

1-1 By: Swinford, McClendon H.C.R. No. 198  
1-2 (Senate Sponsor - Van de Putte)  
1-3 (In the Senate - Received from the House May 7, 2007;  
1-4 May 8, 2007, read first time and referred to Committee on Business  
1-5 and Commerce; May 22, 2007, reported favorably by the following  
1-6 vote: Yeas 5, Nays 0; May 22, 2007, sent to printer.)

1-7 HOUSE CONCURRENT RESOLUTION

1-8 WHEREAS, The Texas Residential Construction Commission  
1-9 (TRCC) was created in 2003 to provide homeowners and residential  
1-10 builders with the opportunity to resolve their differences through  
1-11 a state-sponsored inspection and dispute resolution process by the  
1-12 enactment of the Texas Residential Construction Commission Act  
1-13 (Title 16, Property Code); and

1-14 WHEREAS, The mission of the TRCC is to promote quality  
1-15 construction in Texas by registering builders and residential  
1-16 construction projects, providing information and education to  
1-17 homeowners and industry members, and reviewing consumer complaints  
1-18 regarding alleged postconstruction defects; as part of its  
1-19 governing philosophy, the TRCC is committed to addressing the needs  
1-20 of consumers and industry members in a fair and efficient manner,  
1-21 promoting collaboration between consumers and builders when  
1-22 disputes arise; and

1-23 WHEREAS, The San Antonio Housing Authority (SAHA) receives  
1-24 funds from the U.S. Department of Housing and Urban Development to  
1-25 build and maintain affordable housing in San Antonio communities;  
1-26 one of SAHA's principal goals is to increase home ownership in the  
1-27 city for first-time homebuyers and low-income residents; and

1-28 WHEREAS, In 2000, SAHA constructed the 159 single-family  
1-29 dwellings that comprise the Mirasol Homes project to give  
1-30 low-income families the opportunity to own their own homes through  
1-31 a lease-to-purchase program; to date, more than 80 of the homes have  
1-32 been purchased, and approximately 20 additional homes are occupied  
1-33 by families under a lease-to-purchase agreement; and

1-34 WHEREAS, In recent months, several owners and tenants of  
1-35 Mirasol Homes properties have contacted SAHA to voice their  
1-36 concerns about the structural viability of their dwellings,  
1-37 including problems that may be the result of postconstruction  
1-38 defects; some of those residents have asked the housing authority  
1-39 to make repairs on their homes; and

1-40 WHEREAS, TRCC is uniquely positioned to draw on its expertise  
1-41 within the residential construction industry and coordinate with  
1-42 SAHA as the housing authority addresses the concerns of the Mirasol  
1-43 residents; working together, TRCC and SAHA could develop and  
1-44 implement a plan for the inspection of potentially defective  
1-45 dwellings, the repair and reinspection of any defects found, and  
1-46 the establishment of procedures to provide mediation between SAHA  
1-47 and the Mirasol homeowners and tenants; and

1-48 WHEREAS, As a political subdivision of the state, however,  
1-49 SAHA is exempt from TRCC oversight under provisions of the Property  
1-50 Code; additionally, because the Mirasol properties were  
1-51 constructed and sold before TRCC was created, the commission lacks  
1-52 the authority to assist SAHA with the Mirasol Homes construction  
1-53 disputes; now, therefore, be it

1-54 RESOLVED, That the 80th Legislature of the State of Texas  
1-55 hereby respectfully request the Texas Residential Construction  
1-56 Commission to work in cooperation with the San Antonio Housing  
1-57 Authority to create and implement an inspection and mediation plan  
1-58 that would address the concerns of the homeowners and tenants of  
1-59 certain Mirasol Homes properties; and, be it further

1-60 RESOLVED, That the secretary of state forward an official  
1-61 copy of this resolution to the chair and the executive director of  
1-62 the Texas Residential Construction Commission, to the chair and the  
1-63 president and chief executive officer of the San Antonio Housing  
1-64 Authority, and to the mayor of the City of San Antonio.

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