

## BILL ANALYSIS

Senate Research Center

H.B. 424  
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Intergovernmental Relations  
5/16/2003  
Engrossed

### DIGEST AND PURPOSE

Currently, the Texas Local Government Code, relating to the appointment of tenant representatives as commissioners of a municipal, county, or regional housing authority, is inconsistent with federal law, because this statute applies only to a municipality or a county that has a county housing authority or is a member of a regional housing authority and the total number of units in the authority is more than 750. H.B. 424 sets forth provisions to make the federal and state standards consistent.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 392.0331, Local Government Code, by amending Subsection (a) and adding Subsections (j) and (k), as follows:

(a) Provides that this section applies only to a municipality that has a municipal housing authority in which the total number of public housing units is 300 or more, except as provided by Section 392.0332 or a county that has a county housing authority or is a member of a regional housing authority and the total number of public housing units in the authority is more than 750.

(j) Defines “public housing unit.”

(k) Requires a housing authority, on an annual basis in a manner prescribed by the Texas Department of Housing and Community Affairs (TDHCA), to provide TDHCA with written notice regarding whether a tenant resident serves as a commissioner of the authority and, if applicable, the name and mailing address of that resident.

SECTION 2. Amends Subchapter C, Chapter 392, Local Government Code, by adding Section 392.0332, as follows:

Sec. 392.0332. TENANT COMMISSIONER REQUIREMENT FOR SMALL MUNICIPAL HOUSING AUTHORITIES. (a) Defines “small municipal housing authority.”

(b) Provides that Section 392.0331 applies to a municipality with respect to a small municipal housing authority unless the municipality, acting through the housing authority, meets an exception under certain criteria.

SECTION 3. Amends Section 392.038, Local Government Code, as follows:

Sec. 392.038. OTHER OFFICERS AND EMPLOYEES OF A MUNICIPAL OR COUNTY HOUSING AUTHORITY. (a) Authorizes a municipal or county housing authority to employ a secretary, who shall serve as executive director, and to employ technical experts and other officers, agents, and employees, permanent or temporary, the

authority considers necessary, except as prohibited in Subsection (b).

(b) Prohibits a housing authority from using any money under the control of the authority to make certain payments.

(c) Provides that a person who violates Subsection (b) commits an offense. Provides that an offense under this section is a Class A misdemeanor.

(d) Provides that Section 305.026, Government Code, does not apply to a housing authority.

(e) Provides that the restriction imposed by this section is in addition to the restriction imposed by Section 556.0055, Government Code.

SECTION 4. Provides that the change in law made by this Act in amending Section 392.0331, Local Government Code, and in adding Section 392.0332, Local Government Code, does not affect the ability of a commissioner of a housing authority serving on the effective date of this Act to continue to serve the remainder of the term to which the member is appointed before that date. Requires the presiding officer of the municipality, as the terms of commissioners of the housing authority expire or as a vacancy is created in a commissioner's position, to appoint the tenant member or members required by Section 392.0331, Local Government Code, as amended by this Act.

SECTION 5. Effective date: September 1, 2003.