

- SUBJECT:** Prohibiting municipalities from requiring tenants to obtain licenses
- COMMITTEE:** Border and Intergovernmental Affairs — committee substitute recommended
- VOTE:** 5 ayes — Gonzales, Flores, Guillen, Leibowitz, Moody
1 nay — Flynn
3 absent — Olivo, Raymond, Shelton
- SENATE VOTE:** On final passage, April 9 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** For — Robert Doggett, Texas Low Income Housing Information Service;
(*On the committee substitute:* David Mintz, Texas Apartment Association)
Against — (*Registered, but did not testify:* Heather King-Fazio)
- DIGEST:** CSSB 1398 would prohibit municipalities from requiring a tenant to acquire a license or permit as a condition of occupying or leasing an individual unit in a single-family, duplex, or multifamily dwelling. Municipalities would be allowed to require a license or permit related to nonresidential use or the condition of a dwelling unit.
The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.
- SUPPORTERS SAY:** Under current law, cities may impose license or permit fees or credit checks on prospective housing tenants, which creates an additional financial hurdle for low-income renters. CSSB 1398 would place the responsibility for determining renter criteria in the hands of property and development owners, but would allow municipalities to adopt ordinances related to a dwelling's nonresidential uses.
- OPPONENTS SAY:** CSSB 1398 would prohibit municipalities from addressing adequately local concerns and adopting ordinances they feel appropriate. Municipalities should be allowed to adopt any ordinances they feel are

necessary to address local housing concerns.

NOTES:

The substitute differs from the bill as filed by stating that a municipality would not be prohibited from requiring a license or permit related to the nonresidential use or the condition of a dwelling unit.