

By: Wu

H.B. No. 3903

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality 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. CONFIDENTIAL RECORDS RELATED TO 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, including a tenant at will or a tenant at sufferance.

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

(3) "Landlord" means the owner of a dwelling or the management company, on-premises manager, or rent collector for a dwelling.

(b) Concurrently with a judgment or order of dismissal in an eviction case, a court shall enter an order making confidential the eviction case information pertaining to a defendant if:

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

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

(3) the defendant is a residential tenant not otherwise in default and the eviction case is brought by the

1 successor in interest following foreclosure.

2 (c) On petition of a defendant in an eviction case after a
3 judgment or order of dismissal has been entered, a court shall enter
4 an order making confidential the eviction case information
5 pertaining to a defendant if:

6 (1) at least five years have elapsed from the date of
7 the final judgment in the eviction case;

8 (2) the defendant was a residential tenant not
9 otherwise in default and the eviction case was brought by the
10 successor in interest following foreclosure; or

11 (3) a confidentiality order was not issued and:

12 (A) a judgment was entered in favor of the
13 defendant; or

14 (B) the case was dismissed.

15 (d) Concurrently with a judgment or order of dismissal in an
16 eviction case or on petition of a defendant in an eviction case
17 after a judgment or dismissal in the case, a court may enter an
18 order making confidential the eviction case information pertaining
19 to the defendant if the court finds that:

20 (1) it is in the interest of justice; and

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

23 (e) If an order is entered making eviction case information
24 confidential under this section:

25 (1) a court or clerk may not intentionally disclose
26 the eviction case information, except:

27 (A) to any judge or court staff;

1 (B) to the parties to the suit or the parties'
2 counsel; or

3 (C) in a form that omits any personal identifying
4 information of the parties, to any other person, agency, or
5 institution approved by the court with a legitimate interest in the
6 work of the court; and

7 (2) except to the extent permitted by federal law, a
8 credit reporting agency, a person, other than a landlord, who
9 regularly collects and disseminates eviction case information, or a
10 person who sells eviction case information may not:

11 (A) disclose the existence of the eviction case;
12 or

13 (B) use the eviction case information as a factor
14 in determining a score or recommendation in a tenant screening
15 report regarding the defendant.

16 (f) A person who knowingly violates Subsection (e) is liable
17 to an injured party for:

18 (1) actual damages, or if unable to prove actual
19 damages, a penalty of no more than \$1,000; and

20 (2) reasonable attorney's fees, not to exceed \$10,000,
21 and court costs.

22 (g) Notwithstanding Section 41.004(a), Civil Practice and
23 Remedies Code, a court shall award exemplary damages under
24 Subsection (f)(2) to the injured party irrespective of whether the
25 party is awarded actual damages.

26 (h) This section does not prohibit a party to an eviction
27 case from abstracting the judgment in the case.

1 (i) The supreme court shall adopt rules necessary to
2 implement this section.

3 SECTION 2. Not later than January 1, 2022, the Texas Supreme
4 Court shall adopt the rules necessary to implement Section 24.012,
5 Property Code, as added by this Act.

6 SECTION 3. This Act takes effect January 1, 2022.