

## **BILL ANALYSIS**

Senate Research Center  
86R2971 PMO-F

S.B. 234  
By: Nelson  
State Affairs  
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As Filed

### **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.

As proposed, 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) Makes a nonsubstantive change.

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

(1) creates this subdivision from existing text;

(A)-(C) creates these paragraphs from existing text and makes no further 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.