

By: Wu

H.B. No. 511

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of residential 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 RESIDENTIAL EVICTION CASE INFORMATION. (a) In this section:

(1) "Eviction case" means a lawsuit brought under this chapter to recover possession of leased or rented residential 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:

(A) an owner, lessor, or sublessor of a dwelling;

(B) a management company or managing agent for a dwelling, including an on-site manager; or

(C) a 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;

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

3           (3) the defendant is a residential tenant not  
4 otherwise in default and the eviction case is brought by the  
5 successor in interest following foreclosure.

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

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

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

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

16                   (A) a judgment was entered in favor of the  
17 defendant; or

18                   (B) the case was dismissed.

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

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

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

27           (e) If an order is entered making eviction case information

1 confidential under this section:

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

4 (A) to any judge or court staff;

5 (B) to the parties to the suit or the parties'  
6 counsel; or

7 (C) in a form that omits any personal identifying  
8 information of the parties, to any other person, agency, or  
9 institution approved by the court with a legitimate interest in the  
10 work of the court; and

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

15 (A) disclose the existence of the eviction case;  
16 or

17 (B) use the eviction case information as a factor  
18 in determining a score or recommendation in a tenant screening  
19 report regarding the defendant.

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

22 (1) actual damages or, if unable to prove actual  
23 damages, exemplary damages of not more than \$1,000; and

24 (2) reasonable attorney's fees of not more than  
25 \$10,000 and court costs.

26 (g) Notwithstanding Section 41.004(a), Civil Practice and  
27 Remedies Code, a court shall award exemplary damages under

1 Subsection (f)(1) to the injured party if the party is not awarded  
2 actual damages.

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

5 (i) The supreme court shall adopt rules necessary to  
6 implement this section.

7 SECTION 2. Not later than January 1, 2024, the Texas Supreme  
8 Court shall adopt the rules necessary to implement Section 24.012,  
9 Property Code, as added by this Act.

10 SECTION 3. This Act takes effect January 1, 2024.