

By: Zaffirini

S.B. No. 519

A BILL TO BE ENTITLED

AN ACT

relating to the dissemination of eviction case information.

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

SECTION 1. Chapter 24, Property Code, is amended by adding Section 24.012 to read as follows:

Sec. 24.012. LIMITED DISSEMINATION OF EVICTION CASE INFORMATION. (a) In this section:

(1) "Eviction case" means a lawsuit brought under this chapter to recover possession of leased or rented real property from a tenant.

(2) "Eviction case information" means all records and files related to a filing of an eviction case, including petitions and their dispositions.

(b) Concurrently with a judgment or dismissal in an eviction case or on petition of a defendant in an eviction case where a final order exists, a court shall enter an order of limited dissemination of the eviction case information pertaining to the defendant if:

(1) a judgment is or was entered in favor of the defendant;

(2) the eviction case is or was dismissed without any relief granted to the plaintiff;

(3) the defendant is or was a residential tenant not otherwise in default and the eviction case was brought by the landlord's successor in interest following foreclosure; or

1 (4) at least five years have elapsed from the date of
2 the final judgment in the eviction case.

3 (c) Concurrently with a judgment or dismissal in an eviction
4 case or on petition of a defendant in an eviction case, a court may
5 order the limited dissemination of eviction case information
6 pertaining to the defendant if the court finds that:

7 (1) the limited dissemination of the eviction case
8 information is in the interest of justice; and

9 (2) the interest of justice is not outweighed by the
10 public's interest in knowing the eviction case information.

11 (d) If an order is entered granting limited dissemination of
12 eviction case information of a defendant under this section:

13 (1) all courts or clerks shall delete or redact all
14 index references to the name of the defendant that relate to the
15 eviction case information from the public records; and

16 (2) except to the extent permitted by federal law, a
17 credit reporting agency, a person who regularly collects and
18 disseminates eviction case information, or a person who sells
19 eviction case information may not:

20 (A) disclose the existence of the eviction case;
21 or

22 (B) use the eviction case information as a factor
23 in determining a score or recommendation in a tenant screening
24 report regarding the defendant.

25 (e) A person who knowingly violates Subsection (d) is liable
26 to an injured party for:

27 (1) actual damages;

- 1 (2) exemplary damages of \$1,000; and
- 2 (3) reasonable attorney's fees and court costs.
- 3 (f) Notwithstanding Section 41.004(a), Civil Practice and
4 Remedies Code, a court shall award exemplary damages under
5 Subsection (e) (2) to the injured party irrespective of whether the
6 party is awarded actual damages.
- 7 (g) The supreme court shall adopt rules necessary to
8 implement this section.

9 SECTION 2. Not later than January 1, 2020, the Texas Supreme
10 Court shall adopt the rules necessary to implement Section 24.012,
11 Property Code, as added by this Act.

12 SECTION 3. This Act takes effect January 1, 2020.