

By: Minjarez

H.B. No. 69

A BILL TO BE ENTITLED

AN ACT

relating to the right to vacate and avoid liability under a residential lease after a tenant's death.

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

SECTION 1. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.0162 to read as follows:

Sec. 92.0162. RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING TENANT'S DEATH. (a) The estate or a family member of a tenant who dies before the expiration of the tenant's lease may terminate the tenant's rights and obligations under the 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 estate or the family member of the deceased tenant complies with Subsection (b).

(b) The estate or a family member of the deceased tenant exercising the rights under Subsection (a) must:

(1) provide to the landlord timely notice:

(A) informing the landlord of the tenant's death;

and

(B) identifying the representative of the estate or family member of the deceased tenant acting as authorized under this section;

(2) remove the deceased tenant's property and otherwise vacate the premises on or before the next date on which

1 rent would be due under the lease; and

2 (3) otherwise comply with the terms of the lease,
3 including:

4 (A) paying delinquent rent payments and other
5 delinquent amounts due under the lease; and

6 (B) repairing any damage to the premises unless
7 the condition was caused by normal wear and tear.

8 (c) On receipt of the notice provided under Subsection (b),
9 the landlord shall provide a copy of the written lease agreement to
10 the person identified in the notice.

11 (d) If the representative of the tenant's estate or the
12 tenant's family member fails to vacate the premises or to otherwise
13 comply with the lease agreement as provided by Subsection (b), the
14 tenant's estate:

15 (1) is liable for rent payments for any period during
16 which the premises remain occupied; and

17 (2) may be subject to any other penalty imposed by the
18 lease.

19 (e) A landlord may not impose any penalty, including an
20 early move-out or reletting charge, for the sole reason that the
21 lease was terminated because of a tenant's death. A lease provision
22 that imposes a penalty under the circumstances described by this
23 subsection is void.

24 SECTION 2. Section 92.0162, Property Code, as added by this
25 Act, applies only to a lease agreement entered into on or after the
26 effective date of this Act. A lease agreement entered into before
27 the effective date of this Act is governed by the law in effect at

1 the time the lease agreement was entered into, and the former law is
2 continued in effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2019.