

BILL ANALYSIS

Senate Research Center

H.B. 69
By: Minjarez et al. (Zaffirini)
Business & Commerce
5/15/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 69 amends current law relating to the right to vacate and avoid liability under a residential lease after a tenant's death.

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 Subchapter A, Chapter 92, Property Code, by adding Section 92.0162, as follows:

Sec. 92.0162. RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING TENANT'S DEATH. (a) Provides that a representative of the estate of a tenant who dies before the expiration of the tenant's lease and was, at the time of the tenant's death, the sole occupant of a rental dwelling is authorized to terminate the tenant's rights and obligations under the lease and to vacate the leased premises and avoid liability for future rent and any other sums due under the lease for terminating the lease and vacating the leased premises before the end of the lease term if:

(1) the representative provides to the landlord or the landlord's agent written notice of the termination of the lease under this section;

(2) the deceased tenant's property is removed from the leased premises in accordance with Section 92.014(c) (relating to certain duties of the landlord in the event of the death of a tenant who is the sole occupant of a rental dwelling, with certain exceptions) or (d) (relating to authorizing a landlord and a tenant, in a written lease or other agreement, to agree to a procedure different than the procedure in this section for removing, storing, or disposing of property in the leased premises of a deceased tenant); and

(3) the representative signs an inventory of the removed property, if required by the landlord or the landlord's agent.

(b) Provides that termination of a lease under this section is effective on the later of:

(1) the 30th day after the date on which the notice under Subsection (a) was provided; or

(2) the date on which all of the conditions in Subsection (a) have been met.

(c) Requires the landlord, after receipt of the notice provided under Subsection (a), to provide a copy of the written lease agreement to the person who provided the notice on written request of that person.

(d) Provides that this section does not affect the obligations or liability of the tenant or the tenant's estate under the lease before the lease is terminated under this section, including the liability of the tenant or the tenant's estate for:

(1) delinquent, unpaid rent; and

(2) damages to the leased premises not caused by normal wear and tear.

(e) Provides that a landlord or landlord's agent who lawfully permits a person described by Subsection (a) to enter or facilitates the person's entry into the leased premises under this section is not liable for an act or omission that arises in connection with permitting or facilitating the entry.

SECTION 2. Makes application of Section 92.0162, Property Code, as added by this Act, prospective.

SECTION 3. Effective date: January 1, 2020.