

BILL ANALYSIS

H.B. 4094
By: Davis, Yvonne
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the only forum for taking up and affirmatively furthering fair housing issues is in the courts. Texas needs its own mechanism for addressing fair housing issues and concerns in a proactive way. This bill gives civil rights, fair housing, and low income advocates and housing industry stakeholders a forum for policy discussion about the best ways to accomplish the goals of fair housing.

H.B. 4094 establishes the governor's fair housing council and provides for state and municipal actions to ensure compliance with fair housing requirements.

RULEMAKING AUTHORITY

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

ANALYSIS

H.B. 4094 amends the Property Code to require each state agency and municipality to administer state and municipal programs and activities, as applicable, relating to housing and urban development in a manner that affirmatively furthers the goals of fair housing under the Texas Fair Housing Act.

H.B. 4094 establishes the governor's fair housing advisory council composed of the heads of each of the following state agencies: the Office of Rural Community Affairs, the Health and Human Services Commission, the Texas Department of Transportation, the Texas Education Agency, the Texas Department of Housing and Community Affairs (TDHCA), and any other state agencies designated by the governor. The bill designates the executive director of TDHCA as the presiding officer of the council.

H.B. 4094 requires the council to review the design and delivery of state programs and activities relating to housing and urban development to ensure that the programs and activities support a coordinated strategy to affirmatively further the goals of fair housing under the Texas Fair Housing Act. The bill requires the council, as necessary to achieve the goals of that act, to propose revisions to existing programs or activities; develop pilot programs and activities; and propose new programs and activities.

H.B. 4094 requires the executive director of TDHCA, in support of the council's goal of cooperative efforts among all state agencies, to cooperate with, and render assistance to, the heads of all state agencies in the formulation of policies and procedures to affirmatively further fair housing goals and provide information and guidance on the affirmative administration of programs and activities relating to housing and urban development and the protection of the rights accorded by the Texas Fair Housing Act; and to develop with other state agencies memoranda of understanding and any necessary implementing procedures designed to provide for consultation and the coordination of state efforts to further fair housing goals through the

affirmative administration of programs and activities relating to housing and urban development.

H.B. 4094 requires TDHCA, in implementing the bill's provisions, to adopt rules that describe the functions, organization, and operations of the council; the responsibilities and obligations of state agencies in ensuring that programs and activities are administered and executed in a manner that furthers fair housing; programs and activities that affirmatively further the goals of fair housing; and a method to identify impediments in programs or activities that restrict fair housing choice and implement incentives to maximize the success of practices that affirmatively further fair housing goals.

H.B. 4094 requires TDHCA to prepare an annual report describing the progress of the department and other state agencies in carrying out requirements and responsibilities under the bill's provisions. The bill requires TDHCA to submit the report not later than December 1 of each year to the governor, the lieutenant governor, the speaker of the house of representatives, and the appropriate committees of the senate and the house of representatives.

H.B. 4094 defines "council" for purposes of this bill.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.