

By: Davis of Dallas

H.B. No. 3165

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to prohibition of certain practices by owners of  
3 developments supported with low income housing tax credit  
4 allocations.

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

6 SECTION 1. Subchapter DD, Chapter 2306, Government Code, is  
7 amended by adding Section 2306.6736 to read as follows:

8 Sec. 2306.6736. PROHIBITED PRACTICES. (a) Notwithstanding  
9 any other law, a development owner of a development supported with a  
10 housing tax credit allocation may not:

11 (1) lock out or threaten to lock out any person  
12 residing in the development except by judicial process unless the  
13 exclusion results from:

14 (A) a necessity to perform bona fide repairs or  
15 construction work; or

16 (B) an emergency; or

17 (2) seize or threaten to seize the personal property  
18 of any person residing in the development except by judicial  
19 process unless the resident has abandoned the premises.

20 (b) Each development owner shall:

21 (1) include a conspicuous provision in the lease  
22 agreement prohibiting the owner from engaging in a practice  
23 described by Subsection (a); and

24 (2) remove in the manner specified by department rule

1 any provisions in the lease agreement that are contrary to  
2 Subsection (a).

3 SECTION 2. The Texas Department of Housing and Community  
4 Affairs shall adopt rules as necessary to implement and enforce  
5 Section 2306.6736, Government Code, as added by this Act, not later  
6 than November 1, 2009.

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