

By: Collier

H.B. No. 1450

Substitute the following for H.B. No. 1450:

By: González of Dallas

C.S.H.B. No. 1450

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of eviction case information.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 24, Property Code, is amended by adding Section 24.012 to read as follows:

Sec. 24.012. CONFIDENTIAL RECORDS RELATED TO EVICTION CASE INFORMATION. (a) In this section:

(1) "Consumer reporting agency" has the meaning assigned by Section 20.01, Business & Commerce Code.

(2) "Eviction case" means a lawsuit brought under this chapter to recover possession of leased or rented real property from a tenant, including a tenant at will or a tenant at sufferance.

(3) "Eviction case information" means all records and files related to a filing of an eviction case, including petitions and their dispositions.

(b) Concurrently with a judgment or order of dismissal in an eviction case, a court shall enter an order making confidential the eviction case information pertaining to a defendant if:

(1) a judgment is entered in favor of the defendant;

(2) the case is dismissed without any relief granted to the plaintiff; or

(3) the defendant is a residential tenant not otherwise in default and the eviction case is brought by the successor in interest following foreclosure.

1 (c) On petition of a defendant in an eviction case after a
2 judgment or order of dismissal has been entered, a court shall enter
3 an order making confidential the eviction case information
4 pertaining to a defendant if a confidentiality order was not issued
5 and:

6 (1) a judgment was entered in favor of the defendant;

7 or

8 (2) the case was dismissed without any relief granted
9 to the plaintiff.

10 (d) On perfection of appeal by any party in an eviction
11 case, a court shall enter an order making confidential the eviction
12 case information of the trial court during the pendency of the
13 appeal.

14 (e) If an order is entered making eviction case information
15 confidential under this section:

16 (1) a court or clerk may not disclose the eviction case
17 information, except:

18 (A) to any judge or court staff of the trial court
19 presiding over the eviction case;

20 (B) to the parties to the suit or the parties'
21 counsel; or

22 (C) in a form that omits any personal identifying
23 information of the parties, to any other person, agency, or
24 institution approved by the court with a legitimate and
25 noncommercial interest in the work of the court; and

26 (2) except to the extent permitted by federal law, a
27 consumer reporting agency, a person, other than a landlord, who

1 regularly collects and disseminates eviction case information, or a
2 person who sells eviction case information may not:

3 (A) disclose the existence of the eviction case;

4 or

5 (B) use the eviction case information as a factor
6 in determining a score or recommendation in a tenant screening
7 report regarding the defendant.

8 (f) A person who knowingly violates Subsection (e)(2) is
9 liable to an injured party for:

10 (1) actual damages; and

11 (2) reasonable attorney's fees and court costs.

12 (g) This section does not prohibit a party to an eviction
13 case from abstracting the judgment in the case.

14 SECTION 2. This Act takes effect September 1, 2023.