

By: Swinford, McClendon

H.C.R. No. 198

Substitute the following for H.C.R. No. 198:

By: Cook of Navarro

C.S.H.C.R. No. 198

#### HOUSE CONCURRENT RESOLUTION

1           WHEREAS, The Texas Residential Construction Commission  
2 (TRCC) was created in 2003 to provide homeowners and residential  
3 builders with the opportunity to resolve their differences through  
4 a state-sponsored inspection and dispute resolution process by the  
5 enactment of the Texas Residential Construction Commission Act  
6 (Title 16, Property Code); and

7           WHEREAS, The mission of the TRCC is to promote quality  
8 construction in Texas by registering builders and residential  
9 construction projects, providing information and education to  
10 homeowners and industry members, and reviewing consumer complaints  
11 regarding alleged postconstruction defects; as part of its  
12 governing philosophy, the TRCC is committed to addressing the needs  
13 of consumers and industry members in a fair and efficient manner,  
14 promoting collaboration between consumers and builders when  
15 disputes arise; and

16           WHEREAS, The San Antonio Housing Authority (SAHA) receives  
17 funds from the U.S. Department of Housing and Urban Development to  
18 build and maintain affordable housing in San Antonio communities;  
19 one of SAHA's principal goals is to increase home ownership in the  
20 city for first-time homebuyers and low-income residents; and

21           WHEREAS, In 2000, SAHA constructed the 159 single-family  
22 dwellings that comprise the Mirasol Homes project to give  
23 low-income families the opportunity to own their own homes through  
24 a lease-to-purchase program; to date, more than 80 of the homes have

1 been purchased, and approximately 20 additional homes are occupied  
2 by families under a lease-to-purchase agreement; and

3 WHEREAS, In recent months, several owners and tenants of  
4 Mirasol Homes properties have contacted SAHA to voice their  
5 concerns about the structural viability of their dwellings,  
6 including problems that may be the result of postconstruction  
7 defects; some of those residents have asked the housing authority  
8 to make repairs on their homes; and

9 WHEREAS, TRCC is uniquely positioned to draw on its expertise  
10 within the residential construction industry and coordinate with  
11 SAHA as the housing authority addresses the concerns of the Mirasol  
12 residents; working together, TRCC and SAHA could develop and  
13 implement a plan for the inspection of potentially defective  
14 dwellings, the repair and reinspection of any defects found, and  
15 the establishment of procedures to provide mediation between SAHA  
16 and the Mirasol homeowners and tenants; and

17 WHEREAS, As a political subdivision of the state, however,  
18 SAHA is exempt from TRCC oversight under provisions of the Property  
19 Code; additionally, because the Mirasol properties were  
20 constructed and sold before TRCC was created, the commission lacks  
21 the authority to assist SAHA with the Mirasol Homes construction  
22 disputes; now, therefore, be it

23 RESOLVED, That the 80th Legislature of the State of Texas  
24 hereby respectfully request the Texas Residential Construction  
25 Commission to work in cooperation with the San Antonio Housing  
26 Authority to create and implement an inspection and mediation plan  
27 that would address the concerns of the homeowners and tenants of

1 certain Mirasol Homes properties; and, be it further

2           RESOLVED, That the secretary of state forward an official  
3 copy of this resolution to the chair and the executive director of  
4 the Texas Residential Construction Commission, to the chair and the  
5 president and chief executive officer of the San Antonio Housing  
6 Authority, and to the mayor of the City of San Antonio.