

By: Meza

H.B. No. 4059

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a tenant's right to terminate a residential lease
3 following certain outages of essential utilities.

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

5 SECTION 1. Subchapter B, Chapter 92, Property Code, is
6 amended by adding Section 92.0521 to read as follows:

7 Sec. 92.0521. RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING
8 OUTAGE OF ESSENTIAL UTILITY. (a) In this section, "essential
9 utility" means:

- 10 (1) electricity;
11 (2) air conditioning;
12 (3) heat;
13 (4) natural gas; or
14 (5) water.

15 (b) Notwithstanding any other law and except as provided by
16 Subsection (c), a tenant of a dwelling that does not have an
17 essential utility due to an outage caused directly or indirectly by
18 severe weather conditions may terminate the tenant's lease, vacate
19 the dwelling, and avoid liability for future rent and any other sums
20 due under the lease for terminating the lease and vacating the
21 dwelling before the end of the lease term if:

- 22 (1) the tenant notifies the landlord in writing of the
23 interruption of the essential utility;
24 (2) the essential utility has not been restored before

1 48 hours after the tenant notified the landlord; and

2 (3) the tenant notifies the landlord in writing of the
3 tenant's intent to immediately terminate the lease because the
4 essential utility was not restored.

5 (c) This section does not apply during the period a dwelling
6 does not have an essential utility because a utility service
7 provider intentionally interrupted provision of a utility service.

8 (d) This section does not affect the obligations or
9 liability of the tenant under the lease before the lease is
10 terminated under this section, including the liability of the
11 tenant for:

12 (1) delinquent, unpaid rent; and

13 (2) damages to the leased premises not caused by
14 normal wear and tear.

15 SECTION 2. Section 92.0521, Property Code, as added by this
16 Act, applies only to a lease agreement entered into or renewed on or
17 after the effective date of this Act.

18 SECTION 3. This Act takes effect January 1, 2022.