

By: Sanford

H.B. No. 4410

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

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

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

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

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

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

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