

1-1 By: West S.B. No. 1841
1-2 (In the Senate - Filed April 5, 2005; April 7, 2005, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 21, 2005, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; April 21, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to appointing certain recipients of housing assistance as
1-9 commissioners of public housing authorities.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 392.0331, Local Government Code, is
1-12 amended by amending Subsections (b), (c), (d), (g), and (h) and
1-13 adding Subsection (j) to read as follows:

1-14 (b) In appointing commissioners under Section 392.031, a
1-15 municipality with a municipal housing authority composed of five
1-16 commissioners shall appoint at least one eligible tenant as a
1-17 commissioner of [to] the authority [who is a tenant of a public
1-18 housing project over which the authority has jurisdiction]. In
1-19 appointing commissioners under Section 392.031, a municipality
1-20 with a municipal housing authority composed of seven or more
1-21 commissioners shall appoint at least two eligible tenants as
1-22 commissioners of [to] the authority [who are tenants of a public
1-23 housing project over which the authority has jurisdiction].

1-24 (c) In appointing commissioners under Section 392.032, a
1-25 county shall appoint at least one eligible tenant as a commissioner
1-26 of [to] a county housing authority [who is a tenant of a public
1-27 housing project over which the county housing authority has
1-28 jurisdiction].

1-29 (d) In appointing commissioners under Section 392.033, a
1-30 county or counties comprising a regional housing authority shall
1-31 appoint at least one eligible tenant as a commissioner of the [to a]
1-32 regional housing authority [who is a tenant of a public housing
1-33 project over which the regional housing authority has
1-34 jurisdiction]. If more than one county comprises a regional
1-35 housing authority, the counties shall agree to a method for
1-36 appointing the tenant member to the regional housing authority.

1-37 (g) A commissioner appointed under this section may not
1-38 participate:

1-39 (1) in any vote or discussion concerning:
1-40 (A) the termination of the commissioner's
1-41 occupancy rights in public housing or the commissioner's
1-42 tenant-based housing assistance rights; or
1-43 (B) the corresponding rights of any person
1-44 related in the first degree by consanguinity to the commissioner;
1-45 or

1-46 (2) in a grievance or administrative hearing in which
1-47 the commissioner or a person related in the first degree by
1-48 consanguinity to the commissioner is a party.

1-49 (h) If during the commissioner's term a commissioner
1-50 appointed under this section ceases to reside in a housing unit
1-51 operated by the public housing authority or ceases to receive
1-52 tenant-based housing assistance administered by the public housing
1-53 authority [during the commissioner's term], a majority of the other
1-54 commissioners shall decide whether to request that a new
1-55 commissioner be appointed. A majority of the commissioners may
1-56 decide to allow the commissioner to serve the remaining portion of
1-57 the commissioner's term.

1-58 (j) In this section:

1-59 (1) "Eligible tenant" means:
1-60 (A) a tenant of a public housing project over
1-61 which the housing authority has jurisdiction; or
1-62 (B) a recipient of tenant-based housing
1-63 assistance administered by the housing authority.
1-64 (2) "Tenant-based housing assistance" means

2-1 tenant-based housing assistance provided under Section 8, United
2-2 States Housing Act of 1937 (42 U.S.C. Section 1437f).

2-3 SECTION 2. The change in law made by this Act in amending
2-4 Section 392.0331, Local Government Code, does not affect the
2-5 ability of a commissioner of a housing authority serving on the
2-6 effective date of this Act to continue to serve the remainder of the
2-7 term to which the member is appointed before that date. As the
2-8 terms of commissioners of the housing authority expire or as a
2-9 vacancy is created in a commissioner's position, the presiding
2-10 officer of the municipality or county shall appoint the tenant
2-11 member or members required by Section 392.0331, Local Government
2-12 Code, as amended by this Act.

2-13 SECTION 3. This Act takes effect September 1, 2005.

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