

By: Nelson

S.B. No. 1186

A BILL TO BE ENTITLED

AN ACT

relating to the effect that certain decisions regarding military service have 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 92.017 to read as follows:

Sec. 92.017. RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING CERTAIN DECISIONS RELATED TO MILITARY SERVICE. (a) For purposes of this section, "dependent," "military service," and "servicemember" have the meanings assigned by 50 App. U.S.C. Section 511.

(b) A residential tenant who is a servicemember or a dependent of a servicemember may vacate the leased premises and avoid liability for rent or other sums due under the lease if:

(1) the lease was executed by or on behalf of a person who, after executing the lease or during the term of the lease, enters military service; or

(2) a servicemember, while in military service, executes the lease and after executing the lease receives military orders:

(A) for a permanent change of station; or

(B) to deploy with a military unit for a period of 90 days or more.

(c) A residential tenant who terminates a lease under Subsection (b) shall deliver to the landlord or landlord's agent:

1 (1) a written notice of termination of the lease; and
2 (2) a copy of an appropriate government document
3 providing evidence of the entrance into military service if
4 Subsection (b)(1) applies or a copy of the servicemember's military
5 orders if Subsection (b)(2) applies.

6 (d) Termination of a lease under this section is effective:

7 (1) in the case of a lease that provides for monthly
8 payment of rent, on the 30th day after the first date on which the
9 next rental payment is due after the date on which the notice under
10 Subsection (c)(1) is delivered; or

11 (2) in the case of a lease other than a lease described
12 by Subdivision (1), on the last day of the month following the month
13 in which the notice under Subsection (c)(1) is delivered.

14 (e) A landlord, not later than the 30th day after the
15 effective date of the termination of a lease under this section,
16 shall refund to the residential tenant terminating the lease under
17 Subsection (b) all rent or other amounts paid in advance under the
18 lease for any period after the effective date of the termination of
19 the lease.

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 92.017 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 liability avoidance
2 provisions described by Section 92.017.

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.