

By: N. Gonzalez of El Paso

H.B. No. 2975

A BILL TO BE ENTITLED

AN ACT

relating to the merger of housing authorities in certain municipalities and counties.

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

SECTION 1. Subchapter B, Chapter 392, Local Government Code, is amended by adding Sections 392.0131 and 392.0161 to read as follows:

Sec. 392.0131. MERGER OF CERTAIN COUNTY HOUSING AUTHORITIES INTO MUNICIPAL HOUSING AUTHORITIES. (a) This section applies only to the merger of housing authorities operating in:

(1) a county that has a population of 800,000 or more and is located on the international border; and

(2) a municipality that has a population of more than 600,000 and less than 700,000 and is located in a county described by Subdivision (1).

(b) If the commissioners court of a county described by Subsection (a)(1) and the governing body of a municipality described by Subsection (a)(2) declare by resolutions that there is a need for the county housing authority to consolidate its powers with the municipal housing authority under this chapter, the county housing authority is merged into the housing authority for the municipality.

(c) The commissioners court and the governing body of the municipality may adopt a resolution declaring that there is a need

1 for a merger as described by Subsection (b) only if the  
2 commissioners court and the governing body of the municipality each  
3 find that a merged housing authority would be more efficient or  
4 economical than separate county and municipal housing authorities  
5 in carrying out the purposes of this chapter.

6 (d) If a county housing authority has outstanding  
7 obligations, the commissioners court may not adopt a resolution  
8 declaring a need for a merger as described by Subsection (b) unless:

9 (1) each obligee of the authority and each party to a  
10 contract, bond, note, or other obligation of the authority agrees  
11 to the substitution of the municipal housing authority on the  
12 contract, bond, note, or other obligation; and

13 (2) the commissioners of the county housing authority  
14 and of the municipal housing authority to be merged each adopt  
15 resolutions consenting to the transfer of the rights, contracts,  
16 agreements, obligations, and property of the county housing  
17 authority to the municipal housing authority.

18 (e) In a proceeding involving the validity or enforcement  
19 of, or relating to, a contract of a merged housing authority, proof  
20 of a resolution adopted under Subsection (b) by the commissioners  
21 court of the county and the governing body of the municipality is  
22 conclusive evidence that the merged housing authority is authorized  
23 to transact business and exercise its powers under this chapter.

24 (f) When housing authorities are merged in the manner  
25 provided by this section:

26 (1) the rights, contracts, agreements, obligations,  
27 and property of the county housing authority become those of the

1 municipal housing authority;

2 (2) the county housing authority shall execute deeds  
3 of the property to the municipal housing authority, which shall  
4 file the deeds with the county clerk of the county where the real  
5 property is located; and

6 (3) a person with rights or remedies against the  
7 county housing authority may assert, enforce, and prosecute those  
8 rights or remedies against the municipal housing authority.

9 (g) The vesting of the real property in the municipal  
10 housing authority is not contingent on compliance with Subsection  
11 (f)(2).

12 (h) At the time housing authorities are merged in the manner  
13 provided by this section, the county housing authority ceases to  
14 exist, except for the purpose of winding up the affairs of the  
15 authority and executing the deeds of real property to the municipal  
16 housing authority.

17 Sec. 392.0161. AREA OF OPERATION OF A MERGED HOUSING  
18 AUTHORITY. Notwithstanding Section 392.017(b), the area of  
19 operation of a merged housing authority is the county in which the  
20 authority is created, excluding any part of the county that is  
21 within the territorial boundaries of a municipality other than the  
22 municipality operating the municipal housing authority into which  
23 the county housing authority was merged.

24 SECTION 2. Section 392.019, Local Government Code, is  
25 amended to read as follows:

26 Sec. 392.019. EFFECT OF COOPERATION AGREEMENT ON AREA OF  
27 OPERATION OF HOUSING AUTHORITY. Regardless of Sections 392.015,

1 ~~and~~ 392.016, and 392.0161, the area of operation of a municipal  
2 housing authority, a county housing authority, ~~or~~ a regional  
3 housing authority, or a merged housing authority may extend to and  
4 include another municipality, county, or other political  
5 subdivision of this state, under the terms of a cooperation  
6 agreement made under Section 392.059.

7 SECTION 3. Sections 392.063(a) and (c), Local Government  
8 Code, are amended to read as follows:

9 (a) A county, ~~or~~ regional, or merged housing authority may  
10 borrow money, accept grants, and exercise its powers to provide  
11 housing for farmers of low income.

12 (c) The owner of a farm operated, or worked on, by farmers of  
13 low income in need of safe and sanitary housing may file an  
14 application with a county, ~~or~~ regional, or merged housing  
15 authority requesting that the authority provide safe and sanitary  
16 housing for the farmers. The housing authority shall consider the  
17 applications in connection with the formulation of projects or  
18 programs to provide housing for farmers of low income.

19 SECTION 4. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2013.