

By: Simmons

H.B. No. 2909

A BILL TO BE ENTITLED

AN ACT

relating to the expunction of records in residential eviction suits.

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. EXPUNCTION OF RECORDS IN RESIDENTIAL EVICTION SUITS. (a) A court has jurisdiction to order the expunction of records related to a residential eviction suit if the suit was filed originally or on appeal with the court. The court may, on oral or written motion of the tenant in the suit, order all records related to the suit in the possession or under the control of the court or other person be expunged if the court finds that:

(1) the suit is or was without sufficient basis in fact or law, including a lack of jurisdiction over the case, and:

(A) the expunction is in the interest of justice;
and

(B) the interest of justice is not outweighed by the public's interest in the records; or

(2) following a final judgment of a county court in an eviction suit, the tenant has maintained gainful employment for a period of at least two years before the date on which the motion to expunge is made.

(b) If the motion for expunction under Subsection (a)(1) is

1 made at trial, the justice court may, concurrently with a decision
2 in the suit, order records expunged under this section. An order
3 issued under this subsection takes effect on the expiration of the
4 time for filing an appeal of the decision. On appeal of the suit to
5 county court, an order issued under this subsection is void.

6 (c) A person may not publish and shall destroy a record that
7 is in the person's possession or under the person's control if the
8 person knows that an order of expunction of the record has been
9 issued under this section.

10 (d) A person who knowingly violates Subsection (c) is liable
11 to an injured party for:

- 12 (1) actual damages;
13 (2) exemplary damages of \$1,000; and
14 (3) reasonable attorney's fees and court costs.

15 (e) Notwithstanding Section 41.004(a), Civil Practice and
16 Remedies Code, a court shall award exemplary damages under
17 Subsection (d)(2) to the injured party irrespective of whether the
18 party is awarded actual damages.

19 (f) The supreme court shall adopt rules necessary to
20 implement this section.

21 SECTION 2. Subchapter I, Chapter 92, Property Code, is
22 amended by adding Section 92.356 to read as follows:

23 Sec. 92.356. CONSIDERATION OF EXPUNGED RECORDS. Any
24 records that remain in a landlord's possession or control after
25 having been ordered to be expunged under Section 24.012 may not be
26 taken into account by the landlord in accepting or rejecting a
27 rental application. A landlord who knowingly violates this section

1 is liable to an injured party for:

2 (1) actual damages;

3 (2) exemplary damages of \$1,000; and

4 (3) reasonable attorney's fees and court costs.

5 SECTION 3. Not later than January 1, 2026, the Texas Supreme
6 Court shall adopt the rules necessary to implement Section 24.012,
7 Property Code, as added by this Act.

8 SECTION 4. Section 24.012, Property Code, as added by this
9 Act, applies to a motion made on or after January 1, 2026, with
10 respect to a residential eviction suit that commences before, on,
11 or after January 1, 2026.

12 SECTION 5. This Act takes effect September 1, 2025.