

BILL ANALYSIS

H.B. 1196
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Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Tens of thousands of Texans are experiencing homelessness. Many of these individuals lack identification, which poses barriers to meeting their basic needs and accessing supportive services to overcome homelessness. For example, without identification, an individual cannot apply for federal, state, or local social services such as SNAP or disability benefits, financial assistance, or housing, and often cannot apply for jobs, enroll children in school, open a bank account, or even vote. H.B. 1196 seeks to address this issue by requiring certain state entities that issue identification documents to accommodate the needs of Texans experiencing homelessness by waiving associated fees.

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 rulemaking authority is expressly granted to the Department of State Health Services in SECTION 1 of this bill and to the Department of Public Safety in SECTION 2 of this bill.

ANALYSIS

H.B. 1196 amends the Health and Safety Code to require the state registrar, a local registrar, or a county clerk to issue to a homeless individual without fee a certified copy of the individual's birth record on request. The bill requires the Department of State Health Services (DSHS) by rule to adopt a process to verify a person's status as a homeless individual and to prescribe the documentation necessary for the issuance of the copy to an individual whose status is verified through that process. The bill defines "homeless individual" as an individual, other than an individual imprisoned or otherwise detained in a correctional facility, who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is one of the following:

- a supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for persons with mental illness;
- an institution that provides a temporary residence for individuals intended to be institutionalized; or
- a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

H.B. 1196 amends the Transportation Code to require the Department of Public Safety (DPS) by rule to do the following:

- adopt a process to verify a person's status as a homeless individual;

- prescribe the documentation necessary for the issuance of a driver's license or personal identification certificate to a homeless individual; and
- exempt a homeless individual from the payment of fees for the issuance of such a license or certificate.

Rules adopted regarding the issuance of a personal identification certificate to a homeless child or youth must be consistent with provisions governing the issuance of such certificates to a foster child or youth or a homeless child or youth. The bill requires DPS to deposit to the credit of the Texas mobility fund an amount from the identification fee exemption account that is equal to the amount of the waived fee that would otherwise be deposited to the mobility fund. If money is not available in the account to meet that requirement, DPS may not grant the fee exemption.

H.B. 1196 requires DSHS and DPS, in adopting their respective verification processes, to allow the requestor or applicant, as applicable, to provide a letter certifying the person is a homeless individual that is issued by one of the following:

- the director of a federally funded emergency shelter or transitional housing program; or
- the director of a shelter for homeless individuals or a transitional living program.

The bill prohibits DSHS and DPS from requiring a homeless individual to provide a physical address of the individual's residence to satisfy any of the bill's requirements.

EFFECTIVE DATE

September 1, 2021.