

By: Turner of Harris

H.B. No. 2827

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the emergency housing division within the Texas Department of Housing and Community Affairs.

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

SECTION 1. Chapter 2306, Government Code, is amended by adding Subchapter BB to read as follows:

SUBCHAPTER BB. EMERGENCY HOUSING DIVISION

Sec. 2306.621. DEFINITIONS. In this subchapter:

(1) "Division" means the emergency housing division.

(2) "Division director" means the executive director of the division.

(3) "Emergency Housing Board" means the governing board of the division.

Sec. 2306.622. EMERGENCY HOUSING DIVISION. The emergency housing division shall:

(1) develop a program to restore housing to homeowners affected by natural disasters;

(2) develop a program to provide additional rental housing to areas affected by natural disasters;

(3) provide funding to nonprofit agencies that provide counseling to homeowners on refinancing options and financial assistance available through state and federal programs; and

(4) collaborate with the Federal Emergency Management Agency to secure reimbursement for housing needs in areas affected

1 by natural disasters.

2 Sec. 2306.623. EMERGENCY HOUSING BOARD. (a) The Emergency  
3 Housing Board is an independent entity within the department, is  
4 administratively attached to the department, and is not an advisory  
5 body to the department.

6 (b) The Emergency Housing Board shall carry out the  
7 functions and duties conferred on the Emergency Housing Board by  
8 this subchapter and by other law.

9 Sec. 2306.624. EMERGENCY HOUSING BOARD MEMBERSHIP.

10 (a) The Emergency Housing Board consists of five public members  
11 appointed by the governor.

12 (b) A person is eligible to be appointed as a public member  
13 of the Emergency Housing Board if the person is a citizen of the  
14 United States and a resident of this state.

15 (c) A person may not be a member of the Emergency Housing  
16 Board if the person or the person's spouse:

17 (1) is registered, certified, or licensed by a  
18 regulatory agency in the field of housing;

19 (2) is employed by or participates in the management  
20 of a business entity or other organization regulated by or  
21 receiving money from the division;

22 (3) owns or controls, directly or indirectly, more  
23 than a 10 percent interest in a business entity or other  
24 organization regulated by or receiving money from the division; or

25 (4) uses or receives a substantial amount of tangible  
26 goods, services, or money from the division other than compensation  
27 or reimbursement authorized by law for Emergency Housing Board

1 membership, attendance, or expenses.

2 (d) Appointments to the Emergency Housing Board shall be  
3 made without regard to the race, color, disability, sex, religion,  
4 age, or national origin of the appointee.

5 Sec. 2306.625. CONFLICT OF INTEREST. (a) In this section,  
6 "Texas trade association" means a cooperative and voluntarily  
7 joined association of business or professional competitors in this  
8 state designed to assist its members and its industry or profession  
9 in dealing with mutual business or professional problems and in  
10 promoting their common interest.

11 (b) A person may not be a member of the Emergency Housing  
12 Board and may not be a division employee employed in a "bona fide  
13 executive, administrative, or professional capacity," as that  
14 phrase is used for purposes of establishing an exemption to the  
15 overtime provisions of the federal Fair Labor Standards Act of 1938  
16 (29 U.S.C. Section 201 et seq.), if:

17 (1) the person is an officer, employee, or paid  
18 consultant of a Texas trade association in the field of housing; or

19 (2) the person's spouse is an officer, manager, or paid  
20 consultant of a Texas trade association in the field of housing.

21 (c) A person may not be a member of the Emergency Housing  
22 Board or act as the general counsel to the Emergency Housing Board  
23 or the division if the person is required to register as a lobbyist  
24 under Chapter 305 because of the person's activities for  
25 compensation on behalf of a profession related to the operation of  
26 the division.

27 Sec. 2306.626. TERMS; VACANCY. (a) The members of the

1 Emergency Housing Board serve staggered six-year terms, with the  
2 terms of one or two members expiring on January 31 of each  
3 odd-numbered year.

4 (b) A person may not serve two consecutive full six-year  
5 terms as a member of the Emergency Housing Board.

6 (c) If a vacancy occurs during a member's term, the governor  
7 shall appoint a new member to fill the unexpired term.

8 Sec. 2306.627. PRESIDING OFFICER. The governor shall  
9 designate a member of the Emergency Housing Board as the presiding  
10 officer of the Emergency Housing Board to serve in that capacity at  
11 the will of the governor.

12 Sec. 2306.628. GROUNDS FOR REMOVAL. (a) It is a ground for  
13 removal from the Emergency Housing Board that a member:

14 (1) does not have at the time of taking office the  
15 qualifications required by Section 2306.624(b);

16 (2) does not maintain during service on the Emergency  
17 Housing Board the qualifications required by Section 2306.624(b);

18 (3) is ineligible for membership under Section  
19 2306.624(c) or 2306.625;

20 (4) cannot, because of illness or disability,  
21 discharge the member's duties for a substantial part of the member's  
22 term; or

23 (5) is absent from more than half of the regularly  
24 scheduled Emergency Housing Board meetings that the member is  
25 eligible to attend during a calendar year without an excuse  
26 approved by a majority vote of the Emergency Housing Board.

27 (b) The validity of an action of the Emergency Housing Board

1 is not affected by the fact that it is taken when a ground for  
2 removal of an Emergency Housing Board member exists.

3 (c) If the division director has knowledge that a potential  
4 ground for removal exists, the division director shall notify the  
5 presiding officer of the Emergency Housing Board of the potential  
6 ground. The presiding officer shall then notify the governor and  
7 the attorney general that a potential ground for removal exists. If  
8 the potential ground for removal involves the presiding officer,  
9 the division director shall notify the next highest ranking officer  
10 of the Emergency Housing Board, who shall then notify the governor  
11 and the attorney general that a potential ground for removal  
12 exists.

13 Sec. 2306.629. REIMBURSEMENT. An Emergency Housing Board  
14 member may not receive compensation, but may be reimbursed for  
15 actual travel expenses, including expenses for meals, lodging, and  
16 transportation. An Emergency Housing Board member is entitled to  
17 reimbursement for transportation expenses as provided by the  
18 General Appropriations Act.

19 Sec. 2306.630. MEETINGS. (a) The Emergency Housing Board  
20 shall have regular meetings as the majority of the members may  
21 specify and special meetings at the request of the presiding  
22 officer, any two members, or the division director.

23 (b) Reasonable notice of all meetings shall be given as  
24 prescribed by Emergency Housing Board rules.

25 (c) The presiding officer shall preside at all meetings of  
26 the Emergency Housing Board. In the absence of the presiding  
27 officer, the members present shall select one of the members to

1 preside at the meeting.

2 Sec. 2306.631. TRAINING. (a) A person who is appointed to  
3 and qualifies for office as a member of the Emergency Housing Board  
4 may not vote, deliberate, or be counted as a member in attendance at  
5 a meeting of the Emergency Housing Board until the person completes  
6 a training program that complies with this section.

7 (b) The training program must provide the person with  
8 information regarding:

9 (1) this subchapter;

10 (2) the programs operated by the division;

11 (3) the role and functions of the division;

12 (4) the rules of the division, with an emphasis on the  
13 rules that relate to disciplinary and investigatory authority;

14 (5) the current budget for the division;

15 (6) the results of the most recent formal audit of the  
16 division;

17 (7) the requirements of:

18 (A) the open meetings law, Chapter 551;

19 (B) the public information law, Chapter 552;

20 (C) the administrative procedure law, Chapter  
21 2001; and

22 (D) other laws relating to public officials,  
23 including conflict-of-interest laws; and

24 (8) any applicable ethics policies adopted by the  
25 division or the Texas Ethics Commission.

26 (c) A person appointed to the Emergency Housing Board is  
27 entitled to reimbursement, as provided by the General

1 Appropriations Act, for the travel expenses incurred in attending  
2 the training program regardless of whether the attendance at the  
3 program occurs before or after the person qualifies for office.

4 Sec. 2306.632. APPROPRIATIONS; DONATIONS. (a) The  
5 legislature shall separately appropriate money to the Emergency  
6 Housing Board within the appropriations to the department for all  
7 matters relating to the operation of the division.

8 (b) The Emergency Housing Board may accept gifts and grants  
9 of money or property under this subchapter and shall spend the money  
10 and use the property for the purpose for which the donation was  
11 made.

12 Sec. 2306.633. BUDGET; SHARING OF DEPARTMENT PERSONNEL,  
13 EQUIPMENT, AND FACILITIES. (a) The Emergency Housing Board shall  
14 develop a budget for the operations of the department relating to  
15 the division.

16 (b) The Emergency Housing Board shall reduce administrative  
17 costs by entering into an agreement with the department to enable  
18 the sharing of department personnel, equipment, and facilities.

19 Sec. 2306.634. DIVISION DIRECTOR. (a) The Emergency  
20 Housing Board shall employ the division director. The division  
21 director is the Emergency Housing Board's chief executive and  
22 administrative officer.

23 (b) The division director is charged with administering,  
24 enforcing, and carrying out the functions and duties conferred on  
25 the division director by this subchapter and by other law.

26 (c) The division director serves at the pleasure of the  
27 Emergency Housing Board.

1       Sec. 2306.635. PERSONNEL. The division director may employ  
2 staff as necessary to perform the work of the division and may  
3 prescribe their duties and compensation. Subject to applicable  
4 personnel policies and regulations, the division director may  
5 remove any division employee.

6       Sec. 2306.636. SEPARATION OF RESPONSIBILITIES. The  
7 Emergency Housing Board shall develop and implement policies that  
8 clearly separate the policy-making responsibilities of the  
9 Emergency Housing Board and the management responsibilities of the  
10 division director and staff of the division.

11       Sec. 2306.637. STANDARDS OF CONDUCT. The division director  
12 or the division director's designee shall provide to members of the  
13 Emergency Housing Board and to division employees, as often as  
14 necessary, information regarding the requirements for office or  
15 employment under this subchapter, including information regarding  
16 a person's responsibilities under applicable laws relating to  
17 standards of conduct for state officers or employees.

18       Sec. 2306.638. EQUAL EMPLOYMENT OPPORTUNITY. (a) The  
19 division director or the division director's designee shall prepare  
20 and maintain a written policy statement that implements a program  
21 of equal employment opportunity to ensure that all personnel  
22 decisions are made without regard to race, color, disability, sex,  
23 religion, age, or national origin.

24       (b) The policy statement must include:

25           (1) personnel policies, including policies relating  
26 to recruitment, evaluation, selection, training, and promotion of  
27 personnel, that show the intent of the division to avoid the



1 unlawful employment practices described by Chapter 21, Labor Code;  
2 and

3 (2) an analysis of the extent to which the composition  
4 of the division's personnel is in accordance with state and federal  
5 law and a description of reasonable methods to achieve compliance  
6 with state and federal law.

7 (c) The policy statement must:

8 (1) be updated annually;

9 (2) be reviewed by the Texas Workforce Commission for  
10 compliance with Subsection (b)(1); and

11 (3) be filed with the governor's office.

12 Sec. 2306.639. STATE EMPLOYEE INCENTIVE PROGRAM. The  
13 division director or the division director's designee shall provide  
14 to division employees information and training on the benefits and  
15 methods of participation in the state employee incentive program  
16 under Subchapter B, Chapter 2108.

17 Sec. 2306.640. RULES. The Emergency Housing Board shall  
18 adopt rules necessary to implement this subchapter and to  
19 administer and enforce duties described by Section 2306.622,  
20 including establishing:

21 (1) eligibility requirements for participation in the  
22 programs required by Section 2306.622; and

23 (2) criteria for a nonprofit organization to receive  
24 funding from the division.

25 Sec. 2306.641. PUBLIC PARTICIPATION. The Emergency Housing  
26 Board shall develop and implement policies that provide the public  
27 with a reasonable opportunity to appear before the Emergency

1 Housing Board and to speak on any issue under the jurisdiction of  
2 the division.

3 SECTION 2. This Act takes effect September 1, 2009.