

By: Collier

H.B. No. 1450

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.

(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 successor in interest following foreclosure.

(c) On petition of a defendant in an eviction case after a judgment or order of dismissal has been entered, a court shall enter

1 an order making confidential the eviction case information  
2 pertaining to a defendant if a confidentiality order was not issued  
3 and:

4 (1) a judgment was entered in favor of the defendant;  
5 or

6 (2) the case was dismissed without any relief granted  
7 to the plaintiff.

8 (d) On perfection of appeal by any party in an eviction  
9 case, a court shall enter an order making confidential the eviction  
10 case information of the trial court during the pendency of the  
11 appeal.

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

14 (1) a court or clerk may not disclose the eviction case  
15 information, except:

16 (A) to any judge or court staff of the trial court  
17 presiding over the eviction case;

18 (B) to the parties to the suit or the parties'  
19 counsel; or

20 (C) in a form that omits any personal identifying  
21 information of the parties, to any other person, agency, or  
22 institution approved by the court with a legitimate and  
23 noncommercial interest in the work of the court; and

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

1                    (A) disclose the existence of the eviction case;  
2 or  
3                    (B) use the eviction case information as a factor  
4 in determining a score or recommendation in a tenant screening  
5 report regarding the defendant.

6            (f) A person who knowingly violates Subsection (e)(2) is  
7 liable to an injured party for:

8                    (1) actual damages; and

9                    (2) reasonable attorney's fees and court costs.

10           (g) This section does not prohibit a party to an eviction  
11 case from abstracting the judgment in the case.

12            SECTION 2. This Act takes effect September 1, 2023.