

# **[2015 Session] Improve Access to Housing Among Returning Individuals by Protecting Landlords that Rent or Lease to Individuals with a Criminal History**



## **Policy Background:**

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.

Studies have shown that reducing discrimination in housing minimizes criminal justice system involvement and mitigates risk for re-incarceration. Texas policy-makers should provide landlords with limited protection against liability solely for renting or leasing to someone with a criminal record, unless the landlord knew the conviction was for a violent or sexually violent offense. This will help individuals with records stabilize their living situation, be better able to support their families, and live law-abiding lives in the community.

### Key Facts:

- Texas has fewer available units for low-income households than the national average.[1]
- Inability to access stable and affordable housing causes those with a criminal record to be more susceptible to recidivism, violating probation or parole supervision, and treatment failure (especially for substance abuse and mental illness).[2]
- Men with histories of incarceration were found to be twice as likely to experience housing instability and four times more likely to experience homelessness than those without a criminal record, and those most recently incarcerated were 69% more likely to have insecure housing than those without histories of incarceration.[3]
- Limiting access to housing among individuals with a criminal record ultimately hurts their children and threatens family security. One out of every 28 children in the United States has at least one parent who is incarcerated; one out of every nine African American children grows up with an incarcerated parent.[4] Denying individuals with a criminal record the opportunity to access stable and affordable housing punishes entire families—preventing children from reunifying with their parents and increasing the likelihood of homelessness among children.

### Relevant Bills:

- **Bill Number:** [HB 1510](#) (author: Thompson, Senfronia | sponsor: Garcia)  
**Bill Caption:** Relating to liability of persons who lease dwellings to persons with criminal records.  
**TCJE Materials:** [Fact Sheet](#)  
**House Hearing Notice:** House Judiciary & Civil Jurisprudence Committee, [Notice of Public Hearing on April 14, 2015](#)  
**Archived House Hearing Video:** House Judiciary & Civil Jurisprudence

Committee, [04/14/15 Video](#) [TCJE testimony begins at 08:15:23]

**Senate Hearing Notice:** Senate State Affairs Committee, [Notice of Public Hearing on May 18, 2015](#)

**TCJE Senate Action:** [Written testimony in support](#)

**Outcome:** [Effective 1/1/16](#)

- **Bill Number:** [SB 1473](#) (Garcia, Watson)

**Bill Caption:** Relating to liability of persons who lease dwellings to persons with criminal records.

**TCJE Materials:** [Fact Sheet](#)

### Outside Publications:

- House Committee on Judiciary & Civil Jurisprudence, [Interim Report to the 84th Legislature](#) [December 2014]

See *Charge 2*: Study the potential issues involving civil liability for interacting with ex-offenders. In particular, examine the implications of HB 1188 (83R) and the potential expansion of similar protections to landlords. (pages 16-21)

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[1] National Low Income Housing Coalition, *America's Affordable Housing Shortage, and How to End It*, February 2013, p. 6; [http://nlihc.org/sites/default/files/HS\\_3-1.pdf](http://nlihc.org/sites/default/files/HS_3-1.pdf)

[2] Faith E. Lutze, Jeffrey W. Rosky, and Zachary K. Hamilton, "Homelessness and Reentry: A Multisite Outcome Evaluation of Washington State's Reentry Housing Program for High Risk Offenders," *Criminal Justice and Behavior* 41, 2014, p. 473.

[3] *Ibid*, p. 41.

[4] Helen Gaebler, *Criminal Records in the Digital Age: A Review of Current Practices and Recommendations for Reform in Texas*, William Wayne Justice Center for Public Interest Law, The University of Texas School of Law, 2013, p. 11, citing Written Testimony of Amy Solomon, Senior Advisor to the Assistant Attorney General, Office of Justice Programs, U.S. Department of Justice, July 26, 2011, Meeting of the EEOC to Examine Arrest and Conviction Records as a Hiring Barrier.