

BILL ANALYSIS

Senate Research Center

S.B. 884
By: Brown
State Affairs
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As Filed

DIGEST

Currently, Texas law has created a conflict relating to a commercial landlord's duty to mitigate its damages. S.B. 884 provides that a landlord has a duty to mitigate its damages.

PURPOSE

As proposed, S.B. 884 authorizes a landlord to mitigate damages under certain circumstances.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 92A, Property Code, by adding Section 92.013, as follows:

Sec. 92.013. LANDLORD'S DUTY TO MITIGATE DAMAGES. Provides that a landlord has a duty to mitigate damages if a tenant abandons the leased premises in violation of the lease. Provides that a provision of a lease that purports to waive a right or to exempt a landlord from a liability or duty under this section is void.

SECTION 2. Repealer: Section 91.006, Property Code (Landlord's Duty to Mitigate Damages).

SECTION 3. Emergency clause.

Effective date: upon passage.