

By: Rodriguez of Travis

H.B. No. 4135

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the right to vacate and avoid residential lease  
3 liability following the occurrence of family violence.

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

5 SECTION 1. Section 92.016, Property Code, is amended by  
6 amending Subsections (b), (c), and (c-1) and adding Subsection  
7 (b-1) to read as follows:

8 (b) A tenant may terminate the tenant's rights and  
9 obligations under a lease and may vacate the dwelling and avoid  
10 liability for future rent and any other sums due under the lease for  
11 terminating the lease and vacating the dwelling before the end of  
12 the lease term if the tenant complies with Subsection (c).

13 (b-1) A tenant may obtain relief under Subsection (b) if the  
14 tenant ~~and~~ provides the landlord or the landlord's agent:

15 (1) a copy of one or more of the following orders  
16 protecting the tenant or an occupant from family violence:

17 (A) ~~(1)~~ a temporary injunction issued under  
18 Subchapter F, Chapter 6, Family Code;

19 (B) ~~(2)~~ a temporary ex parte order issued under  
20 Chapter 83, Family Code; or

21 (C) ~~(3)~~ a protective order issued under  
22 Chapter 85, Family Code; or

23 (2) a copy of:

24 (A) documentation of the family violence from:

1                   (i) a licensed health care services  
2 provider who examined the victim;

3                   (ii) a licensed mental health services  
4 provider who examined or evaluated the victim; or

5                   (iii) an individual authorized under  
6 Chapter 420, Government Code, who provided services to the victim;

7                   (B) a law enforcement incident report or, if a  
8 law enforcement incident report is unavailable, another record  
9 maintained in the ordinary course of business by a law enforcement  
10 agency; and

11                   (C) if the report or record described by  
12 Paragraph (B) identifies the victim by means of a pseudonym, as  
13 defined by Article 57A.01, Code of Criminal Procedure, a copy of a  
14 pseudonym form completed and returned under Article 57A.02 of that  
15 code.

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

20                   (1) a judge signs an order described by Subsection  
21 (b-1)(1) if the tenant obtained such an order [~~(b)~~];

22                   (2) the tenant provides a copy of the relevant  
23 documentation described by Subsection (b-1)(1) or (2), as  
24 applicable, [~~(b)~~] to the landlord;

25                   (3) the tenant provides written notice of termination  
26 of the lease to the landlord on or before the 30th day before the  
27 date the lease terminates;

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

3           (5) the tenant vacates the dwelling.

4           (c-1) If the family violence is committed by a cotenant or  
5 occupant of the dwelling, a tenant may exercise the right to  
6 terminate the lease under the procedures provided by Subsection  
7 (b-1)(1)(A) or (C) or (b-1)(2) [~~(b)(1) or (3)~~] and Subsection (c),  
8 except that the tenant is not required to provide the notice  
9 described by Subsection (c)(3).

10          SECTION 2. Section [92.016](#), Property Code, as amended by  
11 this Act, applies only to a lease entered into or renewed on or  
12 after the effective date of this Act. A lease entered into or  
13 renewed before the effective date of this Act is governed by the law  
14 as it existed immediately before the effective date of this Act, and  
15 that law is continued in effect for that purpose.

16          SECTION 3. This Act takes effect September 1, 2017.