86R13617 NC-D

By:  Israel H.B. No. 4125

A BILL TO BE ENTITLED

AN ACT

relating to the creation of tenant legal services offices by counties to represent indigent residential tenants in eviction cases.

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

SECTION 1.  Subtitle B, Title 5, Local Government Code, is amended by adding Chapter 162 to read as follows:

CHAPTER 162. TENANT LEGAL SERVICES OFFICE

Sec. 162.001.  DEFINITIONS. In this chapter:

(1)  "Indigent" means an individual who earns not more than 125 percent of the income standard established by applicable federal poverty guidelines.

(2)  "Office" means a tenant legal services office established under Section 162.002.

Sec. 162.002.  TENANT LEGAL SERVICES OFFICE. (a) The commissioners court of a county shall create a tenant legal services office to provide legal representation and services to indigent residential tenants in eviction cases.

(b)  The commissioners court may establish a department of the county or by contract may designate a nonprofit corporation to serve as the tenant legal services office for the county.

(c)  The commissioners court by order shall establish the rules and procedures necessary to implement this chapter.

Sec. 162.003.  PROPOSALS BY NONPROFIT CORPORATIONS. (a) Before contracting with a nonprofit corporation to serve as a tenant legal services office, the commissioners court shall solicit proposals for the office.

(b)  The commissioners court shall require a written plan from a nonprofit corporation proposing to serve as a tenant legal services office.

(c)  The written plan must include:

(1)  a budget for the office, including salaries;

(2)  a description of each personnel position, including the director of legal services position;

(3)  the maximum allowable caseload for each attorney employed by the office;

(4)  provisions for personnel training;

(5)  a description of anticipated overhead costs for the office; and

(6)  a policy to ensure that the director of legal services and other attorneys employed by the office do not provide representation to a tenant if doing so would create a conflict of interest that has not been waived by the client.

(d)  After considering each proposal for the office submitted by a nonprofit corporation, the commissioners court shall select a proposal that reasonably demonstrates that the office will provide adequate quality representation for indigent tenants in the county.

(e)  The total cost of the proposal may not be the sole consideration in selecting a proposal.

Sec. 162.004.  DIRECTOR OF LEGAL SERVICES. A tenant legal services office must be directed by a director of legal services who:

(1)  is a member of the State Bar of Texas;

(2)  has practiced law for at least three years; and

(3)  has substantial experience in the practice of landlord-tenant law.

Sec. 162.005.  FUNDING.  A tenant legal services office is entitled to receive funds for personnel costs and expenses incurred in operating the office in amounts determined by the commissioners court and paid out of the appropriate county fund.

Sec. 162.006.  EMPLOYEES.  A tenant legal services office may employ attorneys and other personnel necessary to perform the duties of the office as specified by the commissioners court.

Sec. 162.007.  DENIAL OF REPRESENTATION.  A tenant legal services office may not represent a tenant if:

(1)  a conflict of interest exists that has not been waived by the client;

(2)  the office has insufficient resources to provide adequate representation for the tenant;

(3)  the office is incapable of providing representation for the tenant in accordance with the rules of professional conduct; or

(4)  the office shows other good cause for not accepting the request for representation by a tenant.

Sec. 162.008.  INVESTIGATION OF FINANCIAL CONDITION.  A tenant legal services office may investigate the financial condition of a tenant who requests representation by the office.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.