

By: Israel

H.B. No. 4125

Substitute the following for H.B. No. 4125:

By: Bohac

C.S.H.B. No. 4125

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of tenant legal services offices by local
3 governments to assist low-income residential tenants in eviction
4 cases and in cases involving discrimination based on the tenants'
5 disabilities.

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

7 SECTION 1. Subtitle C, Title 5, Local Government Code, is
8 amended by adding Chapter 179 to read as follows:

9 CHAPTER 179. TENANT LEGAL SERVICES OFFICE

10 Sec. 179.001. DEFINITIONS. In this chapter:

11 (1) "Brief legal assistance" means individualized
12 legal assistance provided in a single consultation by an office to a
13 tenant.

14 (2) "Disability" has the meaning assigned by Section
15 301.003, Property Code.

16 (3) "Full legal representation" means ongoing legal
17 services provided by an office to a tenant, including court filings
18 and appearances and other legal advice, advocacy, or assistance
19 associated with a tenant's case.

20 (4) "Indigent" means having earnings that are not more
21 than 200 percent of the income standard established by applicable
22 federal poverty guidelines.

23 (5) "Local government" means a municipality or county
24 or any combination of municipalities or counties.

1 (6) "Low-income" means having earnings that are not
2 more than 400 percent of the income standard established by
3 applicable federal poverty guidelines.

4 (7) "Office" means a tenant legal services office
5 established under Section 179.002.

6 (8) "Reasonable accommodation" is a change,
7 exception, or adjustment to a rule, policy, practice, or service
8 that may be necessary for a tenant with disabilities to have an
9 equal opportunity to use and enjoy a dwelling, including public and
10 common use spaces.

11 (9) "Reasonable modification" means a reasonable
12 structural change made to existing premises that may be necessary
13 for a tenant with disabilities to have full enjoyment of a dwelling,
14 including public and common use spaces.

15 Sec. 179.002. TENANT LEGAL SERVICES OFFICE. (a) A local
16 government may create a tenant legal services office to provide
17 legal representation and services to tenants as provided by
18 Subsection (b).

19 (b) An office may provide:

20 (1) full legal representation to a tenant:

21 (A) in a residential eviction case if the tenant
22 is indigent; or

23 (B) in a case involving a violation of Section
24 301.025, Property Code, if the tenant is a low-income individual
25 with a disability; or

26 (2) brief legal assistance to a tenant in a
27 residential eviction case if the tenant is a low-income individual

1 who is not indigent.

2 (c) The local government may establish a department of the
3 local government or by contract may designate a nonprofit
4 corporation to serve as the tenant legal services office for the
5 local government.

6 (d) Any combination of municipalities or counties may agree
7 by entering into an interlocal contract under Chapter 791,
8 Government Code, to jointly implement or administer a tenant legal
9 services office under this chapter.

10 (e) The local government by ordinance, order, or interlocal
11 contract may adopt the rules and procedures necessary to implement
12 this chapter.

13 Sec. 179.003. PROPOSALS BY NONPROFIT CORPORATIONS. (a)
14 Before contracting with a nonprofit corporation to serve as a
15 tenant legal services office, the local government shall solicit
16 proposals for the office.

17 (b) The local government shall require a written plan from a
18 nonprofit corporation proposing to serve as a tenant legal services
19 office.

20 (c) The written plan must include:

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

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

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

26 (4) provisions for personnel training;

27 (5) a description of anticipated overhead costs for

1 the office; and

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

6 (d) After considering each proposal for the office
7 submitted by a nonprofit corporation, the local government shall
8 select a proposal that reasonably demonstrates that the office will
9 provide adequate quality representation for tenants in cases
10 described by Section 179.002(b).

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

13 Sec. 179.004. DIRECTOR OF LEGAL SERVICES. A tenant legal
14 services office must be directed by a director of legal services
15 who:

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

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

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

20 Sec. 179.005. FUNDING. A tenant legal services office is
21 entitled to receive funds for personnel costs and expenses incurred
22 in operating the office in amounts determined by the local
23 government and paid out of the appropriate local fund.

24 Sec. 179.006. EMPLOYEES. (a) A tenant legal services
25 office may employ attorneys and other personnel necessary to
26 perform the duties of the office as specified by the local
27 government.

1 (b) The director of a tenant legal services office must
2 designate at least one employee of the office to assist tenants with
3 disabilities in obtaining compliance with laws that apply to
4 housing for tenants with disabilities.

5 Sec. 179.007. DENIAL OF REPRESENTATION. A tenant legal
6 services office may not represent a tenant if:

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

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

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

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

16 Sec. 179.008. INVESTIGATION OF FINANCIAL CONDITION. A
17 tenant legal services office may investigate the financial
18 condition of a tenant who requests representation by the office.

19 Sec. 179.009. PUBLIC HEARING. (a) The director of a tenant
20 legal services office shall hold an annual public hearing to
21 receive recommendations about the office.

22 (b) Not later than the 30th day before the date of the
23 hearing, the director shall provide notice of the hearing to
24 interested parties and officials and by posting the notice in:

25 (1) public offices of the local government that
26 provide social services;

27 (2) local courts that have original jurisdiction over

1 eviction cases or cases regarding violations of Section 301.025,
2 Property Code; and

3 (3) a local newspaper or on the local government's
4 Internet website.

5 (c) The director shall produce a transcript of the hearing
6 and post the transcript on the local government's Internet website
7 not later than the 30th day after the date of the hearing.

8 Sec. 179.010. REPORT. Not later than September 1 of each
9 year, the director of a tenant legal services office shall submit a
10 report to the governing body of the local government and post the
11 report on the local government's Internet website that contains the
12 following information that relates to the office for the preceding
13 year:

14 (1) the estimated number of tenants in the office's
15 jurisdiction that are eligible for legal services;

16 (2) the number of tenants that received legal
17 services, disaggregated by the following characteristics of the
18 tenants:

19 (A) zip code of residence;

20 (B) age of head of household;

21 (C) household size;

22 (D) estimated length of tenancy;

23 (E) approximate household income;

24 (F) ongoing public assistance received at the
25 time the legal services were initiated;

26 (G) rent-regulated housing;

27 (H) public housing;

1 (I) disability; and
2 (J) types of reasonable accommodations or
3 modifications needed;
4 (3) the types of legal services provided;
5 (4) the outcomes immediately following the provision
6 of full legal representation, as applicable and available,
7 including the number of:
8 (A) case dispositions in which:
9 (i) tenants remained in their residences;
10 (ii) tenants were evicted from their
11 residences;
12 (iii) tenants with disabilities remained in
13 their residences; and
14 (iv) tenants with disabilities were
15 displaced from their residences;
16 (B) case dispositions regarding reasonable
17 accommodations or modifications for tenants with disabilities
18 that:
19 (i) were approved, including the types of
20 accommodations or modifications that were approved; and
21 (ii) were disapproved, including the types
22 of accommodations or modifications that were disapproved; and
23 (C) cases in which the attorney was discharged or
24 withdrew;
25 (5) the expenditures for the office; and
26 (6) any other information required by the local
27 government.

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