

By: Berman

H.B. No. 31

A BILL TO BE ENTITLED

AN ACT

relating to residential 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 Sections 92.018 and 92.019 to read as follows:

Sec. 92.018. RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING TENANT'S DEATH. (a) A tenant who dies before the lease term expires is released from any obligation to pay future rent or any other future sums due under the lease if a representative of the tenant's estate or a tenant's family member:

(1) removes the tenant's property and otherwise vacates the premises on or before the next date on which rent would be due under the lease;

(2) provides timely notice to the landlord of the tenant's death; and

(3) otherwise complies with the terms of the lease, including:

(A) paying delinquent rent payments and other delinquent amounts due under the lease; and

(B) repairing any damage to the premises unless the condition was caused by normal wear and tear.

(b) If a representative of the tenant's estate or a tenant's family member fails to vacate the premises or to otherwise comply with the lease agreement as provided by Subsection (a), the

1 tenant's estate:

2 (1) is liable for rent payments for any period during
3 which the premises remain occupied; and

4 (2) may be subject to any other penalty imposed by the
5 lease.

6 (c) A landlord may not impose any penalty, including an
7 early move-out or reletting charge or forfeiture of a security
8 deposit, for the sole reason of terminating the lease without
9 notice after a tenant's death. A lease provision that imposes a
10 penalty under the circumstances described by this subsection is
11 void.

12 Sec. 92.019. LANDLORD'S DUTY TO PROVIDE COPY OF LEASE. A
13 landlord shall provide a copy of a written lease agreement to the
14 tenant immediately after the lease or any renewal of the lease is
15 signed by the landlord and tenant.

16 SECTION 2. This Act applies only to a lease agreement
17 entered into on or after the effective date of this Act. A lease
18 agreement entered into before the effective date of this Act is
19 governed by the law in effect at the time the lease agreement was
20 entered into, and the former law is continued in effect for that
21 purpose.

22 SECTION 3. This Act takes effect September 1, 2007.