

BILL ANALYSIS

Senate Research Center
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H.B. 1510
By: Thompson, Senfronia (Garcia)
State Affairs
5/14/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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. H.B. 1510 seeks to increase housing options for individuals who have been in contact with the criminal justice system.

H.B. 1510 amends current law relating to liability of persons who lease dwellings to persons with criminal records.

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 92.025, as follows:

Sec. 92.025. LIABILITY FOR LEASING TO PERSON WITH CRIMINAL RECORD.

(a) Provides 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.

(b) Provides that 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 (relating to judge ordered community supervision), Article 42.12, Code of Criminal Procedure; or

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

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

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

SECTION 2. Provides that 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. Provides that 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. Effective date: September 1, 2015.