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FACT SHEET 2013

H.B. 3079

Legally Protect Landlords Who Provide Housing to People with Criminal Records

Limiting Negligent Actions Against Landlords will Improve Housing Options For Individuals with Criminal Histories, Increasing their Stability and Overall Public Safety

PEOPLE WITH CRIMINAL RECORDS NEED STABLE HOUSING TO CONTRIBUTE TO SOCIETY AND KEEP TEXAS COMMUNITIES SAFE

Nearly a million individuals cycle through local jails every year in Texas,¹ while approximately 650,000 people are under some form of state supervision (incarceration, probation, or parole) on an annual basis.² Individuals who are released from incarceration or who have a criminal record must overcome many barriers to becoming self-supporting, contributing members of their society. One critical barrier is housing.

Studies have shown that reducing discrimination in housing minimizes criminal justice system involvement and mitigates risk for re-incarceration.³ While many public housing providers are prohibited by law from renting to people with certain convictions, private landlords retain discretion as to when and to whom to rent their properties. Some private landlords are hesitant to rent or lease property to individuals with a criminal record, citing the fear of being sued if that person commits a crime on their property. This leaves many individuals scrambling to find housing and risks costly re-offending.

KEY FINDINGS

- On a single night in January 2011, a statewide census counted 36,911 homeless individuals in Texas.⁴
- A 2012 study by the National Alliance to End Homelessness reported that Texas had five urban areas ranked in the top 60 in regard to homeless populations: the **Houston** area ranked 13th with 9,217 homeless people; **Dallas/Ft. Worth** ranked 29th with 5,865 people; **San Antonio** ranked 33rd with 3,222 people; **Austin/Round Rock** ranked 37th with 2,362 people; and **El Paso** ranked 60th with 1,331 people.⁵

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT H.B. 3079 BY REPRESENTATIVE THOMPSON

- **H.B. 3079 will provide landlords with limited protection against liability solely for renting or leasing to someone with a criminal record, thus increasing housing opportunities among these individuals.** This policy will help individuals with records stabilize their living situation, be better able to support their families, and live law-abiding lives in our communities.

NOTE: Causes of action are still permitted for offenses committed by renters or leasees if the landlord knew or should have known of the conviction **and** the conviction was for a sexually violent offense, or a violent act that falls under Section 3(g), Article 42.12, Code of Criminal Procedure.

- **H.B. 3079 will help reduce homelessness, thus reducing the costly, destructive cycle of incarceration, homelessness, and re-incarceration.** Providing private landlords with limited liability will encourage them to base their renting decisions on a wider range of personal attributes, instead of summarily dismissing someone with a criminal history.

Citations on reverse.

Citations

¹ Texas Department of Criminal Justice, *H.B. 1711 Implementation Report*, Submitted to the Governor, Lieutenant Governor, Speaker of the House, Senate Criminal Justice & House Corrections Committees, September 1, 2010, p. 4: "One million plus offenders are processed in local jails on an annual basis."

² Texas Department of Criminal Justice (TDCJ), *Fiscal Year 2012 Statistical Year Report*, 2013, p. 1 (total on hand in TDCJ facilities as of August 2012 equaled 152,303 individuals), p. 4 (total parolees under active supervision equaled 87,131 individuals), and p. 6 (total community supervision population equaled 406,209 individuals); these populations total 645,643 individuals.

³ Metraux S. and Culhane D., "Homeless Shelter Use and Reincarceration Following Prison Release," *Criminology & Pub 3* (2): 139-160, 2004.

⁴ Data from U.S. Department of Housing and Urban Development, *Homelessness Reports and Housing Inventories*. Texas-specific data from U.S. Department of Housing and Urban Development, *HUD's 2011 Continuum of Care Homeless Assistance Programs: Homeless Populations and Subpopulations (Texas)*..

⁵ National Alliance to End Homelessness, *The State of Homelessness in America 2012*, pp. 46-47. Accessed at http://b3cdn.net/naeh/9892745b6de8a5ef59_q2m6yc53b.pdf