

By: J. Johnson of Harris

H.B. No. 4104

A BILL TO BE ENTITLED

AN ACT

relating to a student's right to vacate and avoid liability under a residential lease following certain declared disasters.

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

SECTION 1. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.0171 to read as follows:

Sec. 92.0171. STUDENT'S RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING DECLARED DISASTER. (a) In this section, "institution of higher education" means an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003, Education Code.

(b) A tenant who is enrolled as a student at an institution of higher education 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:

(1) the dwelling and the institution of higher education at which the student is enrolled are located in an area for which the governor has declared a state of disaster under Subchapter B, Chapter 418, Government Code; and

(2) as a result of the declared state of disaster, the institution of higher education's campus is closed to students for a period of 30 days or more and the tenant is unable to attend

1 classes in person.

2 (c) A tenant may exercise the rights to terminate the lease
3 under Subsection (b), vacate the dwelling before the end of the
4 lease term, and avoid liability after the tenant:

5 (1) notifies the landlord in writing of the tenant's
6 intent to vacate the dwelling before the end of the lease term; and

7 (2) provides evidence to the landlord that the tenant
8 satisfies the requirements of Subsection (b).

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

13 (1) delinquent, unpaid rent; and

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

16 SECTION 2. Section 92.0171, Property Code, as added by this
17 Act, applies only to a lease agreement entered into or renewed on or
18 after the effective date of this Act.

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