

BILL ANALYSIS

C.S.H.B. 524
By: Christian
Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The original enactment in Texas law of the housing authority law requiring tenant representation on the board of a public housing authority was passed in the 73rd Legislature, Regular Session, 1993, sponsored by Representative Elliot Naishtat in the house and Senator Rodney Ellis in the senate. The requirement was for cities with a population of 75,000 or more. In the 74th Legislature, Regular Session, 1995, the law was amended to require all cities, regardless of size, to have a tenant representative on the board. This amendment also provided that a tenant commissioner could not serve consecutive terms, which was later amended to allow two consecutive terms. According to the sponsor, the original intent of the amendment was to make housing authority boards in Texas more responsive to the needs of residents, to educate and involve residents in the challenges facing authorities, and thereby, to improve the living conditions in public housing.

For many small public housing authorities, this requirement has been problematic from the beginning. Two issues have plagued these smaller agencies: first, it has been very difficult to find anyone willing to serve, especially in communities where most of the public housing residents are elderly, and second, if someone is willing to serve and does a good job, they cannot stay on the board very long because of the restriction on consecutive terms, necessitating a second challenging search. In 1998, the United States Congress passed the Quality Housing and Work Responsibility Act, which requires that the board of directors of a public housing authority include at least one member who is directly assisted by the authority and who may be elected by the residents, except in the case of an authority with less than 300 public housing units, where residents do not express an interest in serving. This same law also includes a requirement for development of an annual agency plan and provides for input each year from a resident advisory board.

C.S.H.B. 524 creates certain exceptions relating to the appointment of a tenant representative as a commissioner of a municipal housing authority in which the total number of units is 300 or less, bringing state law into conformance with the federal law with respect to tenant representation on the board and eliminating the difficulties small agencies have had complying with the existing law. The bill does not remove the opportunity for tenant participation because federal law still requires the annual input of a resident advisory board for all sizes of public housing authorities.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 524 amends the Local Government Code to exempt the presiding officer of the governing body of a municipality that has a municipal housing authority in which the total number of units is 300 or less from the requirement to appoint a tenant representative to the

position of commissioner of a municipal housing authority, if the presiding officer has provided timely notice of a vacancy in the position to all eligible tenants and is unable to fill the position with an eligible tenant before the 60th day after the date the position becomes vacant. The bill creates an exception to the prohibition against a tenant representative commissioner serving more than two consecutive two-year terms for a municipality that has a municipal housing authority in which the total number of units is 300 or less.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 524 removes a provision in the original making all the provisions relating to appointment of a tenant representative as a commissioner of a municipal housing authority applicable only to a municipality with a housing authority in which the total number of units is more than 300. The substitute adds provisions not in the original making only specific provisions relating to appointment of a tenant representative as a commissioner of a municipal housing authority applicable to a municipality with a housing authority in which the total number of units is more than 300.