

By: West

S.B. No. 1717

A BILL TO BE ENTITLED

AN ACT

relating to prohibition of certain practices by owners of developments supported with low income housing tax credit allocations.

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

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

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

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

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

(B) an emergency; or

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

(b) Each development owner shall:

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

(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.