

By: Herrero

H.B. No. 1663

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 of emergency protection under Article 17.292, Code of Criminal Procedure; or

1 (2) a copy of documentation of the family violence
2 against the tenant or an occupant 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 advocate as defined by Section 93.001,
8 Family Code, who assisted the victim.

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

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

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

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

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

23 (5) the tenant vacates the dwelling.

24 (c-1) If the family violence is committed by a cotenant or
25 occupant of the dwelling, a tenant may exercise the right to
26 terminate the lease under the procedures provided by Subsection
27 (b-1)(1)(A), (C), or (D) or (b-1)(2) [~~(b)(1) or (3)~~] and Subsection

1 (c), except that the tenant is not required to provide the notice
2 described by Subsection (c)(3).

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

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