

By: Meza

H.B. No. 1173

A BILL TO BE ENTITLED

AN ACT

relating to a tenant's right to terminate a residential lease following certain outages of essential utilities.

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

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

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

(1) electricity;

(2) natural gas; or

(3) water.

(b) Notwithstanding any other law and except as provided by Subsection (c), a tenant of a dwelling that does not have an essential utility due to an outage caused directly or indirectly by severe weather conditions may terminate the tenant's lease, 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 tenant notifies the landlord in writing of the interruption of the essential utility;

(2) the essential utility has not been restored before 48 hours after the tenant notified the landlord; and

(3) the tenant notifies the landlord in writing of the

1 tenant's intent to immediately terminate the lease because the  
2 essential utility was not restored.

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

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

10 (1) delinquent, unpaid rent; and

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

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

16 SECTION 3. This Act takes effect January 1, 2024.