



Fighting Homelessness

HB 1510: Housing for Individuals with a Criminal Record

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HB 1510: Housing for Individuals with a Criminal Record

House Bill 1510 (Thompson, Senfronia) [Sponsors: Garcia, Watson]: *Relating to liability of persons who lease dwellings to persons with criminal records.* Effective January 1, 2016.

Legislative Action

- ◆ House Committee on Judiciary and Civil Jurisprudence
- ◆ Senate Committee on State Affairs
- ◆ **Voted out of each committee and each chamber unanimously!**

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Background

- ◆ Under existing law, landlords can be held liable for foreseeable negligence if one of their renters or leasees commits a criminal act that harms someone while on their property.
- ◆ Although there is no cause of action for renting or leasing to a person with a criminal record, landlords often deny housing to a person who has a conviction, deferred adjudication, or even only an arrest on his or her record.
- ◆ Housing stability has been identified as one of the most critical factors in preventing recidivism and parole violation. Further, increasing housing options for formerly incarcerated individuals can help alleviate Texas' large homeless population.

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What the Law Does

- ◆ HB 1510 protects landlords, leasing agents, and real estate agents by removing the risk of liability they may face when they lease property to individuals with criminal records.
- ◆ HB 1510 will increase housing options available to individuals with a criminal record and improve public safety by giving individuals with a criminal record the opportunity to remain stable and, as a result, reduce the likelihood that previously-incarcerated individuals will reoffend.

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What the Law Does NOT Do

- ◆ HB 1510 does NOT require any landlord to lease property to someone with a criminal record.
- ◆ HB 1510 does NOT preclude legal liability when a landlord leases property to someone convicted of a sexually violent offense, or an offense under Section 3g, Article 42.12, Texas Code of Criminal Procedure, and knows of the offense.

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Implementation of HB 1510

- ◆ **Apartment associations, landlord associations, property management associations, realty associations, and related groups:** notify members of the protections under HB 1510 and the factors that decrease the likelihood of reoffending
- ◆ **Nonprofit organizations that offer housing assistance to people with criminal records:** develop brochures, handouts, or similar written materials that inform individuals with a criminal record of the protections for landlords under HB 1510 and the information they should provide when seeking housing

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Implementation of HB 1510

- ◆ **Texas Trial Lawyers Association, Texas Criminal Defense Lawyers Association, and similar groups:** develop written materials that inform individuals with a criminal record of the protections for landlords under HB 1510 and provide their clients with the information
- ◆ **Individuals with a criminal record:** become familiar with the protections for landlords under HB 1510, as well as information they should provide when seeking housing

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Factors that Decrease the Likelihood of Reoffending

- ◆ Stable employment
- ◆ At least 10 months since last arrest
- ◆ Additional education and vocational training since last arrest
- ◆ Successfully completion of substance abuse treatment and other recovery-related programming since last arrest
- ◆ Satisfying community supervision and parole requirements
- ◆ Successful completion of community supervision and related programming
- ◆ Network of stable and law-abiding friends who can attest to the individual's character

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Items to Bring to an Application Interview

- ◆ Letter of explanation that (1) describes the factors that led to involvement with the criminal justice system, (2) explains the actions taken to overcome those factors, and (3) includes references that can confirm the information provided
- ◆ Résumé that includes educational background, participation in vocational training, employment history, and employment references
- ◆ Certificates or related documentation for successful completion of programming
- ◆ Letter of good standing from probation or parole officer

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Challenges and Opportunities Moving Forward

- ◆ Landlords may still be held liable for renting to individuals convicted of a sexually violent offense or an offense under Section 3g, Article 42.12, Code of Criminal Procedure; but individuals with these offenses need housing too!
- ◆ Landlords are not required to rent to someone with a criminal record—a criminal record is a permitted basis of discrimination.
- ◆ However, the Supreme Court of the United State recently held that disparate impact claims are cognizable under the Fair Housing Act. This means that if the effect of denying housing to people based on a criminal record has the effect of discriminating based on race, a lawsuit can be filed under the Fair Housing Act, though racial imbalance alone is not sufficient for a claim. (see *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project, Inc.*, June 25, 2015)

Other 2015 Legislation Related to Fighting Homelessness

HB 943 (Thompson, Senfronia) [Sponsor: Rodríguez], *Relating to the applicability of a wage and salary presumption to an incarcerated person for purposes of determining child support obligations.* – ***PASSED, effective September 1, 2015***

Legislative Action

- ◆ House Committee on Juvenile Justice & Family Issues: passed by 6 Ayes, 1 absent
- ◆ House of Representatives: passed by 112 Yeas, 28 Nays
- ◆ Senate Committee on State Affairs: passed by 7 Ayes, 1 Nay
- ◆ Senate: passed by 28 Ayes, 3 Nays

Other 2015 Legislation Related to Fighting Homelessness

HB 1267 (Thompson, Senfronia; Naishtat; White, James), *Relating to the eligibility of certain persons for the supplemental nutrition assistance program. – amended to SB 200, effective September 1, 2015*

Legislative Action

- ◆ House Committee on Human Services: passed by 6 Ayes, 1 Nay, 2 Absent
- ◆ House of Representatives: passed by 92 Yeas, 49 Nays
- ◆ Senate Committee on Health & Human Services: was not scheduled for a hearing
- ◆ House of Representatives: Amendment H2-23 to SB 200 was adopted

Other 2015 Legislation Related to Fighting Homelessness

HB 548 (Johnson, Elkins, Deshotel), *Relating to the consideration of criminal history record information regarding applicants for state employment. [“Ban the Box”] – **DID NOT PASS***

Legislative Action

- ◆ House Committee on Government Transparency & Operation: passed by 6 Ayes, 1 absent
- ◆ House of Representatives: passed by 67 Yeas, 62 Nays
- ◆ Senate Committee on Natural Resources & Economic Development: was not scheduled for a hearing

Other 2015 Legislation Related to Fighting Homelessness

HB 2700 (Thompson, Senfronia), *Relating to the release of bulk criminal history record information by certain individuals and agencies.* – ***DID NOT PASS***

Legislative Action

- ◆ House Committee on Government Transparency & Operation: passed by 6 Ayes, 1 absent
- ◆ House of Representatives: was not scheduled for a vote

Contact Info

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