BILL ANALYSIS

BACKGROUND AND PURPOSE

Federal rulings regarding tax-credit developments require that good cause be established by judicial rulings prior to the eviction of a tenant or the taking of a tenant's property. Existing Texas law permits personal property to be seized and general tenants to be temporarily evicted or locked out without judicial authorization. Measures need to be taken to establish certain tenant protections in apartments that have been financed through federal low-income housing tax credits.

H.B. 3165 prohibits the owner of a development supported with low-income housing tax credit allocations from locking out a tenant or taking the personal property of a tenant without a court order except under certain circumstances.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Housing and Community Affairs in SECTIONS 1 and 2 of this bill.

ANALYSIS

H.B. 3165 amends the Government Code to prohibit the owner of a development supported with a housing tax credit allocation from locking out or threatening to lock out any person residing in the development except by judicial process unless the exclusion results from a necessity to perform bona fide repairs or construction work or an emergency, or from seizing or threatening to seize the personal property of any person residing in the development except by judicial process unless the resident has abandoned the premises. The bill requires each development owner to include a conspicuous provision in the lease agreement prohibiting the owner from engaging in such a practice and, in the manner specified by rule of the Texas Department of Housing and Community Affairs, to remove any provisions in the agreement that are contrary to the prohibitions established by the bill. The bill requires the department to adopt rules to implement and enforce these provisions not later than November 1, 2009.

EFFECTIVE DATE

September 1, 2009.

81R 28494   9.115.85