

BILL ANALYSIS

H.B. 2577
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Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law grants active-duty service members, reservists who are mobilized for active duty, and victims of family violence with certain court orders the right to terminate a lease early in order to protect the health, safety, and credit of the tenant under certain circumstances.

H.B. 2577 extends that right to a tenant who is a victim, or is the parent or guardian of a victim, of sexual assault, aggravated sexual assault, or the continuous sexual abuse of a child if the offense takes place on the premises or at a dwelling on the premises where the tenant has a lease. The bill requires the notice to vacate the lease to be given within six months of the offense.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2577 amends the Property Code to provide that a temporary ex parte protective order is a valid protective order for the purposes of a tenant's right to terminate a lease and vacate a dwelling and avoid liability for future rent and other sums due under the lease due to family violence. The bill requires such a tenant, in addition to other actions, to provide written notice to the landlord on or before the 30th day before the date the lease terminates before the tenant exercises the right to terminate the lease early, unless the violence is committed by a cotenant or occupant of the dwelling, in which case such written notice is not required in order for the tenant to exercise the right to terminate the lease early.

H.B. 2577 authorizes a tenant to terminate the tenant's rights and obligations under a lease and vacate the dwelling and avoid liability for future rent and any other sums due under the lease for terminating the lease and vacating the dwelling before the end of the lease term if the tenant is the victim, or a parent or guardian of a victim, of sexual assault, aggravated sexual assault, or continuous sexual abuse of a child, and the offense takes place during the preceding six-month period on the premises or any dwelling on the premises. The bill requires such a tenant to provide to the landlord or landlord's agent a copy of eligible documentation of the assault or abuse or a protective order. The bill authorizes such a tenant to exercise the right to terminate the lease as described above, vacate the dwelling before the end of the lease term, and avoid liability beginning on the date after all of the following events have occurred: the tenant provides the relevant documentation related to the assault or abuse to the landlord; the tenant provides written notice of termination of the lease to the landlord on or before the 30th day before the date the lease terminates; and the tenant vacates the dwelling. The bill defines "occupant."

H.B. 2577 specifies these provisions do not affect the liability of such a tenant for delinquent, unpaid rent or other sums owed the landlord before the lease was terminated. The bill makes a landlord who violates these provisions liable to a tenant for actual damages, a civil penalty in an amount equal to one month's rent plus \$500, and attorney's fees. The bill releases a tenant who

terminates a lease under these provisions from all liability for any delinquent, unpaid rent owed to the landlord on the effective date of the lease termination if the lease does not contain language notifying the tenant that the tenant has rights to terminate a lease early in a situation addressed by the bill. The bill provides that the rights of a tenant provided by this bill may not be waived by the tenant.

EFFECTIVE DATE

January 1, 2010.