

BILL ANALYSIS

S.B. 946
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Business & Industry
Committee Report (Amended)

BACKGROUND AND PURPOSE

Under current law, a tenant who is a victim of sexual assault or a parent or guardian of a victim of sexual assault, aggravated sexual assault, or continuous sexual abuse of a child has the right to terminate a lease early and avoid liability for future rent and other amounts due under the lease under certain circumstances. S.B. 946 seeks to extend that right to the victims or parents or guardians of victims of certain other offenses or attempts to commit those offenses.

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

S.B. 946 amends the Property Code to include a tenant who is a victim or a parent or guardian of a victim of indecency with a child or sexual performance by a child among the tenants who are authorized to terminate the tenant's rights and obligations under a lease, vacate the dwelling, and avoid liability for future rent and certain other sums due under the lease if the offense takes place during the preceding six-month period on the premises or at any dwelling on the premises and if the tenant provides to the landlord or the landlord's agent a copy of certain documentation of the assault or abuse of the victim or documentation of a protective order relating to sexual assault, trafficking, or stalking. The bill authorizes a victim or a parent or guardian of a victim of a criminal attempt to commit any of those offenses to exercise such a right if the tenant provides the appropriate documentation with respect to the attempted assault or abuse. The bill excludes documentation of a temporary ex parte order from the acceptable documentation. The bill authorizes a tenant who is a victim or a parent or guardian of a victim of stalking that takes place during the preceding six-month period on the premises or at any dwelling on the premises to exercise such rights if the tenant provides to the landlord or the landlord's agent a copy of documentation of a stalking protective order or a protective order relating to trafficking, sexual assault, or stalking, except for a temporary ex parte order, or documentation of the stalking from a specified service provider and a law enforcement incident report or, if a law enforcement incident report is unavailable, another record maintained in the ordinary course of business by a law enforcement agency.

S.B. 946 updates the language to be included in a lease agreement with respect to those rights, failing which a tenant who terminates a lease under such circumstances is released from all liability for any delinquent, unpaid rent owed to the landlord by the tenant on the effective date of the lease termination. The bill establishes as a condition of the exercise of such rights by a tenant who is a parent or guardian of a victim that the parent or guardian reside with the victim. The bill prohibits a person who receives information from a tenant to satisfy the conditions of terminating a lease under such circumstances from disclosing that information to any other person except for a legitimate or customary business purpose or as otherwise required by law.

EFFECTIVE DATE

September 1, 2013.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1

Committee Amendment No. 1 changes the effective date of the bill from September 1, 2013, to January 1, 2014.