

By: Rodriguez, Morrison, Moody

H.B. No. 1209

A BILL TO BE ENTITLED

AN ACT

relating to the right to vacate and avoid residential lease liability following the occurrence of family violence.

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

SECTION 1. Section 92.016, Property Code, is amended by amending Subsections (b), (c), and (c-1) and adding Subsection (b-1) 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 if the tenant complies with Subsection (c).

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

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

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

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

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

(D) an order for emergency protection under Article 17.292, Code of Criminal Procedure; or

1 (2) a copy of documentation of the family violence
2 from:

3 (A) a licensed health care services provider who
4 examined the victim;

5 (B) a licensed mental health services provider
6 who examined or evaluated the victim; or

7 (C) an individual who provided family violence
8 services to the victim through a family violence center authorized
9 to provide those services under Chapter 51, Human Resources Code.

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

14 (1) a judge or magistrate, as applicable, signs an
15 order described by Subsection (b-1)(1) if the tenant obtained such
16 an order ~~[(b)]~~;

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

20 (3) the tenant provides written notice of termination
21 of the lease to the landlord on or before the 30th day before the
22 date the lease terminates;

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

25 (5) the tenant vacates the dwelling.

26 (c-1) If the family violence is committed by a cotenant or
27 occupant of the dwelling, a tenant may exercise the right to

1 terminate the lease under the procedures provided by Subsection
2 (b-1)(1)(A), (C), or (D) or (b-1)(2) [~~(b)(1) or (3)~~] and Subsection
3 (c), except that the tenant is not required to provide the notice
4 described by Subsection (c)(3).

5 SECTION 2. Section 92.016, Property Code, as amended by
6 this Act, applies only to a lease entered into or renewed on or
7 after the effective date of this Act. A lease entered into or
8 renewed before the effective date of this Act is governed by the law
9 as it existed immediately before the effective date of this Act, and
10 that law is continued in effect for that purpose.

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