Criminal Procedure;

(2) a temporary injunction or temporary restraining order issued under Subchapter F, Chapter 6, Family Code;

(3) a temporary ex parte protective order issued under Chapter 83, Family Code;

(4) a protective order issued under Chapter 85, Family Code; or

1 (5) any other order issued under Title 1 or Title 5,
2 Family Code, that entitles the victim to protection from family
3 violence committed by the cotenant.

4 (c) A victim of family violence:

5 (1) may exercise the right to vacate the leased
6 premises and avoid liability under Subsection (b) beginning on the
7 date a magistrate or judge signs an order described by Subsection
8 (b); and

9 (2) avoids liability for rent or other sums due under
10 the lease:

11 (A) beginning on the later of the date the judge
12 or magistrate signs the order or the date the victim vacates the
13 leased premises; and

14 (B) ending on the date the lease expires.

15 (d) A person other than a victim of family violence
16 described by Subsection (b) is liable for rent or other sums due
17 under the lease following the victim's exercising the victim's
18 right to vacate the leased premises and avoid liability under
19 Subsection (b).

20 SECTION 2. Section 92.006, Property Code, is amended by
21 adding Subsection (g) to read as follows:

22 (g) A tenant's right to vacate the leased premises and avoid
23 liability under Section 92.016 may not be waived by a tenant or a
24 landlord.

25 SECTION 3. Section 94.053, Property Code, is amended by
26 adding Subsection (f) to read as follows:

27 (f) In addition to the information required under

1 Subsection (c), a lease agreement must contain a liability
2 avoidance provision described by Section 92.016.

3 SECTION 4. The changes in law made by this Act apply only to
4 a lease or lease agreement that is signed or renewed on or after the
5 effective date of this Act. A lease or lease agreement that is
6 signed or renewed before the effective date of this Act is governed
7 by the law in effect at the time the lease or lease agreement was
8 signed or renewed, and that law is continued in effect for that
9 purpose.

10 SECTION 5. This Act takes effect September 1, 2005.