

**Residential  
Tenancies**

Residential tenancies are subject to Property Code Chapter 92.  
*Property Code Chapter 92*

**Temporary Housing  
Assistance for  
Certain Students**

To be eligible to receive housing assistance from an institution of higher education, including a college district, a student must:

1. Have been under the conservatorship of the Department of Family and Protective Services or its predecessor in function on the day preceding:
  - a. The student's 18th birthday; or
  - b. The date the student's disabilities of minority are removed by a court under Family Code Chapter 31.
2. Be enrolled full-time at the institution during the academic term immediately preceding the period for which the student requests the housing assistance;
3. Be registered or otherwise have taken the actions required by the institution to permit the student to enroll full-time at the institution during the academic term immediately following the period for which the student requests the housing assistance; and
4. Lack other reasonable temporary housing alternatives between the academic terms described above, as determined by the institution.

On the student's request, each institution of higher education shall assist an eligible student in locating temporary housing for any period beginning on the last day of an academic term and ending on the first day of the immediately following academic term, according to the institution's academic calendar.

For each eligible student who also demonstrates financial need, the institution may:

1. Provide a stipend to cover any reasonable costs of the temporary housing that are not covered by other financial aid immediately available to the student for that purpose; or
2. Provide temporary housing directly to the student for the applicable period.

The receipt of a stipend does not prohibit the student from receiving additional stipends in one or more subsequent periods, based on the student's demonstrated financial need.

An institution of higher education may use any available revenue, including legislative appropriations, and may solicit and accept

gifts, grants, and donations for the purposes of this section. The institution shall use any gifts, grants, and donations received for the purposes of this section before using other revenue.

*Education Code 51.978*

**Discrimination on the Basis of Sex**

A recipient of federal financial assistance, including a college district, shall not, on the basis of sex, apply different rules or regulations, impose different fees or requirements, or offer different services or benefits related to housing, except as provided by 34 C.F.R. 106.32 (including housing provided only to married students). 34 C.F.R. 106.32(a)

**Students with Disabilities**

A recipient of federal financial assistance, including a college district, that provides housing to its students without disabilities shall provide comparable, convenient, and accessible housing to its students with disabilities at the same cost as to other students. 34 C.F.R. 104.45(a)

**Criminal Background Check**

An institution of higher education, including a college district, is entitled to obtain from the Texas Department of Public Safety criminal history record information maintained by the department that relates to a student, or to an applicant for admission as a student, who applies to reside in on-campus housing at the institution.

Criminal history record information obtained by an institution of higher education under this section may be used by the chief of police of the institution or by the institution's housing office only for the purpose of evaluating current students or applicants for enrollment who apply to reside in on-campus housing at the institution. The institution shall notify a student who is the subject of the criminal history record information of any use of the information to deny the student the opportunity to reside in on-campus housing at the institution.

Criminal history record information received by an institution of higher education under this section may not be released or disclosed to any person except on court order or with the consent of the person who is the subject of the criminal history record information.

As soon as practicable after the beginning of the academic period for which the person's housing application was submitted, all criminal history record information obtained about a person under this section, including any copy of the content of that information held by the institution, shall be destroyed by the chief of police of the institution of higher education or by the institution's housing office, as applicable.

*Gov't Code 411.0945*

**Restrictions on Registered Sex Offenders**

A person subject to registration under Code of Criminal Procedure Chapter 62 may not reside on the campus of a public or private institution of higher education, including a community college, unless:

1. The person is assigned a numeric risk level of one based on an assessment conducted using the sex offender screening tool developed or selected under Code of Criminal Procedure 62.007; and
2. The institution approves the person to reside on the institution's campus.

*Code of Criminal Procedure 62.064*

**Residential Advisor Overdose Awareness and Response Training**

A public or private institution of higher education, including a college district, that imposes any mandatory training requirements on residential advisors must ensure that overdose awareness and appropriate response training is included with that training.

Definitions

"Residential advisor" means a student who is employed by a public or private institution of higher education to serve in an advisory capacity for students living in a residential facility.

"Residential facility" means a residence used exclusively for housing or boarding students or faculty of a public or private institution of higher education.

*Education Code 51.9362*

**Missing Student Notification Policies and Procedures**

An institution, including a college district, that provides any on-campus student housing facility must include a statement of policy regarding missing student notification procedures for students who reside in on-campus student housing facilities in its annual security report. This statement must:

1. Indicate a list of titles of the persons or organizations to which students, employees, or other individuals should report that a student has been missing for 24 hours;
2. Require that any missing student report must be referred immediately to the institution's police or campus security department, or, in the absence of an institutional police or campus security department, to the local law enforcement agency that has jurisdiction in the area;
3. Contain an option for each student to identify a contact person or persons whom the institution shall notify within 24 hours of the determination that the student is missing, if the

student has been determined missing by the institutional police or campus security department, or the local law enforcement agency;

4. Advise students that their contact information will be registered confidentially, that this information will be accessible only to authorized campus officials, and that it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation;
5. Advise students that if they are under 18 years of age and not emancipated, the institution must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student; and
6. Advise students that the institution will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

The procedures that the institution must follow when a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours include:

1. If the student has designated a contact person, notifying that contact person within 24 hours that the student is missing;
2. If the student is under 18 years of age and is not emancipated, notifying the student's custodial parent or guardian and any other designated contact person within 24 hours that the student is missing; and
3. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, informing the local law enforcement agency that has jurisdiction in the area within 24 hours that the student is missing.

*20 U.S.C. 1092(j); 34 C.F.R. 668.46(h)*

### **Fire Safety**

#### Annual Report

An institution that maintains any on-campus student housing facility must prepare an annual fire safety report that contains, at a minimum, the following information:

1. The fire statistics described below.
2. A description of each on-campus student housing facility fire safety system.

3. The number of fire drills held during the previous calendar year.
4. The institution's policies or rules on portable electrical appliances, smoking, and open flames in a student housing facility.
5. The institution's procedures for student housing evacuation in the case of a fire.
6. The policies regarding fire safety education and training programs provided to the students and employees. In these policies, the institution must describe the procedures that students and employees should follow in the case of a fire.
7. For purposes of including a fire in the statistics in the annual fire safety report, a list of the titles of each person or organization to which students and employees should report that a fire occurred.
8. Plans for future improvements in fire safety, if determined necessary by the institution.

*34 C.F.R. 668.49(b)*

Fire Statistics

An institution must report statistics for each on-campus student housing facility, for the three most recent calendar years for which data are available, concerning:

1. The number of fires and the cause of each fire;
2. The number of persons who received fire-related injuries that resulted in treatment at a medical facility, including at an on-campus health center;
3. The number of deaths related to a fire; and
4. The value of property damage caused by a fire.

An institution is required to submit a copy of the fire statistics to the U.S. Secretary of Education on an annual basis.

*34 C.F.R. 668.49(c)*

Fire Log

An institution that maintains on-campus student housing facilities must maintain a written, easily understood fire log that records, by the date that the fire was reported, any fire that occurred in an on-campus student housing facility. This log must include the nature, date, time, and general location of each fire.

An institution must make an entry or an addition to an entry to the log within two business days, as defined under 34 C.F.R. 668.46(a), of the receipt of the information.

An institution must make the fire log for the most recent 60-day period open to public inspection during normal business hours. The institution must make any portion of the log older than 60 days available within two business days of a request for public inspection.

An institution must make an annual report to the campus community on the fires recorded in the fire log. This requirement may be satisfied by the annual fire safety report described above.

*34 C.F.R. 668.49(d)*