

BILL ANALYSIS

Senate Research Center

S.B. 478
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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. 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, a majority of tenants have no choice but to represent themselves in a court system usually foreign to them. Tenants often do not know their rights and are frightened and intimidated; as a consequence, they generally enter into agreements that they do not understand and cannot fulfill.

S.B. 478 directs the Supreme Court of Texas to promulgate standardized forms to be used in landlord-tenant disputes. The forms would enhance tenants' ability to assert their rights and result in a reduction of state revenue spent on social services to ameliorate the effects of wrongful evictions.

As proposed, S.B. 478 amends current law relating to promulgation of certain forms for use in landlord-tenant matters.

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 22, Government Code, by adding Section 22.019, as follows:

Sec. 22.019 PROMULGATION OF CERTAIN LANDLORD-TENANT FORMS.

(a) Requires the Supreme Court of Texas (supreme court) to, as the court finds appropriate, 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.

(b) Requires that the forms and instructions:

- (1) be written in plain language that is easy to understand by the general public;
- (2) clearly and conspicuously state that the form is not a substitute for the advice of an attorney;
- (3) be made readily available to the general public in the manner prescribed by the supreme court; and
- (4) be translated into the Spanish language, and the Spanish language translation of the form must either:

(A) state that the Spanish language-translated form is to be used solely for the purpose of assisting in understanding the form and may not be submitted to the court, and that the English version of the form must be submitted to the court; or

(B) be incorporated into the English language form in a manner that is understandable to both the court and members of the public.

(c) Requires the clerk of a court to inform members of the public of the availability of the form as appropriate and make the form available free of charge.

(d) Requires a court to accept a form promulgated by the supreme court under this section unless the form has been completed in a manner that causes a substantive defect that cannot be cured.

SECTION 2. Effective date: September 1, 2015.