

BILL ANALYSIS

Senate Research Center

S.B. 234
By: Nelson
State Affairs
5/24/2019
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently a victim of family violence may choose to break their lease without penalty if they can show proof of family violence using a temporary injunction, a temporary ex parte protective order, or a final protective order. Due to the unique nature of family violence (the victim often lives with the offender), a speedier and less cumbersome method needs to be available to victims.

S.B. 234 expands the current list of allowable documentation to include a certification letter provided by a family violence center advocate, a licensed health care provider who examined the victim, and a mental health provider who examined the victim. (Original Author's/Sponsor's Statement of Intent)

S.B. 234 amends current law relating to the right to vacate and avoid residential lease liability following the occurrence of family violence.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 92.016, Property Code, by amending Subsections (b), (c), and (c-1) and adding Subsection (b-1), as follows:

(b) Creates Subsection (b-1) from existing text of this subsection and makes a nonsubstantive change.

(b-1) Makes nonsubstantive changes and authorizes a tenant to obtain relief under Subsection (b) if the tenant provides the landlord or the landlord's agent:

(1) a copy of one or more of the following orders protecting the tenant or occupant from family violence:

(A) creates this paragraph from existing text and makes no further changes;

(B)-(C) creates these paragraphs from existing text and makes nonsubstantive changes; or

(D) an order of emergency protection under Article 17.292 (Magistrate's Order For Emergency Protection), Code of Criminal Procedure; or

(2) a copy of documentation of the family violence against the tenant or an occupant from:

(A) a licensed health care services provider who examined the victim;

(B) a licensed mental health services provider who examined or evaluated the victim; or

(C) an advocate as defined by Section 93.001 (Definitions), Family Code, who assisted the victim.

(c) Authorizes a tenant to 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-1)(1), rather than by Subsection (b), if the tenant obtained such an order;

(2) the tenant provides a copy of the relevant documentation described by Subsection (b-1)(1) or (2), as applicable, rather than by Subsection (b), to the landlord; and

(3)–(5) makes no changes to these subdivisions.

(c-1) Authorizes a tenant, if the family violence is committed by a cotenant or occupant of the dwelling, to exercise the right to terminate the lease under the procedures provided by Subsection (b-1)(1)(A), (C), or (D), or (b-1)(2), rather than 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. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2019.