

AN ACT

relating to housing authorities established by municipalities and counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 392.005(c) and (d), Local Government Code, are amended to read as follows:

(c) An exemption under this section for a multifamily residential development which is owned by ~~[(i)]~~ a public facility corporation created by a housing authority under Chapter 303, owned by ~~[(ii)]~~ a housing development corporation, or owned by ~~[(iii)]~~ a similar entity created by a housing authority and which does not have at least 20 percent of its units reserved for public housing units, rent-restricted units subsidized by a housing authority, or a combination of public housing and rent-restricted units, applies only if:

(1) the authority holds a public hearing, at a regular meeting of the authority's governing body, to approve the development; and

(2) at least 50 percent of the units in the multifamily residential development are reserved for occupancy by individuals and families earning less than 80 percent of the area median family income.

(d) For the purposes of Subsection (c), a "public housing unit":

1 (1) is a dwelling unit for which the owner:

2 (A) receives a public housing operating subsidy;

3 or

4 (B) received a public housing operating subsidy,

5 if the dwelling unit was subsequently converted through the Rental
6 Assistance Demonstration program administered by the United States
7 Department of Housing and Urban Development as specified by the
8 Consolidated and Further Continuing Appropriations Act of 2012
9 (Pub. L. No. 112-55) and its subsequent amendments; and

10 (2) [~~It~~] does not include a unit for which payments
11 are made to the landlord under the federal Section 8 Housing Choice
12 Voucher Program unless the unit was converted under the Rental
13 Assistance Demonstration program.

14 SECTION 2. Section 392.031(b), Local Government Code, is
15 amended to read as follows:

16 (b) A commissioner may not be an officer or employee of the
17 municipality. A commissioner may be:

18 (1) a tenant of a public project over which the housing
19 authority has jurisdiction; or

20 (2) a [~~person who is a~~] recipient of housing
21 assistance administered through the authority's housing choice
22 voucher program or project-based rental assistance program.

23 SECTION 3. Section 392.0331, Local Government Code, is
24 amended by amending Subsections (b), (b-2), (g), and (h-1) and
25 adding Subsection (b-3) to read as follows:

26 (b) Except as provided by Subsections [~~Subsection~~] (b-1)
27 and (b-2), in appointing commissioners under Section 392.031, a

1 municipality with a municipal housing authority composed of five
2 commissioners shall appoint at least one commissioner to the
3 authority who is a tenant of a public housing project over which the
4 authority has jurisdiction or who is a recipient of housing
5 assistance administered through the authority's housing choice
6 voucher program or project-based rental assistance program. Except
7 as provided by Subsection (b-3) [~~(b-2)~~], in appointing
8 commissioners under Section 392.031, a municipality with a
9 municipal housing authority composed of seven or more commissioners
10 shall appoint at least two commissioners to the authority who are
11 tenants of a public housing project over which the authority has
12 jurisdiction or who are recipients of housing assistance
13 administered through the authority's housing choice voucher
14 program or project-based rental assistance program.

15 (b-2) This subsection applies only to a municipality that
16 has a population over 600,000 and is located adjacent to the
17 international border of this state. In appointing commissioners
18 under Section 392.031, a municipality described by this subsection
19 that has a municipal housing authority composed of five
20 commissioners shall appoint at least one commissioner to the
21 authority who is:

22 (1) a tenant of a public housing project over which the
23 authority has jurisdiction; or

24 (2) a recipient of housing assistance administered
25 through the authority's housing choice voucher program or
26 project-based rental assistance program.

27 (b-3) In appointing commissioners under Section 392.031, a

1 municipality that has a population over two million and a municipal
2 housing authority composed of seven or more commissioners shall
3 appoint at least two commissioners to the authority who are:

4 (1) tenants of a public housing project over which the
5 authority has jurisdiction; or

6 (2) recipients of housing assistance administered
7 through the authority's housing choice voucher program.

8 (g) A commissioner appointed under this section may not
9 participate:

10 (1) in any vote or discussion concerning the
11 termination of:

12 (A) the commissioner's occupancy rights in
13 public housing;

14 (B) the commissioner's rights to housing
15 assistance administered through a housing choice voucher program or
16 a project-based rental assistance program; or

17 (C) the rights of any person related in the first
18 degree by consanguinity to the commissioner with respect to the
19 person's occupancy rights in public housing or right to receive
20 housing assistance administered through a housing choice voucher
21 program or a project-based rental assistance program; or

22 (2) in a grievance or administrative hearing in which
23 the commissioner or a person related in the first degree by
24 consanguinity to the commissioner is a party.

25 (h-1) If a commissioner appointed under this section as a
26 recipient of housing assistance administered through the
27 authority's housing choice voucher program or project-based rental

1 assistance program ceases to receive that assistance, a majority of
2 the other commissioners shall decide whether to request that a new
3 commissioner be appointed. A majority of the commissioners may
4 decide to allow the commissioner to serve the remaining portion of
5 the commissioner's term.

6 SECTION 4. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 2792 was passed by the House on April 27, 2017, by the following vote: Yeas 139, Nays 6, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2792 on May 25, 2017, by the following vote: Yeas 133, Nays 11, 3 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2792 was passed by the Senate, with amendments, on May 23, 2017, by the following vote: Yeas 20, Nays 11.

Secretary of the Senate

APPROVED: _____

Date

Governor