

By: Davis of Dallas

H.B. No. 4094

A BILL TO BE ENTITLED

1 AN ACT
2 relating to state and municipal actions to ensure compliance with
3 fair housing requirements.

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

5 SECTION 1. Chapter 301, Property Code, is amended by adding
6 Subchapter J to read as follows:

7 SUBCHAPTER J. STATE AND MUNICIPAL ACTIONS FOR
8 FAIR HOUSING

9 Sec. 301.201. ADMINISTRATION OF STATE PROGRAMS AND
10 ACTIVITIES RELATING TO HOUSING AND URBAN DEVELOPMENT. Each state
11 agency shall administer its programs and activities relating to
12 housing and urban development in a manner that affirmatively
13 furtheres the goals of fair housing under this chapter.

14 Sec. 301.202. GOVERNOR'S FAIR HOUSING ADVISORY COUNCIL. (a)
15 In this section, "council" means the governor's fair housing
16 advisory council.

17 (b) The governor's fair housing advisory council is
18 established. The council is composed of the heads of each of the
19 following state agencies:

- 20 (1) the Office of Rural Community Affairs;
21 (2) the Health and Human Services Commission;
22 (3) the Texas Department of Transportation;
23 (4) the Texas Education Agency;
24 (5) the Texas Department of Housing and Community

1 Affairs; and

2 (6) any other state agencies designated by the
3 governor.

4 (c) The executive director of the Texas Department of
5 Housing and Community Affairs serves as the presiding officer of
6 the council.

7 (d) The council shall review the design and delivery of
8 state programs and activities relating to housing and urban
9 development to ensure that the programs and activities support a
10 coordinated strategy to affirmatively further the goals of fair
11 housing under this chapter. As necessary to achieve the goals of
12 this chapter, the council shall:

13 (1) propose revisions to existing programs or
14 activities;

15 (2) develop pilot programs and activities; and

16 (3) propose new programs and activities.

17 (e) In support of the council's goal of cooperative efforts
18 among all state agencies, the executive director of the Texas
19 Department of Housing and Community Affairs shall:

20 (1) cooperate with, and render assistance to, the
21 heads of all state agencies in the formulation of policies and
22 procedures to:

23 (A) affirmatively further fair housing goals;
24 and

25 (B) provide information and guidance on the
26 affirmative administration of programs and activities relating to
27 housing and urban development and the protection of the rights

1 accorded by this chapter; and

2 (2) develop with other state agencies memoranda of
3 understanding and any necessary implementing procedures designed
4 to provide for consultation and the coordination of state efforts
5 to further fair housing goals through the affirmative
6 administration of programs and activities relating to housing and
7 urban development.

8 (f) In implementing responsibilities under this subchapter,
9 the Texas Department of Housing and Community Affairs shall adopt
10 rules that describe:

11 (1) the functions, organization, and operations of the
12 council;

13 (2) the responsibilities and obligations of state
14 agencies in ensuring that programs and activities are administered
15 and executed in a manner that furthers fair housing;

16 (3) programs and activities that affirmatively
17 further the goals of fair housing; and

18 (4) a method to identify impediments in programs or
19 activities that restrict fair housing choice and implement
20 incentives that will maximize the success of practices that
21 affirmatively further fair housing goals.

22 Sec. 301.203. MUNICIPALITIES. Each municipality shall
23 administer municipal programs and activities relating to housing
24 and urban development in a manner that affirmatively furthers the
25 goals of fair housing under this chapter.

26 Sec. 301.204. ANNUAL REPORT. (a) The Texas Department of
27 Housing and Community Affairs shall prepare an annual report

1 describing the progress of the department and other state agencies
2 in carrying out requirements and responsibilities under this
3 subchapter.

4 (b) The department shall submit the report required under
5 Subsection (a) not later than December 1 of each year to the
6 governor, the lieutenant governor, the speaker of the house of
7 representatives, and the appropriate committees of the senate and
8 the house of representatives.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2009.