

1-1 By: González of El Paso (Senate Sponsor - Rodríguez) H.B. No. 2792
 1-2 (In the Senate - Received from the House May 1, 2017;
 1-3 May 8, 2017, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 19, 2017, reported adversely,
 1-5 with favorable Committee Substitute by the following vote: Yeas 5,
 1-6 Nays 2; May 19, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell		X		
1-11 Garcia	X			
1-12 Huffines	X			
1-13 Menéndez	X			
1-14 Taylor of Collin		X		

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 2792 By: Garcia

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to housing authorities established by municipalities and
 1-20 counties.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Sections 392.005(c) and (d), Local Government
 1-23 Code, are amended to read as follows:

1-24 (c) An exemption under this section for a multifamily
 1-25 residential development which is owned by ~~[(i)]~~ a public facility
 1-26 corporation created by a housing authority under Chapter 303, owned
 1-27 by ~~[(ii)]~~ a housing development corporation, or owned by ~~[(iii)]~~ a
 1-28 similar entity created by a housing authority and which does not
 1-29 have at least 20 percent of its units reserved for public housing
 1-30 units, rent-restricted units subsidized by a housing authority, or
 1-31 a combination of public housing and rent-restricted units, applies
 1-32 only if:

1-33 (1) the authority holds a public hearing, at a regular
 1-34 meeting of the authority's governing body, to approve the
 1-35 development; and

1-36 (2) at least 50 percent of the units in the multifamily
 1-37 residential development are reserved for occupancy by individuals
 1-38 and families earning less than 80 percent of the area median family
 1-39 income.

1-40 (d) For the purposes of Subsection (c), a "public housing
 1-41 unit":

1-42 (1) is a dwelling unit for which the owner:
 1-43 (A) receives a public housing operating subsidy;
 1-44 or
 1-45 (B) received a public housing operating subsidy,
 1-46 if the dwelling unit was subsequently converted through the Rental
 1-47 Assistance Demonstration program administered by the United States
 1-48 Department of Housing and Urban Development as specified by the
 1-49 Consolidated and Further Continuing Appropriations Act of 2012
 1-50 (Pub. L. No. 112-55) and its subsequent amendments; and

1-51 (2) ~~[-It]~~ does not include a unit for which payments
 1-52 are made to the landlord under the federal Section 8 Housing Choice
 1-53 Voucher Program unless the unit was converted under the Rental
 1-54 Assistance Demonstration program.

1-55 SECTION 2. Section 392.031(b), Local Government Code, is
 1-56 amended to read as follows:

1-57 (b) A commissioner may not be an officer or employee of the
 1-58 municipality. A commissioner may be:

1-59 (1) a tenant of a public project over which the housing
 1-60 authority has jurisdiction; or

1-61 (2) a ~~[person who is a]~~ recipient of housing

2-1 assistance administered through the authority's housing choice
2-2 voucher program or project-based rental assistance program.

2-3 SECTION 3. Section 392.0331, Local Government Code, is
2-4 amended by amending Subsections (b), (b-2), (g), and (h-1) and
2-5 adding Subsection (b-3) to read as follows:

2-6 (b) Except as provided by Subsections [~~Subsection~~] (b-1)
2-7 and (b-2), in appointing commissioners under Section 392.031, a
2-8 municipality with a municipal housing authority composed of five
2-9 commissioners shall appoint at least one commissioner to the
2-10 authority who is a tenant of a public housing project over which the
2-11 authority has jurisdiction or who is a recipient of housing
2-12 assistance administered through the authority's housing choice
2-13 voucher program or project-based rental assistance program. Except
2-14 as provided by Subsection (b-3) [~~(b-2)~~], in appointing
2-15 commissioners under Section 392.031, a municipality with a
2-16 municipal housing authority composed of seven or more commissioners
2-17 shall appoint at least two commissioners to the authority who are
2-18 tenants of a public housing project over which the authority has
2-19 jurisdiction or who are recipients of housing assistance
2-20 administered through the authority's housing choice voucher
2-21 program or project-based rental assistance program.

2-22 (b-2) This subsection applies only to a municipality that
2-23 has a population over 600,000 and is located adjacent to the
2-24 international border of this state. In appointing commissioners
2-25 under Section 392.031, a municipality described by this subsection
2-26 that has a municipal housing authority composed of five
2-27 commissioners shall appoint at least one commissioner to the
2-28 authority who is:

2-29 (1) a tenant of a public housing project over which the
2-30 authority has jurisdiction; or

2-31 (2) a recipient of housing assistance administered
2-32 through the authority's housing choice voucher program or
2-33 project-based rental assistance program.

2-34 (b-3) In appointing commissioners under Section 392.031, a
2-35 municipality that has a population over two million and a municipal
2-36 housing authority composed of seven or more commissioners shall
2-37 appoint at least two commissioners to the authority who are:

2-38 (1) tenants of a public housing project over which the
2-39 authority has jurisdiction; or

2-40 (2) recipients of housing assistance administered
2-41 through the authority's housing choice voucher program.

2-42 (g) A commissioner appointed under this section may not
2-43 participate:

2-44 (1) in any vote or discussion concerning the
2-45 termination of:

2-46 (A) the commissioner's occupancy rights in
2-47 public housing;

2-48 (B) the commissioner's rights to housing
2-49 assistance administered through a housing choice voucher program or
2-50 a project-based rental assistance program; or

2-51 (C) the rights of any person related in the first
2-52 degree by consanguinity to the commissioner with respect to the
2-53 person's occupancy rights in public housing or right to receive
2-54 housing assistance administered through a housing choice voucher
2-55 program or a project-based rental assistance program; or

2-56 (2) in a grievance or administrative hearing in which
2-57 the commissioner or a person related in the first degree by
2-58 consanguinity to the commissioner is a party.

2-59 (h-1) If a commissioner appointed under this section as a
2-60 recipient of housing assistance administered through the
2-61 authority's housing choice voucher program or project-based rental
2-62 assistance program ceases to receive that assistance, a majority of
2-63 the other commissioners shall decide whether to request that a new
2-64 commissioner be appointed. A majority of the commissioners may
2-65 decide to allow the commissioner to serve the remaining portion of
2-66 the commissioner's term.

2-67 SECTION 4. This Act takes effect September 1, 2017.