

BILL ANALYSIS

S.B. 478
By: Zaffirini
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties have expressed concern that disputes between landlords and tenants frequently occur on uneven playing fields, which lead many Texans, including elderly persons and children, to endure deplorable living conditions, evictions, or even homelessness. The parties note that unlike defendants in criminal court, tenants face life-altering judgments without the protection of a constitutional right to a lawyer. While a large percentage of landlords have lawyers or sophisticated management companies representing them in court, the parties explain, a majority of tenants have no choice but to represent themselves in an unfamiliar and intimidating court system in which they often do not know their rights. Consequently, these tenants may enter into agreements that they do not understand and cannot fulfill. S.B. 478 seeks to direct the Supreme Court of Texas to promulgate standardized forms to be used in certain landlord-tenant matters.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 478 amends the Government Code to require the Supreme Court of Texas, as the court finds appropriate, to promulgate forms for use by individuals representing themselves in residential landlord-tenant matters and instructions for the proper use of each form or set of forms. The bill requires the forms and instructions to be written in plain language that is easy for the general public to understand, to clearly and conspicuously state that the form is not a substitute for the advice of an attorney, to be made readily available to the general public in the manner prescribed by the supreme court, and to be translated into the Spanish language. The bill sets out requirements for the Spanish language translation of such a form. The bill requires the clerk of a court to inform members of the public of the availability of the form as appropriate and to make the form available free of charge. The bill requires a court to accept the form unless the form has been completed in a manner that causes a substantive defect that cannot be cured.

EFFECTIVE DATE

September 1, 2015.