

BILL ANALYSIS

C.S.H.B. 69
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Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that, while residential leases may have protections in place in the event of a tenant's death, current law does not mandate policies that prevent a tenant's surviving family from having to pay future rent or early termination fees. C.S.H.B. 69 seeks to standardize such protections by allowing a representative of the tenant's estate to terminate the tenant's lease after providing a 30-day notice and on vacating the property, provided that other lease obligations are met.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 69 amends the Property Code to authorize a representative of the estate of a residential tenant who dies before the expiration of the tenant's lease to terminate the tenant's rights and obligations under the lease and to vacate the leased premises and avoid liability for any sum due under the lease for prematurely terminating the lease and vacating the premises under the following conditions:

- the representative provides to the landlord or landlord's agent written notice of the termination of the lease;
- the deceased tenant's property is removed from the leased premises in accordance with applicable statutory provisions if the tenant was the sole occupant and otherwise by a person lawfully entitled to the deceased tenant's property; and
- that lawfully entitled person signs an inventory of the removed property, if required by the landlord or the landlord's agent.

The bill establishes that termination of the lease is effective on the later of the 30th day after the date on which notice was provided to the landlord or the date on which all of the conditions under the bill's provisions have been met. The bill requires the landlord, on receipt of the notice, to provide a copy of the written lease agreement to the person who provided the notice.

C.S.H.B. 69 establishes that the bill's provisions do not affect the obligations or liability of the tenant or the tenant's estate under the lease before the lease is terminated, including the liability of the tenant or the tenant's estate for delinquent, unpaid rent and damages to the leased premises not caused by normal wear and tear. The bill exempts a landlord or landlord's agent who lawfully permits a representative of the estate of an applicable tenant to enter or facilitates the person's

entry into the leased premises from liability for an act or omission that arises in connection with permitting or facilitating the entry.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 69 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute, with regard to the notice provided to the landlord:

- includes a specification that the notice must be written; and
- does not include specifications for the contents of the notice.

The substitute includes additional provisions relating to the removal of the deceased tenant's property, including a requirement for a person lawfully entitled to the deceased tenant's property to sign an inventory of that property if required by the landlord.

The substitute includes a provision establishing the effective date for termination of the lease.

The substitute does not include a provision making a deceased tenant's representative or family liable for rent or subject to a penalty for failing to vacate the premises or otherwise comply with a lease. The substitute includes a provision relating to the obligations or liability of a tenant or tenant's estate under a lease before termination as provided by the bill.

The substitute does not include a prohibition against a landlord imposing any penalty, including an early move-out or reletting charge, for the sole reason that a lease was terminated because of a tenant's death.

The substitute includes a provision exempting a landlord or landlord's agent from liability for an act or omission that arises from permitting or facilitating the entry of a representative of the tenant's estate into the leased premises.