

BILL ANALYSIS

C.S.H.B. 1930
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Although one of the primary duties of the Texas Judicial Council (TJC) is to gather and report judicial statistics, including information on formal evictions, it has been noted that specific eviction data, such as the number of eviction suits, representation for plaintiffs and defendants, and case dispositions, is often unreported, especially from smaller cities and counties. It has been suggested that improvements are needed in the statewide tracking of evictions and that including this key information would help paint a complete picture of, and help solve, the ongoing eviction crisis in Texas. C.S.H.B. 1930 seeks to address this issue by requiring certain information relating to tenant and landlord dispute cases to be provided to the TJC, including eviction-related data, and by providing for public access to that information.

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 rulemaking authority is expressly granted to the Texas Judicial Council in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 1930 amends the Government Code to require a justice court, as a component of the official monthly report submitted to the Texas Judicial Council (TJC), to report by category each case filed in the court involving a dispute between a landlord and tenant under applicable Property Code provisions, including the following categories:

- eviction suits;
- suits involving the disconnection of utilities;
- repair and remedy suits;
- suits involving security deposits;
- suits involving unlawful lockouts;
- suits involving the provision of security and safety devices; and
- any other category of suit involving a landlord or tenant brought under those Property Code provisions and designated by the office.

The bill authorizes the TJC to adopt rules as necessary to implement this requirement and requires the TJC to prescribe the categories and the procedures for reporting as soon as practicable.

C.S.H.B. 1930 requires the Office of Court Administration of the Texas Judicial System (OCA) to publish on its public information website, in a format that is searchable by date and jurisdiction, information on cases filed in justice courts related to landlord and tenant disputes, including the following for each case:

- the justice court in which the case is filed, including the precinct, municipality, and county in which the court is located;
- any legal counsel or agent representing the defendant;
- any legal counsel or agent representing the plaintiff; and
- the disposition of the case.

C.S.H.B. 1930 expressly does not require a justice court to report landlord and tenant dispute information under the bill's provisions until after the TJC establishes the applicable categories and procedures for reporting.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1930 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 changes the entity to which a justice court is required to report cases involving landlord-tenant disputes by category from OCA to the TJC and includes an authorization not in the original for the TJC to adopt rules as necessary to implement that requirement. The substitute requires the TJC to prescribe the categories to be reported and the procedures for reporting, whereas the original required the OCA to do so.

The substitute changes the categories of cases required to be reported by doing the following:

- replacing forcible entry and detainer suits, as included in the original, with eviction suits; and
- including suits involving unlawful lockouts, which were not included in the original.

The substitute requires OCA to publish the landlord-tenant dispute case information on its public information website, whereas the original required OCA to establish and maintain an electronic database containing that information. The substitute changes the information required to be included for each case as follows:

- requires inclusion of any legal counsel or agent representing the plaintiff, which was not required in the original; and
- does not require inclusion of the following information that the original required:
 - if publicly available, certain address information for the defendant's and plaintiff's residences, the tenant's address, and the defendant's demographic information; and
 - the date of the hearing, the date the judgment is issued, and the judgment amount.

The substitute requires the information to be made available on the OCA public information website in a format that is searchable by date and jurisdiction, whereas the original required OCA to make the information available in an electronic spreadsheet format that is easily downloaded from the OCA publicly accessible website and is searchable by date and jurisdiction.