

## **BILL ANALYSIS**

H.B. 424  
By: Christian  
Urban Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, Section 392.0331, Local Government Code, the statute relating to the appointment of tenant representatives as commissioner of a municipal, county, or regional housing authority, applies only to:

- (1) a municipality; or
- (2) 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.

In addition, under federal law, (24 C.F.R. § 964.425(a), relating to small housing agencies), the requirements relating to tenant representation do not apply to any public housing agency that:

- (1) has fewer than 300 public housing units
- (2) has provided reasonable notice to the resident advisory board of the opportunity for residents to serve on the governing board
- (3) has not been notified of the intention of any resident to participate
- (4) repeats the requirements of paragraph (a)(2) and (a)(3) of the section at least once every year.

Thus, current federal and state law is unbalanced in relation to small housing agencies. Since extant Texas law does not quantify the minimum number of units in a municipality's housing authority for tenant representation to apply, the federal department of Housing and Urban Development ("HUD") interprets the law to require that any Texas municipal housing authority must have a tenant representative. Many small housing authorities in the state of Texas are required to comply with tenant representation statutes even though federal law does not require them to do so. House Bill 424 amends Section 392.0331, Local Government Code, to make the federal and state standards consistent.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 392.0331(a), Local Government Code, as follows:

- (1) creates the additional stipulation regarding a municipality for application of Section 392.0331, Local Government Code, that a municipal housing authority's total number of units must exceed 300; and
- (2) makes a non-substantive grammatical correction to Subsection 392.0331(a)(2), Local Government Code.

SECTION 2. Effective Date.

**EFFECTIVE DATE:** September 1, 2003.