87R12189 NC-D

By:  Sanford H.B. No. 4410

A BILL TO BE ENTITLED

AN ACT

relating to the consideration of the criminal history of an applicant for an apartment lease.

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

SECTION 1.  Subchapter I, Chapter 92, Property Code, is amended by adding Section 92.3516 to read as follows:

Sec. 92.3516.  CRIMINAL HISTORY OF APPLICANT FOR APARTMENT LEASE. (a) In this section:

(1)  "Apartment" means a dwelling unit in a multiunit complex that has more than four dwelling units.

(2)  "Conviction" means a verdict or plea of guilty or nolo contendere for a criminal offense. The term does not include deferred adjudication or community supervision.

(3)  "Violent offense" has the meaning assigned by Article 17.032, Code of Criminal Procedure.

(b)  A landlord may not consider the criminal history of an applicant for an apartment lease that did not result in a conviction.

(c)  A landlord may not reject an applicant for an apartment lease solely because the applicant's criminal history includes a conviction for an offense, other than a violent offense, that occurred more than:

(1)  four years before the date the application was submitted, if the offense was a misdemeanor offense; or

(2)  eight years before the date the application was submitted, if the offense was a felony offense.

SECTION 2.  The changes in law made by this Act apply only to an application submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2021.