AN ACT
relating to a right to vacate and avoid residential lease liability
following the occurrence of certain sex offenses or domestic
violence; providing a penalty.

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

SECTION 1. Section 92.016, Property Code, is amended by
amending Subsections (b) and (c) and adding Subsection (c-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) and
provides the landlord or the landlord's agent a copy of one or more of the following orders protecting the tenant or an
occupant from family violence committed by a cotenant or occupant
of the dwelling:

(1) a temporary injunction issued under Subchapter F,
Chapter 6, Family Code; or
(2) a temporary ex parte order issued under Chapter
83, Family Code; or
(3) a protective order issued under Chapter 85, Family
Code.

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

(1) a judge signs an order described by Subsection (b);

(2) the tenant provides [has delivered] a copy of the relevant documentation described by Subsection (b) [order] to the landlord; [and]

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

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

(5) the tenant vacates [has vacated] the dwelling.

(c-1) If the family violence is committed by a cotenant or occupant of the dwelling, a tenant may exercise the right to terminate the lease under the procedures provided by Subsection (b)(1) or (3) and Subsection (c), except that the tenant is not required to provide the notice described by Subsection (c)(3).

SECTION 2. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.0161 to read as follows:

Sec. 92.0161. RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING CERTAIN SEX OFFENSES. (a) In this section, "occupant" has the meaning assigned by Section 92.016.

(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 after the tenant complies with Subsection (c).

(c) If the tenant is a victim of sexual assault or a parent
or guardian of a victim of sexual assault under Section 22.011,
Penal Code, aggravated sexual assault under Section 22.021, Penal
Code, or continuous sexual abuse of a child under Section 21.02,
Penal Code, that takes place during the preceding six-month period
on the premises or at any dwelling on the premises, the tenant shall
provide to the landlord or the landlord's agent a copy of:

(1) documentation of the assault or abuse of the
victim from a licensed health care services provider who examined
the victim;

(2) documentation of the assault or abuse of the
victim from a licensed mental health services provider who examined
or evaluated the victim;

(3) documentation of the assault or abuse of the
victim from an individual authorized under Chapter 420, Government
Code, who provided services to the victim; or

(4) documentation of a protective order issued under
Chapter 7A, Code of Criminal Procedure.

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

(1) the tenant provides a copy of the relevant
documentation described by Subsection (c) to the landlord;

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

(3) the 30th day after the date the tenant provided
notice under Subdivision (2) expires; and

(4) the tenant vacates the dwelling.

(e) Except as provided by Subsection (g), this section does
not affect a tenant's liability for delinquent, unpaid rent or
other sums owed to the landlord before the lease was terminated by
the tenant under this section.

(f) A landlord who violates this section is liable to the
tenant for actual damages, a civil penalty equal to the amount of
one month's rent plus $500, and attorney's fees.

(g) A tenant who terminates a lease under Subsection (b) is
released from all liability for any delinquent, unpaid rent owed to
the landlord by the tenant on the effective date of the lease
termination if the lease does not contain language substantially
equivalent to the following:

"Tenants may have special statutory rights to terminate the
lease early in certain situations involving sexual assault or
sexual abuse."

(h) A tenant may not waive a tenant's right to terminate a
lease before the end of the lease term, vacate the dwelling, and
avoid liability under this chapter.

SECTION 3. The change in law made by this Act applies only
to a lease that is executed or renewed on or after the effective
date of this Act. A lease that is executed or renewed before the
effective date of this Act is governed by the law in effect at the
time the lease was executed or renewed, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect January 1, 2010.

I hereby certify that S.B. No. 83 passed the Senate on April 2, 2009, by the following vote: Yeas 31, Nays 0.

I hereby certify that S.B. No. 83 passed the House on April 30, 2009, by the following vote: Yeas 144, Nays 0, one present not voting.

Approved:

12 MAY '09

RICK PERRY
Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE
3 P.M. O'CLOCK
MAY 12, 2009
Secretary of State