

By: Eckhardt

S.B. No. 198

A BILL TO BE ENTITLED

AN ACT

relating to criminal history screening of applicants for residential tenancies.

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

SECTION 1. Section 92.3515, Property Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) At the time an applicant is provided with a rental application and before accepting an application fee, 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;
- (4) credit history; or
- (5) failure to provide accurate or complete information on the application form.

(a-1) The printed notice must state in writing that the applicant may provide evidence showing:

- (1) the inaccuracies in the applicant's criminal history;
- (2) the applicant's rehabilitation; or
- (3) other mitigating factors.

SECTION 2. Section 92.354, Property Code, is amended to read as follows:

Sec. 92.354. LIABILITY OF LANDLORD. (a) A landlord who in bad faith fails to refund an application fee or deposit in violation of this subchapter is liable for an amount equal to the sum of \$100, three times the amount wrongfully retained, and the applicant's reasonable attorney's fees.

(b) A landlord who violates Section 92.3515 is liable for an amount equal to the sum of \$500 and the applicant's reasonable attorney's fees.

SECTION 3. The changes in law made by this Act apply only to a lease or rental application submitted on or after the effective date of this Act. A lease or rental application submitted 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.