

## **BILL ANALYSIS**

C.S.H.B. 1510  
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Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that the vast majority of landlords employ criminal background checks to screen out rental property applicants who have engaged in questionable activity. In addition, the parties observe that housing stability has been identified as one of the most critical factors in preventing recidivism and parole violation. Finally, the parties assert that increasing housing options for formerly incarcerated individuals may help alleviate the large homeless population in Texas. C.S.H.B. 1510 seeks to increase housing options for individuals who have been in contact with the criminal justice system.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1510 amends the Property Code to establish that a cause of action does not accrue against a landlord solely for leasing a dwelling to a tenant convicted of, or arrested or placed on deferred adjudication for, an offense. The bill does not create a cause of action or expand an existing cause of action and does not preclude a cause of action for negligent leasing of a dwelling by a landlord to a tenant if the tenant was convicted of certain offenses for which a judge is prohibited from ordering community supervision or has a reportable conviction or adjudication under the sex offender registration program and the landlord knew or should have known of the conviction or adjudication.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1510 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.025 to read as follows:

Sec. 92.025. LIABILITY FOR LEASING TO PERSON WITH CRIMINAL RECORD. (a) A cause of action does not accrue against a landlord solely for leasing a dwelling to a tenant, based on evidence that the tenant has been convicted of, or arrested or placed on deferred adjudication for, an offense.

(b) This section does not preclude a cause of action for negligent leasing of a dwelling by a landlord to a tenant, if:

(1) the tenant:

(A) was convicted of an offense listed in Section 3g, Article 42.12, Code of Criminal Procedure; or

(B) has a reportable conviction or adjudication, as defined by Article 62.001, Code of Criminal Procedure; and

(2) the landlord knew or should have known of the conviction or adjudication.

(c) This section does not create a cause of action or expand an existing cause of action.

SECTION 2. Section 92.025, Property Code, as added by this Act, does not affect a cause of action that accrued before the effective date of this Act. A cause of action that accrued before the effective date of this Act is governed by the law as it existed immediately before that date, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.025 to read as follows:

Sec. 92.025. LIABILITY FOR LEASING TO PERSON WITH CRIMINAL RECORD. (a) A cause of action does not accrue against a landlord solely for leasing a dwelling to a tenant convicted of, or arrested or placed on deferred adjudication for, an offense.

(b) This section does not preclude a cause of action for negligent leasing of a dwelling by a landlord to a tenant, if:

(1) the tenant:

(A) was convicted of an offense listed in Section 3g, Article 42.12, Code of Criminal Procedure; or

(B) has a reportable conviction or adjudication, as defined by Article 62.001, Code of Criminal Procedure; and

(2) the landlord knew or should have known of the conviction or adjudication.

(c) This section does not create a cause of action or expand an existing cause of action.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.