

BILL ANALYSIS

C.S.H.B. 2879

By: Isaac

Trade, Workforce & Economic Development
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee of an issue where a tenant or certain homeowners may face eviction or fines from a landlord or property association if the tenant or their guest uses force in defense of themselves or others on the property, even if the force is legally justified. C.S.H.B. 2879, the Aleah Wallace Act, seeks to address this issue and protect individuals' rights to defend themselves without fear of retaliation or unjust eviction by prohibiting landlords and condominium unit owners' associations from taking certain adverse action against a tenant or unit owner for the justified use of force, including deadly force, on their property.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2879 amends the Property Code to prohibit, under the Uniform Condominium Act, a unit owners' association or its board of directors or the body, regardless of name, designated to act on behalf of the association, from levying a fine or otherwise taking adverse action against a unit owner based on the use of force, including deadly force, that is justified under the Penal Code on condominium property by the unit owner, a tenant or guest of the unit owner, or a guest of a tenant of the unit owner. The bill establishes that, for the purposes of this prohibition, there is an irrebuttable presumption that a person's use of force is justified under the following conditions:

- the person is found not guilty of each offense arising out of the use of force with which the person is charged;
- a grand jury declines to indict the person for an offense arising out of the use of force; or
- the prosecutor having jurisdiction to prosecute an offense arising out of the use of force declines to prosecute the person who used the force for an offense arising out of the use of force.

The bill includes these provisions among the provisions of the Uniform Condominium Act that apply to a condominium for which the declaration was recorded before January 1, 1994. These provisions of the bill apply notwithstanding any provision of a dedicatory instrument to the contrary and regardless of the date of the provision's adoption.

C.S.H.B. 2879 prohibits a landlord from evicting or threatening to evict a residential tenant based on the use of force, including deadly force, that is justified under the Penal Code on the applicable premises by the tenant or a guest of the tenant and also prohibits such conduct with

respect to a manufactured home tenant. The bill establishes that, for the purposes of each of these prohibitions, there is an irrebuttable presumption that a person's use of force is justified under the following conditions:

- the person is found not guilty of each offense arising out of the use of force with which the person is charged;
- a grand jury declines to indict the person for an offense arising out of the use of force; or
- the prosecutor having jurisdiction to prosecute an offense arising out of the use of force declines to prosecute the person who used the force for an offense arising out of the use of force.

These provisions do not affect the enforceability of a provision in an applicable lease agreement entered into or renewed before the bill's effective date.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2879 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a short title designating the bill as the Aleah Wallace Act, whereas the introduced did not include a short title.