



## House Bill 1510 Implementation Guide For Landlords, Real Estate Agents, and Housing Providers 84th Legislative Session

**HB 1510 (AUTHOR: SENFRONIA THOMPSON | SPONSOR: GARCIA): *Relating to liability of persons who lease dwellings to persons with criminal records.* – Effective January 1, 2016**

### **EXPANDING THE AVAILABILITY OF HOUSING FOR SYSTEM-INVOLVED INDIVIDUALS INCREASES PUBLIC SAFETY**

Currently, landlords can be held liable for “foreseeable” negligence if one of their renters or leasees commits a criminal act on the landlord’s property. Since landlords cannot foresee the future actions of renters or leasees, they often look to an individual’s criminal record to determine whether he or she may have future involvement with the criminal justice system. When they find that a person has a criminal record, landlords often deny them housing, and they may deny housing to families when *any* member of the household has a criminal record. This practice drastically limits the housing options available to individuals who are attempting to regain some stability and get back on their feet.

Housing stability reduces the likelihood that previously incarcerated individuals will reoffend. Conversely, the likelihood that such individuals will be re-arrested increases by 25 percent each time they move.<sup>1</sup> As a result, it is crucial not only for previously-incarcerated individuals but also for their families, their communities, and overall public safety that barriers to their housing opportunities be lessened. ***Landlords who choose to lease property to individuals with a criminal record actually do a valuable service to the community by decreasing recidivism rates.***

### **WHAT DOES HB 1510 DO?**

HB 1510 recognizes that individuals with a criminal record deserve a second chance. It protects landlords, leasing agents, and real estate agents by limiting the risk of liability they may face when they lease property to individuals with a criminal record. While the law does not **require** any landlord to lease property to someone with a criminal record, it encourages landlords to look beyond the mere fact of a criminal record when leasing to individuals.

This legislation will increase the housing options available to individuals with a criminal record, reducing a major barrier facing individuals with criminal records – especially the formerly incarcerated, many of whom experience severe restrictions against employment, housing, and many forms of government aid. Ultimately, HB 1510 can improve public safety by increasing the likelihood that individuals with a criminal record remain stable and law-abiding. Importantly, it also removes the housing barriers that affect families of those with a criminal record.

This legislation does **not** preclude legal liability when a landlord leases property to someone convicted of a sexually violent offense, or a violent act under Section 3g, Article 42.12, Texas Code of Criminal Procedure.<sup>2</sup> The law, however, does not *create* a risk of liability that is not already established. **Many people convicted of violent offenses have engaged in meaningful rehabilitation, and may be no more a risk than any other applicant for housing.**

## **HOW CAN I HELP IMPLEMENT HB 1510?**

**Apartment associations, landlord associations, property management associations, realty associations, and related groups** should notify their members of the protections under HB 1510 and urge them to consider factors other than criminal record when deciding whether to rent or lease to individuals and families.

### **QUESTIONS OR CONCERNS?**

#### **Texas Criminal Justice Coalition**

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#### **American Civil Liberties Union of Texas**

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#### **Goodwill Central Texas**

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## **Citations**

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<sup>1</sup> Jamie Watson, et al., *A Portrait of Prisoner Reentry in Texas*, The Urban Institute, 2004, <http://www.urban.org/publications/410972.html>.

<sup>2</sup> Section 3g offenses include murder; capital murder; indecency with a child; aggravated kidnapping; aggravated sexual assault; aggravated robbery; use of child in commission of offense; applicable offense committed in drug-free zone; sexual assault; injury to a child; sexual performance by a child; criminal solicitation; compelling prostitution; trafficking of persons; burglary; and felony offense committed with deadly weapon.