

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 92
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Business & Commerce
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Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, there is no statute in state law that prohibits a landlord from evicting a tenant from a rental property because law enforcement or emergency assistance was called in response to domestic violence. C.S.S.B. 92 prohibits a landlord from limiting a residential tenant's right to summon police or other emergency assistance in response to family violence. This bill also prohibits landlords from imposing penalties on such tenants and provides for civil penalties against a landlord who violates this section.

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 92.015, as follows:

Sec. 92.015. TENANT'S RIGHT TO SUMMON POLICE OR EMERGENCY ASSISTANCE. (a) Prohibits a landlord from performing certain actions regarding a residential tenant's right to summon police or emergency assistance.

(b) Provides that a provision in a lease is void if the provision purports to waive a tenant's right to summon assistance in response to family violence or exempt any party from liability or a duty.

(c) Provides that, in addition to other remedies provided by law, if a landlord violates this section, a tenant is entitled to recover from or against the landlord certain amounts.

(d) Defines "one month's rent."

(e) Defines "family violence."

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2003.