

By: Rodriguez

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 any lawful setoffs and amounts collected in the landlord's effort to mitigate damages under Section 91.006. A landlord may not collect damages under this section in excess of the amount of rent required to be paid for the remainder of the lease term.

(b) For purposes of this section, the rental rate for the remainder of the lease term may not exceed the rate the tenant was paying before the date of the tenant's early termination.

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

SECTION 2. This Act applies only to a lease agreement entered into on or after the effective date of this Act. A lease agreement entered into before the effective date of this Act is covered by the law in effect at the time the lease agreement was

1 entered into, and the former law is continued in effect for that
2 purpose.

3 SECTION 3. This Act takes effect September 1, 2009.