

By: Nelson

S.B. No. 83

A BILL TO BE ENTITLED

AN ACT

1
2 relating to right to vacate and avoid residential lease liability
3 following the occurrence of certain sex offenses or family
4 violence.

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

6 SECTION 1. The heading to Section 92.016, Property Code, is
7 amended to read as follows:

8 Sec. 92.016. RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING
9 CERTAIN SEX OFFENSES OR FAMILY VIOLENCE.

10 SECTION 2. Sections 92.016(b), (c), and (f), Property Code,
11 are amended to read as follows:

12 (b) A tenant may terminate the tenant's rights and
13 obligations under a lease and may vacate the dwelling and avoid
14 liability for future rent and any other sums due under the lease for
15 terminating the lease and vacating the dwelling before the end of
16 the lease term if the tenant complies with Subsection (c) [~~and~~
17 ~~obtains~~] and provides the landlord or the landlord's agent a copy
18 of:

19 (1) if the tenant is a victim of sexual assault under
20 Section 22.011, Penal Code, or aggravated sexual assault under
21 Section 22.021, Penal Code, that takes place on the premises or at
22 any dwelling on the premises:

23 (A) documentation of the assault of the victim
24 from a licensed health care services provider who conducted a

1 sexual assault forensic examination of the victim;

2 (B) documentation of the assault of the victim
3 from a licensed mental health services provider who examined or
4 evaluated the victim; or

5 (C) documentation of the assault of the victim
6 from an individual authorized under Chapter 420, Government Code,
7 to collect and preserve evidence of the assault;

8 (2) if the tenant is the custodial parent, as defined
9 by Section 1504.001, Insurance Code, of a victim of continuous
10 sexual abuse of a child under Section 21.02, Penal Code, that takes
11 place on the premises or at any dwelling on the premises:

12 (A) documentation of the abuse of the victim from
13 a licensed health care services provider who conducted a sexual
14 assault forensic examination of the victim;

15 (B) documentation of the abuse of the victim from
16 a licensed mental health services provider who examined or
17 evaluated the victim; or

18 (C) documentation of the abuse of the victim from
19 an individual authorized under Chapter 420, Government Code, to
20 collect and preserve evidence of the abuse; or

21 (3) if the tenant or occupant is the victim of family
22 violence under Section 71.004, Family Code, one or more of the
23 following orders protecting the tenant or an occupant from family
24 violence [~~committed by a cotenant or occupant of the dwelling~~]:

25 (A) [~~(1)~~] a temporary injunction issued under
26 Subchapter F, Chapter 6, Family Code; or

27 (B) [~~(2)~~] a protective order issued under

1 Chapter 85, Family Code.

2 (c) A tenant may exercise the rights to terminate the lease
3 under Subsection (b), vacate the dwelling before the end of the
4 lease term, and avoid liability beginning on the date after all of
5 the following events have occurred:

6 (1) [~~a judge signs an order described by Subsection~~
7 ~~(b)~~]

8 [~~(2)~~] the tenant has delivered a copy of the relevant
9 documentation described by Subsection (b) [~~order~~] to the landlord;
10 and

11 (2) [~~(3)~~] the tenant has vacated the dwelling.

12 (f) A tenant who terminates a lease under Subsection (b) is
13 released from all liability for any delinquent, unpaid rent owed to
14 the landlord by the tenant on the effective date of the lease
15 termination if the lease does not contain language substantially
16 equivalent to the following:

17 "Tenants may have special statutory rights to
18 terminate the lease early in certain situations
19 involving sexual assault, sexual abuse, family
20 violence, or a military deployment or transfer."

21 SECTION 3. The change in law made by this Act applies only
22 to a lease that is executed or renewed on or after the effective
23 date of this Act. A lease that is executed or renewed before the
24 effective date of this Act is governed by the law in effect at the
25 time the lease was executed or renewed, and that law is continued in
26 effect for that purpose.

27 SECTION 4. This Act takes effect September 1, 2009.