

By: West

S.B. No. 1841

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to appointing certain recipients of housing assistance as  
3 commissioners of public housing authorities.

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

5 SECTION 1. Section 392.0331, Local Government Code, is  
6 amended by amending Subsections (b), (c), (d), (g), and (h) and  
7 adding Subsection (j) to read as follows:

8 (b) In appointing commissioners under Section 392.031, a  
9 municipality with a municipal housing authority composed of five  
10 commissioners shall appoint at least one eligible tenant as a  
11 commissioner of ~~[to]~~ the authority ~~[who is a tenant of a public~~  
12 ~~housing project over which the authority has jurisdiction]~~. In  
13 appointing commissioners under Section 392.031, a municipality  
14 with a municipal housing authority composed of seven or more  
15 commissioners shall appoint at least two eligible tenants as  
16 commissioners of ~~[to]~~ the authority ~~[who are tenants of a public~~  
17 ~~housing project over which the authority has jurisdiction]~~.

18 (c) In appointing commissioners under Section 392.032, a  
19 county shall appoint at least one eligible tenant as a commissioner  
20 of ~~[to]~~ a county housing authority ~~[who is a tenant of a public~~  
21 ~~housing project over which the county housing authority has~~  
22 ~~jurisdiction]~~.

23 (d) In appointing commissioners under Section 392.033, a  
24 county or counties comprising a regional housing authority shall

1 appoint at least one eligible tenant as a commissioner of the [~~to a~~  
2 regional housing authority [~~who is a tenant of a public housing~~  
3 ~~project over which the regional housing authority has~~  
4 ~~jurisdiction~~]. If more than one county comprises a regional  
5 housing authority, the counties shall agree to a method for  
6 appointing the tenant member to the regional housing authority.

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

9 (1) in any vote or discussion concerning:

10 (A) the termination of the commissioner's  
11 occupancy rights in public housing or the commissioner's  
12 tenant-based housing assistance rights; or

13 (B) the corresponding rights of any person  
14 related in the first degree by consanguinity to the commissioner;  
15 or

16 (2) in a grievance or administrative hearing in which  
17 the commissioner or a person related in the first degree by  
18 consanguinity to the commissioner is a party.

19 (h) If during the commissioner's term a commissioner  
20 appointed under this section ceases to reside in a housing unit  
21 operated by the public housing authority or ceases to receive  
22 tenant-based housing assistance administered by the public housing  
23 authority [~~during the commissioner's term~~], a majority of the other  
24 commissioners shall decide whether to request that a new  
25 commissioner be appointed. A majority of the commissioners may  
26 decide to allow the commissioner to serve the remaining portion of  
27 the commissioner's term.

1        (j) In this section:

2            (1) "Eligible tenant" means:

3                    (A) a tenant of a public housing project over  
4 which the housing authority has jurisdiction; or

5                    (B) a recipient of tenant-based housing  
6 assistance administered by the housing authority.

7            (2) "Tenant-based housing assistance" means  
8 tenant-based housing assistance provided under Section 8, United  
9 States Housing Act of 1937 (42 U.S.C. Section 1437f).

10        SECTION 2. The change in law made by this Act in amending  
11 Section 392.0331, Local Government Code, does not affect the  
12 ability of a commissioner of a housing authority serving on the  
13 effective date of this Act to continue to serve the remainder of the  
14 term to which the member is appointed before that date. As the  
15 terms of commissioners of the housing authority expire or as a  
16 vacancy is created in a commissioner's position, the presiding  
17 officer of the municipality or county shall appoint the tenant  
18 member or members required by Section 392.0331, Local Government  
19 Code, as amended by this Act.

20        SECTION 3. This Act takes effect September 1, 2005.