

1-1 By: West S.B. No. 1717
1-2 (In the Senate - Filed March 10, 2009; March 20, 2009, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 20, 2009, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; April 20, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to prohibition of certain practices by owners of
1-9 developments supported with low income housing tax credit
1-10 allocations.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter DD, Chapter 2306, Government Code, is
1-13 amended by adding Section 2306.6736 to read as follows:

1-14 Sec. 2306.6736. PROHIBITED PRACTICES. (a) Notwithstanding
1-15 any other law, a development owner of a development supported with a
1-16 housing tax credit allocation may not:

1-17 (1) lock out or threaten to lock out any person
1-18 residing in the development except by judicial process unless the
1-19 exclusion results from:

1-20 (A) a necessity to perform bona fide repairs or
1-21 construction work; or

1-22 (B) an emergency; or

1-23 (2) seize or threaten to seize the personal property
1-24 of any person residing in the development except by judicial
1-25 process unless the resident has abandoned the premises.

1-26 (b) Each development owner shall:

1-27 (1) include a conspicuous provision in the lease
1-28 agreement prohibiting the owner from engaging in a practice
1-29 described by Subsection (a); and

1-30 (2) remove in the manner specified by department rule
1-31 any provisions in the lease agreement that are contrary to
1-32 Subsection (a).

1-33 SECTION 2. The Texas Department of Housing and Community
1-34 Affairs shall adopt rules as necessary to implement and enforce
1-35 Section 2306.6736, Government Code, as added by this Act, not later
1-36 than November 1, 2009.

1-37 SECTION 3. This Act takes effect September 1, 2009.

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