By: Bhojani H.B. No. 1161

A BILL TO BE ENTITLED

AN ACT

relating to the creation of tenant legal services offices by local governments to assist low-income residential tenants in eviction cases and in cases involving discrimination based on the tenants' disabilities.

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

SECTION 1. Subtitle C, Title 5, Local Government Code, is amended by adding Chapter 181 to read as follows:

CHAPTER 181. TENANT LEGAL SERVICES OFFICE

Sec. 181.001. DEFINITIONS. In this chapter:

(1) "Brief legal assistance" means individualized legal assistance provided in a single consultation by a tenant legal services office to a tenant.

(2) "Disability" has the meaning assigned by Section 301.003, Property Code.

(3) "Full legal representation" means ongoing legal services provided by a tenant legal services office to a tenant, including court filings and appearances and other legal advice, advocacy, or assistance associated with a tenant's case.

(4) "Indigent" means having earnings that are not more than 200 percent of the income standard established by applicable federal poverty guidelines.

(5) "Local government" means a municipality or county or any combination of municipalities or counties.

(6) "Low-income" means having earnings that are not more than 400 percent of the income standard established by applicable federal poverty guidelines.

(7) "Reasonable accommodation" is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a tenant with disabilities to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.

(8) "Reasonable modification" means a reasonable structural change made to existing premises that may be necessary for a tenant with disabilities to have full enjoyment of a dwelling, including public and common use spaces.

Sec. 181.002. TENANT LEGAL SERVICES OFFICE. (a) A local government may create a tenant legal services office to provide legal representation and services to tenants as provided by Subsection (b).

(b) A tenant legal services office may provide:

(1) full legal representation to a tenant:

(A) in a residential eviction case if the tenant is indigent; or

(B) in a case involving a violation of Section 301.025, Property Code, if the tenant is a low-income individual with a disability; or

(2) brief legal assistance to a tenant in a residential eviction case if the tenant is a low-income individual.

(c) A local government may establish a department of the local government or by contract may designate a nonprofit

corporation to serve as the tenant legal services office for the local government.

(d) Any combination of municipalities or counties may agree by entering into an interlocal contract under Chapter 791, Government Code, to jointly implement or administer a tenant legal services office under this chapter.

(e) A local government by ordinance, order, or interlocal contract may adopt rules and procedures necessary to implement this chapter.

Sec. 181.003. PROPOSALS BY NONPROFIT CORPORATIONS. (a) Before contracting with a nonprofit corporation to serve as a tenant legal services office, a local government shall solicit proposals for the office.

(b) A local government shall require a written plan from a nonprofit corporation proposing to serve as a tenant legal services office.

(c) The written plan must include:

(1) a budget for the tenant legal services office, including salaries;

(2) a description of each personnel position, including the director of legal services position;

(3) the maximum allowable caseload for each attorney employed by the office;

(4) provisions for personnel training;

(5) a description of anticipated overhead costs for the office; and

(6) a policy to ensure that the director of legal

services and other attorneys employed by the office do not provide representation to a tenant if doing so would create a conflict of interest that has not been waived by the client.

(d) After considering each proposal submitted by a nonprofit corporation to a local government under this section, the local government shall select a proposal that reasonably demonstrates that the proposed tenant legal services office will provide adequate quality representation for tenants in disputes described by Section 181.002(b).

(e) The total cost of a proposal may not be the sole consideration in selecting the proposal.

Sec. 181.004. DIRECTOR OF LEGAL SERVICES. A tenant legal services office must be directed by a director of legal services who:

(1) is a member of the State Bar of Texas;

(2) has practiced law for at least three years; and

(3) has substantial experience in the practice of landlord-tenant law.

Sec. 181.005. FUNDING. (a) A tenant legal services office is entitled to receive funds for personnel costs and expenses incurred in operating the office in amounts determined by the local government and paid out of the appropriate local fund.

(b) This chapter does not authorize a local government to disburse, administer, or otherwise allocate funds received by the local government from the basic civil legal services account established under Section 51.943, Government Code, to create or operate a tenant legal services office.

Sec. 181.006. EMPLOYEES. (a) A tenant legal services office may employ attorneys and other personnel necessary to perform the duties of the office as specified by the local government.

(b) The director of a tenant legal services office must designate at least one employee of the office to assist tenants with disabilities in obtaining compliance with laws that apply to housing for tenants with disabilities.

Sec. 181.007. DENIAL OF REPRESENTATION. A tenant legal services office may not represent a tenant if:

(1) a conflict of interest exists that has not been waived by the client;

(2) the office has insufficient resources to provide adequate representation for the tenant;

(3) the office is incapable of providing representation for the tenant in accordance with the rules of professional conduct; or

(4) the office shows other good cause for not accepting the request for representation by the tenant.

Sec. 181.008. INVESTIGATION OF FINANCIAL CONDITION. A tenant legal services office may investigate the financial condition of a tenant who requests representation by the office.

Sec. 181.009. PUBLIC HEARING. (a) The director of a tenant legal services office shall hold an annual public hearing to receive recommendations about the office.

(b) Not later than the 30th day before the date of the hearing, the director shall:

(1) provide notice of the hearing:

(A) to each interested party and official; and

(B) by publishing the notice in a newspaper of general circulation in the local government;

(2) provide a copy of the notice to an appropriate officer or employee of the local government who shall post the notice:

(A) in each department or office of the local government responsible for providing social services for the residents of the local government; and

(B) if the local government maintains an Internet website, on:

(i) the website of the local government; and

(ii) if applicable, each webpage of the website dedicated to a department or office described by Paragraph (A); and

(3) provide a copy of the notice to an appropriate officer or employee of each local court that has original jurisdiction over eviction cases or cases regarding violations of Section 301.025, Property Code, who shall post the notice in an appropriate place at the court on behalf of the director.

(c) The director shall produce a transcript of the hearing and post the transcript on the local government's Internet website not later than the 30th day after the date of the hearing.

Sec. 181.010. REPORT. Not later than September 1 of each even-numbered year, the director of a tenant legal services office

shall submit a report to the governing body of the local government and post the report on the local government's Internet website that contains the following information that relates to the office for the preceding two years:

(1) the estimated number of tenants in the office's jurisdiction that are eligible for legal services;

(2) the number of tenants that received legal services, disaggregated by the following characteristics of the tenants, if voluntarily disclosed by the tenant:

(A) household size;

(B) estimated length of tenancy;

(C) approximate household income;

(D) disability; and

(E) types of reasonable accommodations or modifications needed;

(3) the types of legal services provided;

(4) the outcomes immediately following the provision of full legal representation, as applicable and available, including the number of:

(A) case dispositions in which:

(i) tenants remained in their residences;

(ii) tenants were evicted from their residences;

(iii) tenants with disabilities remained in their residences; and

(iv) tenants with disabilities were displaced from their residences;

(B) case dispositions regarding reasonable accommodations or modifications for tenants with disabilities that:

(i) were approved, including the types of accommodations or modifications that were approved; and

(ii) were disapproved, including the types of accommodations or modifications that were disapproved; and

(C) cases in which the attorney was discharged or withdrew;

(5) the expenditures for the office; and

(6) any other information required by the local government.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2027.