

By: Hinojosa

H.B. No. 649

A BILL TO BE ENTITLED

AN ACT

relating to consideration of education-related income in determining eligibility of applicants for residential tenancies.

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

SECTION 1. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.027 to read as follows:

Sec. 92.027. CONSIDERATION OF APPLICANT'S EDUCATION-RELATED INCOME. (a) In this section, "applicant," "landlord," and "rental application" have the meanings assigned by Section 92.351.

(b) A landlord who uses an applicant's current income as a criterion in the determination of whether to approve an application for occupancy shall:

(1) include on a rental application a space labeled "EDUCATION-RELATED INCOME" for an applicant to provide information about the applicant's education-related income, including grants, scholarships, and federal student loans; and

(2) consider in the calculation of current income any education-related income of the applicant provided on the rental application form.

(c) A landlord who violates this section is liable for an amount equal to the sum of \$100, three times the amount of any application fee or deposit, and the applicant's reasonable attorney's fees.

SECTION 2. Section 92.3515(a), Property Code, is amended to read as follows:

(a) At the time an applicant is provided with a rental application, the landlord shall make available to the applicant printed notice of the landlord's tenant selection criteria and the grounds for which the rental application may be denied, including the applicant's:

(1) criminal history;

(2) previous rental history;

(3) current income, including education-related income described by Section 92.027;

(4) credit history; or

(5) failure to provide accurate or complete information on the application form.

SECTION 3. The changes in law made by this Act apply only to a rental application provided by a landlord to an applicant on or after the effective date of this Act. A rental application provided by a landlord to an applicant 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 4. This Act takes effect September 1, 2023.