By: Thompson H.B. No. 1931

A BILL TO BE ENTITLED

AN ACT

relating to judicial review of a decision to terminate certain federal housing assistance.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter F, Chapter 392, Local Government Code, is amended by adding Section 392.105 to read as follows:

Sec. 392.105. JUDICIAL REVIEW OF TERMINATION OF TENANT-BASED ASSISTANCE. (a) Notwithstanding any other law, a participant in the housing choice voucher program under Section 8, United States Housing Act of 1937 (42 U.S.C. Section 1437f), whose tenant-based assistance is terminated by a housing authority may seek judicial review of the termination decision by filing suit in the state district court or the statutory county court of the county in which the participant resided through the use of that assistance.

(b) The filing of a petition for judicial review stays the termination if suit is filed not later than the 30th day after the date the termination decision by the housing authority becomes final.

(c) Review of the decision is by trial de novo. The court shall determine by a preponderance of the evidence whether the termination of the participant's tenant-based assistance was appropriate based on:

(1) state and federal law;

(2) regulations of the United States Department of Housing and Urban Development;

(3) housing authority policies; and

(4) factual determinations relating to the circumstances of the participant.

(d) The court may issue any temporary orders necessary to preserve its jurisdiction and on final judgment may grant all appropriate and necessary relief.

SECTION 2. Section 392.006, Local Government Code, is amended to read as follows:

Sec. 392.006. UNIT OF GOVERNMENT; GOVERNMENTAL FUNCTIONS. For all purposes, including the application of the Texas Tort Claims Act (Chapter 101, Civil Practice and Remedies Code), a housing authority is a unit of government and the functions of a housing authority are essential governmental functions and not proprietary functions. Provided, however, a housing authority shall be subject to all landlord obligations and tenant remedies, other than a suit for personal injuries, as set forth in any lease or rental agreement and in Chapters 24, 54, 91, 92, and 301, [~~of the~~] Property Code, and Section 392.105.

SECTION 3. The change in law made by this Act applies only to decisions to terminate tenant-based assistance that occur on or after the effective date of this Act. Termination decisions that occur before the effective date of this Act are governed by the law in effect when the termination decisions occurred, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2009.