

By: Lopez of Bexar

H.B. No. 5255

A BILL TO BE ENTITLED

AN ACT

relating to the collection and publication of data on affordable housing by municipalities.

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

SECTION 1. Subtitle A, Title 12, Local Government Code, is amended by adding Chapter 381, to read as follows:

CHAPTER 381. COLLECTION AND PUBLICATION OF DATA ON AFFORDABLE

HOUSING AVAILABILITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 381.001. PURPOSE. The purpose of this chapter is to:

(1) empower residents in need of affordable housing with a greater awareness of available affordable housing options; and

(2) provide more standardized, transparent, and easily accessible affordable housing data to municipal governments, residents, and private entities; and

(3) promote economic development and equitable access to affordable housing availability.

Sec. 381.002. DEFINITIONS. In this chapter:

(1) "affordable housing unit" means:

(A) an income-restricted housing unit, such as:

(i) income-restricted housing, including housing offered by the United States Department of Housing and Urban Development;

1 (ii) public housing;

2 (iii) housing obtained with a voucher
3 provided through the housing choice voucher program under Section
4 8, United States Housing Act of 1937 (42 U.S.C. Section 1437f);

5 (iv) permanent supportive housing provided
6 by the Health and Human Services Commission;

7 (v) service-enriched housing provided by
8 the Texas Department of Housing and Community Affairs;

9 (vi) housing provided by an affordable
10 housing initiative operated by a municipality; and

11 (vii) rental units not described by
12 Subdivisions (i)-(vi) for which rent is not more than 30 percent of
13 the lowest household income quartile in a municipality.

14 (2) "public information" has the meaning assigned by
15 Section 552.002, Government Code.

16 Sec. 381.003. APPLICABILITY. This chapter applies only to
17 municipalities with a total population of 100,000 or more.

18 SUBCHAPTER B. COLLECTION AND PUBLICATION OF DATA

19 Sec. 381.051. REQUIREMENT OF ANNUAL SURVEY. (a) The
20 municipality shall conduct no less frequently than once per
21 calendar year a survey of all affordable housing units within its
22 jurisdiction and shall create a complete list of affordable housing
23 units and maintain that data within a cloud-based data repository
24 that allows for real-time updates of the housing data by approved
25 users.

26 (b) For each unit in the list of affordable housing units
27 described in Subsection (a), the municipality will also record the

1 following characteristics, as applicable:

2 (1) the monthly rent amount organized by unit type and
3 corresponding average median income (AMI) restriction;

4 (2) cost of basic utilities not included in the
5 monthly rent amount;

6 (3) eligibility requirements for tenants, including
7 but not limited to those laid out in Section 2306.004(15)-(17),
8 Government Code;

9 (4) the length of any waiting list;

10 (5) distance to essential services;

11 (6) distance to community spaces, such as public parks
12 or community centers;

13 (7) any social services provided for tenants,
14 including but not limited to those included in the Permanent
15 Supportive Housing Program as defined in 42 U.S.C. Section
16 11381-11389 and Texas multifamily programs governed by the Uniform
17 Multifamily Rules and applicable provisions of the Qualified
18 Allocation Plan administered by the Texas Department of Housing and
19 Community affairs under section 10.619 of the Texas Administrative
20 Code; and

21 (8) a phone number, mailing address, and electronic
22 mail address for the current property manager to inquire about
23 renting the unit.

24 (c) The municipality may use information collected in
25 previous surveys conducted in accordance with Subsection (a) or
26 other information the municipality may have on record, provided
27 that the municipality confirms such information is up to date.

1 (d) Any state agency may contact a municipality for the
2 purpose of requesting any of the information outlined in this
3 Section regarding affordable housing units within the
4 municipality's jurisdiction and the municipality shall provide all
5 pertinent public information in the municipality's records to the
6 state agency.

7 Sec. 381.052. PUBLICATION OF DATA. (a) The municipality
8 shall create a publicly available Internet web application and
9 publically available mobile application or utilize an existing
10 publicly accessible Internet web application and publically
11 available mobile application to make available all public
12 information collected in the survey outlined in Section 381.051
13 such that:

14 (1) prospective tenants can search for individual
15 affordable housing units and sort them according to the
16 characteristics outlined in Section 381.051(b); and

17 (2) the complete survey data set as referenced in Sec.
18 381.051(a) are available to review.

19 (b) The municipality shall update the Internet web
20 application and database described in Subsection (a) as frequently
21 as new public information outlined in Section 381.051 becomes
22 available to the municipality.

23 SECTION 2. Section 371.001(a), Local Government Code, is
24 amended to read as follows:

25 (a) The governing body of a municipality with a population
26 of 900,000 or less may appropriate from its general fund an amount
27 not to exceed one percent of the general fund budget for that year

1 for the purpose of:

2 (1) advertising the municipality and promoting its
3 growth and development[-]; and

4 (2) promoting awareness of affordable housing options
5 within the municipality, including by promoting the Internet
6 website outlined in Section 381.052, Local Government Code.

7 SECTION 3. Section 371.021(a), Local Government Code, is
8 amended to read as follows:

9 (a) The governing body of a general-law municipality may
10 appropriate from its general fund an amount not to exceed five cents
11 per \$100 assessed valuation for the purpose of:

12 (1) advertising the municipality and promoting its
13 growth and development[-]; and

14 (2) promoting awareness of affordable housing options
15 within the municipality, including by promoting the Internet web
16 application and mobile application outlined in Section 381.052,
17 Local Government Code.

18 SECTION 4. This Act takes effect September 1, 2023