

BILL ANALYSIS

Senate Research Center
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S.B. 83
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Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the only options for victims of non-intimate partner sexual assault who are renting are to flee the residence, facing fines and charges as well harming their credit and rental history for breaking the lease, or to remain in a potentially dangerous place.

Current law authorizes victims of domestic violence to terminate their residential lease but only in cases of documented domestic violence and only when the perpetrator is on the lease with the victim.

As proposed, S.B. 83 authorizes a victim of domestic violence to terminate a lease, authorizes victims of non-intimate partner sexual assault to terminate a lease if the assault took place at the home, and authorizes the parents of child victims of sexual abuse to terminate a lease in certain situations. The bill deletes the requirements that a judge sign an order prior to the lease termination.

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 the heading to Section 92.016, Property Code, to read as follows:

Sec. 92.016. RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING CERTAIN SEX OFFENSES OR FAMILY VIOLENCE.

SECTION 2. Amends Sections 92.016(b), (c), and (f), Property Code, as follows:

(b) Deletes existing text requiring a tenant to obtain a copy of relevant documentation to terminate a lease. Authorizes a tenant to terminate the tenant's rights and obligations under a lease and vacate the dwelling and avoid liability for future rent and any other sums if the tenant complies with Subsection (c) and provides the landlord or the landlord's agent a copy of:

(1) if the tenant is a victim of sexual assault under Section 22.011(Sexual Assault), Penal Code, or aggravated sexual assault under Section 22.021(Aggravated Sexual Assault), Penal Code, that takes place on the premises or at any dwelling on the premises, documentation of the assault of the victim from certain authorized individuals.

(2) if the tenant is the custodial parent, as defined by Section 1504.001(Definitions), Insurance Code, or a victim of abuse under Section 21.02 (Continuous Sexual Abuse of Young Child or Children), Penal Code, that takes place on the premises or at any dwelling on the premises, documentation of the abuse of the victim from certain authorized individuals.

(3) if the tenant or occupant is the victim of family violence under Section 71.004 (Family Violence), Family Code, one or more of certain orders protecting the tenant or an occupant from family violence. Deletes existing text providing that

the offense be committed by a cotenant or occupant of the dwelling. Makes conforming changes.

(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 the tenant has delivered a copy of the relevant documentation described by Subsection (b), rather than order, to the landlord and the tenant has vacated the dwelling. Deletes existing text requiring that a judge signs an order described by Subsection (b) before a tenant is authorized to exercise the rights to terminate the lease under Subsection (b).

(f) Includes sexual assault and sexual abuse in the required statement of statutory rights regarding a release of liability for any delinquent, unpaid rent owed to the landlord by the tenant on the effective date of the lease termination of a tenant who terminates a lease under Subsection (b).

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2009.