

By: Rodriguez

H.B. No. 883

Substitute the following for H.B. No. 883:

By: England

C.S.H.B. No. 883

A BILL TO BE ENTITLED

AN ACT

relating to early termination of a residential lease agreement.

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

SECTION 1. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.025 to read as follows:

Sec. 92.025. EARLY TERMINATION OF LEASE BY TENANT WITHOUT CAUSE. (a) A tenant who terminates a lease without cause before the termination date stated in the lease is liable to the landlord for the landlord's damages that result from the tenant's early termination of the lease less:

(1) any lawful setoffs, including any amount of a security deposit eligible for refund under Subchapter C; and

(2) any amounts collected in the landlord's effort to mitigate damages under Section 91.006.

(b) The damages a landlord may recover under Subsection (a) are limited to:

(1) the amount of rent required to be paid for the remainder of the lease term;

(2) late fees owed by the tenant before the termination;

(3) reasonable fees incurred by the landlord to relet the property; and

(4) costs to repair the property for any damage to the property beyond normal wear and tear.

1        (c) For purposes of Subsection (b)(1), the rental rate for  
2 the remainder of the lease term may not exceed the rate the tenant  
3 was paying before the date of the tenant's early termination.

4        (d) This section does not limit the rights of a landlord or  
5 tenant under Section 92.104.

6        (e) A provision of a lease that purports to waive a tenant's  
7 right or to exempt a landlord from a liability or duty under this  
8 section is void.

9        SECTION 2. This Act applies only to a lease agreement  
10 entered into on or after the effective date of this Act. A lease  
11 agreement entered into before the effective date of this Act is  
12 covered by the law in effect at the time the lease agreement was  
13 entered into, and the former law is continued in effect for that  
14 purpose.

15        SECTION 3. This Act takes effect January 1, 2010.