

By: Mowery

H.B. No. 398

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the approval process for certain housing project sites  
3 proposed by public housing authorities.

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

5 SECTION 1. Section 392.003, Local Government Code, is  
6 amended to read as follows:

7 Sec. 392.003. LEGISLATIVE FINDINGS. The legislature finds  
8 that:

9 (1) there is a shortage of safe or sanitary housing at  
10 rents that persons of low income can afford that forces persons of  
11 low income to live in unsanitary or unsafe housing and in  
12 overcrowded and congested housing;

13 (2) these housing conditions are responsible for an  
14 increase in and spread of disease and crime, are a menace to the  
15 health, safety, morals, and welfare of the residents of the state,  
16 impair economic values, and necessitate excessive and  
17 disproportionate expenditures of public funds for crime prevention  
18 and punishment, public health and safety, fire and accident  
19 protection, and other public services and facilities;

20 (3) the unsafe and unsanitary housing cannot be  
21 cleared and the shortage of safe and sanitary housing for persons of  
22 low income cannot be relieved by private enterprise;

23 (4) the construction of housing projects for persons  
24 of low income would not be competitive with private enterprise;

1 (5) the clearance, replanning, and reconstruction of  
2 the areas in which unsanitary or unsafe housing exists and the  
3 providing of safe and sanitary housing for persons of low income are  
4 public uses and purposes and governmental functions of state  
5 concern for which public money may be spent and private property  
6 acquired;

7 (6) it is in the public interest for:

8 (A) [that] work on low income housing projects to  
9 commence as soon as possible to relieve the unemployment emergency;  
10 and

11 (B) the public to be fully aware of and able to  
12 participate in basic decisions associated with work on those  
13 projects; and

14 (7) this chapter is necessary in the public interest.

15 SECTION 2. Section 392.053, Local Government Code, is  
16 amended by amending Subsections (b) and (e) and adding Subsection  
17 (d-1) to read as follows:

18 (b) Unless the commissioners of an authority hold a public  
19 meeting about a proposed housing project before the site for the  
20 project is approved, the authority may not authorize the  
21 acquisition of existing multifamily rental housing for use as a  
22 housing project or the construction of a [the] housing project or  
23 obtain a permit, certificate, or other authorization required by a  
24 [municipality or other] political subdivision for the occupancy or  
25 operation of any part of the housing project or for any part of the  
26 construction of the housing project. A majority of the  
27 commissioners must attend the [public] meeting. The governing body

1 of each of the following political subdivisions shall send a  
2 representative to attend the meeting:

3 (1) a political subdivision that requires a permit,  
4 certificate, or other authorization for the occupancy or operation  
5 of any part of the housing project or for any part of the  
6 construction of the project; and

7 (2) the municipality in which the housing project is  
8 to be located or, if the project will not be located in a  
9 municipality, the county in which the project is to be located, if  
10 the municipality or county is not otherwise described by  
11 Subdivision (1).

12 (d-1) The commissioners shall consider, transcribe or  
13 record, and summarize the comments received at the meeting and  
14 submit the summary along with the proposal for the housing project  
15 to the governing bodies of the appropriate political subdivisions  
16 for approval as described by Section 392.0545.

17 (e) If a housing authority has not complied with the  
18 requirements of this section and Section 392.054, a [~~municipality~~  
19 ~~or other~~] political subdivision may not issue a permit,  
20 certificate, or other authorization for the occupancy or operation  
21 of any part of the housing project or for any part of the  
22 construction of [~~, or for the occupancy of,~~] a housing project.

23 SECTION 3. Subchapter D, Chapter 392, Local Government  
24 Code, is amended by adding Section 392.0545 to read as follows:

25 Sec. 392.0545. APPROVAL OF HOUSING PROJECT SITE BY CERTAIN  
26 POLITICAL SUBDIVISIONS. (a) In this section, "housing project" has  
27 the meaning assigned by Section 392.053.

1       (b) Before authorizing the acquisition of existing  
2 multifamily rental housing for use as a housing project or the  
3 construction of a housing project, the authority must obtain the  
4 written approval of the proposed site of the project from the  
5 governing body of each of the following political subdivisions:

6           (1) a political subdivision that requires a permit,  
7 certificate, or other authorization for the occupancy or operation  
8 of any part of the housing project or for any part of the  
9 construction of the project; and

10           (2) the municipality in which the housing project is  
11 to be located or, if the project will not be located in a  
12 municipality, the county in which the project is to be located, if  
13 the municipality or county is not otherwise described by  
14 Subdivision (1).

15       SECTION 4. The changes in law made by Section 392.053, Local  
16 Government Code, as amended by this Act, and by Section 392.0545,  
17 Local Government Code, as added by this Act, apply only to a  
18 proposed housing project for which the site is approved by a public  
19 housing authority on or after the effective date of this Act. A  
20 proposed housing project for which the site is approved by a public  
21 housing authority before the effective date of this Act is covered  
22 by the law as it existed immediately before that date, and that law  
23 is continued in effect for that purpose.

24       SECTION 5. This Act takes effect September 1, 2003.