

1-1 By: Christian (Senate Sponsor - Staples) H.B. No. 424
1-2 (In the Senate - Received from the House May 2, 2003;
1-3 May 6, 2003, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 21, 2003, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 21, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the regulation of certain housing authorities;
1-9 providing a penalty.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 392.0331, Local Government Code, is
1-12 amended by amending Subsection (a) and adding Subsections (j) and
1-13 (k) to read as follows:

1-14 (a) This section applies only to:

1-15 (1) a municipality that has a municipal housing
1-16 authority in which the total number of public housing units is 300
1-17 or more, except as provided by Section 392.0332; or

1-18 (2) a county that has a county housing authority or is
1-19 a member of a regional housing authority and the total number of
1-20 public housing units in the authority is more than 750.

1-21 (j) In this section, "public housing unit" is a dwelling
1-22 unit for which the owner receives a public housing operating
1-23 subsidy from the United States Department of Housing and Urban
1-24 Development. The term does not include a unit for which payments
1-25 are made to the landlord under the federal Section 8 Housing Choice
1-26 Voucher Program.

1-27 (k) On an annual basis in a manner prescribed by the
1-28 department, a housing authority shall provide the Texas Department
1-29 of Housing and Community Affairs with written notice regarding
1-30 whether a tenant resident serves as a commissioner of the authority
1-31 and, if applicable, the name and mailing address of that resident.

1-32 SECTION 2. Subchapter C, Chapter 392, Local Government
1-33 Code, is amended by adding Section 392.0332 to read as follows:

1-34 Sec. 392.0332. TENANT COMMISSIONER REQUIREMENT FOR SMALL
1-35 MUNICIPAL HOUSING AUTHORITIES. (a) In this section, "small
1-36 municipal housing authority" means a municipal housing authority
1-37 that has fewer than 300 housing units under its jurisdiction. The
1-38 term includes an authority with no housing units that administers
1-39 only Section 8 housing assistance provided under Section 8, United
1-40 States Housing Act of 1937 (42 U.S.C. Section 1437f), as amended.

1-41 (b) Section 392.0331 applies to a municipality with respect
1-42 to a small municipal housing authority unless the municipality,
1-43 acting through the housing authority:

1-44 (1) makes a reasonable effort to recruit eligible
1-45 tenants to serve as commissioners of the authority, including
1-46 notifying the authority's resident advisory board of the
1-47 opportunity for eligible tenants to serve as commissioners of the
1-48 authority;

1-49 (2) does not receive any positive tenant response on
1-50 or before the 30th day following the date that notice is provided to
1-51 the resident advisory board under Subdivision (1);

1-52 (3) repeats the requirements of Subdivisions (1) and
1-53 (2) at least annually; and

1-54 (4) provides the Texas Department of Housing and
1-55 Community Affairs with the annual notice required by Section
1-56 392.0331(k).

1-57 SECTION 3. Section 392.038, Local Government Code, is
1-58 amended to read as follows:

1-59 Sec. 392.038. OTHER OFFICERS AND EMPLOYEES OF A MUNICIPAL
1-60 OR COUNTY HOUSING AUTHORITY. (a) A municipal or county housing
1-61 authority may employ a secretary, who shall serve as executive
1-62 director, and may employ technical experts and other officers,
1-63 agents, and employees, permanent or temporary, the authority
1-64 considers necessary, except as prohibited in Subsection (b). The

2-1 authority shall determine the qualifications, duties, and
2-2 compensation of the persons employed.

2-3 (b) A housing authority may not use any money under the
2-4 control of the authority to pay:

2-5 (1) lobbying expenses incurred by the authority;

2-6 (2) a person that is required to register with the
2-7 Texas Ethics Commission under Chapter 305, Government Code;

2-8 (3) any partner, employee, employer, relative,
2-9 contractor, consultant, or related entity of a person described by
2-10 Subdivision (2); or

2-11 (4) a person that has been hired to represent
2-12 associations or other entities for the purpose of affecting the
2-13 outcome of legislation, agency rules, ordinances, or other
2-14 government policies.

2-15 (c) A person who violates Subsection (b) commits an offense.
2-16 An offense under this section is a Class A misdemeanor.

2-17 (d) Section 305.026, Government Code, does not apply to a
2-18 housing authority.

2-19 (e) The restriction imposed by this section is in addition
2-20 to the restriction imposed by Section 556.0055, Government Code.

2-21 SECTION 4. The change in law made by this Act in amending
2-22 Section 392.0331, Local Government Code, and in adding Section
2-23 392.0332, Local Government Code, does not affect the ability of a
2-24 commissioner of a housing authority serving on the effective date
2-25 of this Act to continue to serve the remainder of the term to which
2-26 the member is appointed before that date. As the terms of
2-27 commissioners of the housing authority expire or as a vacancy is
2-28 created in a commissioner's position, the presiding officer of the
2-29 municipality shall appoint the tenant member or members required by
2-30 Section 392.0331, Local Government Code, as amended by this Act.

2-31 SECTION 5. This Act takes effect September 1, 2003.

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