

## **BILL ANALYSIS**

C.S.H.B. 4125  
By: Israel  
County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised that low-income and indigent individuals have little access to legal representation and services in eviction cases, putting these individuals at a disadvantage that may lead to homelessness and loss of employment. C.S.H.B. 4125 seeks to address these concerns by providing for a tenant legal services office for certain local governments.

### **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**

C.S.H.B. 4125 amends the Local Government Code to authorize a local government that is a municipality or county or any combination of municipalities or counties to create a tenant legal services office to provide legal representation and services to tenants. The bill authorizes such an office to provide full legal representation to a tenant in a residential eviction case if the tenant is indigent or in a case involving a violation of disability provisions of the Texas Fair Housing Act if the tenant is a low-income individual with a disability. A tenant legal services office may provide brief legal assistance to a tenant in a residential eviction case if the tenant is a low-income individual who is not indigent. The bill defines, among other terms, "full legal representation," "brief legal assistance," "indigent," and "low-income." The bill authorizes a local government to establish a department of the local government, or by contract to designate a nonprofit corporation, to serve as the tenant legal services office for the local government. The bill authorizes any combination of municipalities or counties to agree by entering into an interlocal contract under the Interlocal Cooperation Act to jointly implement or administer a tenant legal services office. The bill authorizes a local government by ordinance, order, or interlocal contract to adopt the rules and procedures necessary to implement the bill's provisions.

C.S.H.B. 4125 requires a local government, before contracting with a nonprofit corporation to serve as a tenant legal services office, to solicit proposals for the office. The bill requires the local government to require a written plan from a nonprofit corporation proposing to serve as a tenant legal services office and sets out required contents for the plan. The bill requires the local government, after considering each proposal for the office submitted by a nonprofit corporation, to select a proposal that reasonably demonstrates that the office will provide adequate quality representation for tenants in applicable cases. The bill prohibits the total cost of the proposal from being the sole consideration in selecting a proposal.

C.S.H.B. 4125 requires a tenant legal services office to be directed by a director of legal services

who meets specified qualifications. The bill entitles an office to receive funds for personnel costs and expenses incurred in operating the office in amounts determined by the local government and paid out of the appropriate local fund. The bill authorizes an office to employ attorneys and other personnel necessary to perform the duties of the office as specified by the local government. The bill requires the director of an office to designate at least one employee of the office to assist tenants with disabilities in obtaining compliance with laws that apply to housing for tenants with disabilities. The bill prohibits an office from representing a tenant under certain conditions and authorizes an office to investigate the financial condition of a tenant who requests representation by the office.

C.S.H.B. 4125 requires the director of a tenant legal services office to hold an annual public hearing to receive recommendations about the office and provides for notice and a transcript of the hearing. The bill requires the director of an office, not later than September 1 of each year, to submit a report to the governing body of the local government and post the report on the local government's website that contains specified information that relates to the office for the preceding year.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 4125 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a provision requiring the commissioners court of a county to create a tenant legal services office to provide legal representation and services to indigent residential tenants in eviction cases. The substitute includes a provision that instead authorizes an applicable local government to create such an office to provide legal representation and services to tenants. The substitute includes provisions that authorize an office to provide:

- full legal representation to a tenant in a residential eviction case if the tenant is indigent or in a case involving a violation of disability provisions of the Texas Fair Housing Act if the tenant is a low-income individual with a disability; or
- brief legal assistance to a tenant in a residential eviction case if the tenant is a low-income individual who is not indigent.

The substitute revises the bill's definition of "indigent" to increase the income threshold and includes, among other definitions, a definition for "low-income."

The substitute includes a provision authorizing any combination of municipalities or counties to agree by entering into an interlocal contract to jointly implement or administer a tenant legal services office. The substitute includes a provision requiring the director of a tenant legal services office to designate at least one employee of the office to assist tenants with disabilities in obtaining compliance with laws that apply to housing for tenants with disabilities. The substitute includes provisions providing for an annual public hearing and an annual report.