

By: Nelson

S.B. No. 946

A BILL TO BE ENTITLED

AN ACT

relating to the right to terminate a lease and avoid liability by a victim of certain sexual offenses or stalking.

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

SECTION 1. The heading to Section 92.0161, Property Code, is amended to read as follows:

Sec. 92.0161. RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING CERTAIN SEX OFFENSES OR STALKING.

SECTION 2. Section 92.0161, Property Code, is amended by amending Subsections (b), (c), (d), and (g) and adding Subsections (c-1), (i), and (j) to read as follows:

(b) A tenant may terminate the tenant's rights and obligations under a lease and may 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 after the tenant complies with Subsection (c) or (c-1).

(c) If the tenant is a victim [~~of sexual assault~~] or a parent or guardian of a victim of sexual assault under Section 22.011, Penal Code, aggravated sexual assault under Section 22.021, Penal Code, indecent with a child under Section 21.11, Penal Code, sexual performance by a child under Section 43.25, Penal Code, [or] continuous sexual abuse of a child under Section 21.02, Penal Code, or an attempt to commit any of the foregoing offenses under Section

1 15.01, Penal Code, that takes place during the preceding six-month  
2 period on the premises or at any dwelling on the premises, the  
3 tenant shall provide to the landlord or the landlord's agent a copy  
4 of:

5 (1) documentation of the assault or abuse, or  
6 attempted assault or abuse, of the victim from a licensed health  
7 care services provider who examined the victim;

8 (2) documentation of the assault or abuse, or  
9 attempted assault or abuse, of the victim from a licensed mental  
10 health services provider who examined or evaluated the victim;

11 (3) documentation of the assault or abuse, or  
12 attempted assault or abuse, of the victim from an individual  
13 authorized under Chapter 420, Government Code, who provided  
14 services to the victim; or

15 (4) documentation of a protective order issued under  
16 Chapter 7A, Code of Criminal Procedure, except for a temporary ex  
17 parte order.

18 (c-1) If the tenant is a victim or a parent or guardian of a  
19 victim of stalking under Section 42.072, Penal Code, that takes  
20 place during the preceding six-month period on the premises or at  
21 any dwelling on the premises, the tenant shall provide to the  
22 landlord or the landlord's agent a copy of:

23 (1) documentation of a protective order issued under  
24 Chapter 7A or Article 6.09, Code of Criminal Procedure, except for a  
25 temporary ex parte order; or

26 (2) documentation of the stalking from a provider of  
27 services described by Subsection (c)(1), (2), or (3) and:

1                    (A) a law enforcement incident report; or

2                    (B) if a law enforcement incident report is  
3 unavailable, another record maintained in the ordinary course of  
4 business by a law enforcement agency.

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

9                    (1) the tenant provides a copy of the relevant  
10 documentation described by Subsection (c) or (c-1) to the landlord;

11                    (2) the tenant provides written notice of termination  
12 of the lease to the landlord on or before the 30th day before the  
13 date the lease terminates;

14                    (3) the 30th day after the date the tenant provided  
15 notice under Subdivision (2) expires; and

16                    (4) the tenant vacates the dwelling.

17            (g) A tenant who terminates a lease under Subsection (b) is  
18 released from all liability for any delinquent, unpaid rent owed to  
19 the landlord by the tenant on the effective date of the lease  
20 termination if the lease does not contain language substantially  
21 equivalent to the following:

22                    "Tenants may have special statutory rights to terminate the  
23 lease early in certain situations involving certain sexual offenses  
24 or stalking [~~assault or sexual abuse~~]."

25                    (i) For purposes of Subsections (c) and (c-1), a tenant who  
26 is a parent or guardian of a victim described by those subsections  
27 must reside with the victim to exercise the rights established by

1 this section.

2 (j) A person who receives information under Subsection (c),  
3 (c-1), or (d) may not disclose the information to any other person  
4 except for a legitimate or customary business purpose or as  
5 otherwise required by law.

6 SECTION 3. This Act takes effect September 1, 2013.