

1-1 By: N. Gonzalez of El Paso H.B. No. 2975
1-2 (Senate Sponsor - Rodriguez)
1-3 (In the Senate - Received from the House May 9, 2013;
1-4 May 9, 2013, read first time and referred to Committee on
1-5 Intergovernmental Relations; May 16, 2013, reported favorably by
1-6 the following vote: Yeas 5, Nays 0; May 16, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			

1-14 A BILL TO BE ENTITLED
1-15 AN ACT

1-16 relating to the merger of housing authorities in certain
1-17 municipalities and counties.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Subchapter B, Chapter 392, Local Government
1-20 Code, is amended by adding Sections 392.0131 and 392.0161 to read as
1-21 follows:

1-22 Sec. 392.0131. MERGER OF CERTAIN COUNTY HOUSING AUTHORITIES
1-23 INTO MUNICIPAL HOUSING AUTHORITIES. (a) This section applies only
1-24 to the merger of housing authorities operating in:

1-25 (1) a county that has a population of 800,000 or more
1-26 and is located on the international border; and

1-27 (2) a municipality that has a population of more than
1-28 600,000 and less than 700,000 and is located in a county described
1-29 by Subdivision (1).

1-30 (b) If the commissioners court of a county described by
1-31 Subsection (a)(1) and the governing body of a municipality
1-32 described by Subsection (a)(2) declare by resolutions that there is
1-33 a need for the county housing authority to consolidate its powers
1-34 with the municipal housing authority under this chapter, the county
1-35 housing authority is merged into the housing authority for the
1-36 municipality.

1-37 (c) The commissioners court and the governing body of the
1-38 municipality may adopt a resolution declaring that there is a need
1-39 for a merger as described by Subsection (b) only if the
1-40 commissioners court and the governing body of the municipality each
1-41 find that a merged housing authority would be more efficient or
1-42 economical than separate county and municipal housing authorities
1-43 in carrying out the purposes of this chapter.

1-44 (d) If a county housing authority has outstanding
1-45 obligations, the commissioners court may not adopt a resolution
1-46 declaring a need for a merger as described by Subsection (b) unless:

1-47 (1) each obligee of the authority and each party to a
1-48 contract, bond, note, or other obligation of the authority agrees
1-49 to the substitution of the municipal housing authority on the
1-50 contract, bond, note, or other obligation; and

1-51 (2) the commissioners of the county housing authority
1-52 and of the municipal housing authority to be merged each adopt
1-53 resolutions consenting to the transfer of the rights, contracts,
1-54 agreements, obligations, and property of the county housing
1-55 authority to the municipal housing authority.

1-56 (e) In a proceeding involving the validity or enforcement
1-57 of, or relating to, a contract of a merged housing authority, proof
1-58 of a resolution adopted under Subsection (b) by the commissioners
1-59 court of the county and the governing body of the municipality is
1-60 conclusive evidence that the merged housing authority is authorized
1-61 to transact business and exercise its powers under this chapter.

2-1 (f) When housing authorities are merged in the manner
2-2 provided by this section:

2-3 (1) the rights, contracts, agreements, obligations,
2-4 and property of the county housing authority become those of the
2-5 municipal housing authority;

2-6 (2) the county housing authority shall execute deeds
2-7 of the property to the municipal housing authority, which shall
2-8 file the deeds with the county clerk of the county where the real
2-9 property is located; and

2-10 (3) a person with rights or remedies against the
2-11 county housing authority may assert, enforce, and prosecute those
2-12 rights or remedies against the municipal housing authority.

2-13 (g) The vesting of the real property in the municipal
2-14 housing authority is not contingent on compliance with Subsection
2-15 (f)(2).

2-16 (h) At the time housing authorities are merged in the manner
2-17 provided by this section, the county housing authority ceases to
2-18 exist, except for the purpose of winding up the affairs of the
2-19 authority and executing the deeds of real property to the municipal
2-20 housing authority.

2-21 Sec. 392.0161. AREA OF OPERATION OF A MERGED HOUSING
2-22 AUTHORITY. Notwithstanding Section 392.017(b), the area of
2-23 operation of a merged housing authority is the county in which the
2-24 authority is created, excluding any part of the county that is
2-25 within the territorial boundaries of a municipality other than the
2-26 municipality operating the municipal housing authority into which
2-27 the county housing authority was merged.

2-28 SECTION 2. Section 392.019, Local Government Code, is
2-29 amended to read as follows:

2-30 Sec. 392.019. EFFECT OF COOPERATION AGREEMENT ON AREA OF
2-31 OPERATION OF HOUSING AUTHORITY. Regardless of Sections 392.015,
2-32 [and] 392.016, and 392.0161, the area of operation of a municipal
2-33 housing authority, a county housing authority, [~~or~~] a regional
2-34 housing authority, or a merged housing authority may extend to and
2-35 include another municipality, county, or other political
2-36 subdivision of this state, under the terms of a cooperation
2-37 agreement made under Section 392.059.

2-38 SECTION 3. Sections 392.063(a) and (c), Local Government
2-39 Code, are amended to read as follows:

2-40 (a) A county, [~~or~~] regional, or merged housing authority may
2-41 borrow money, accept grants, and exercise its powers to provide
2-42 housing for farmers of low income.

2-43 (c) The owner of a farm operated, or worked on, by farmers of
2-44 low income in need of safe and sanitary housing may file an
2-45 application with a county, [~~or~~] regional, or merged housing
2-46 authority requesting that the authority provide safe and sanitary
2-47 housing for the farmers. The housing authority shall consider the
2-48 applications in connection with the formulation of projects or
2-49 programs to provide housing for farmers of low income.

2-50 SECTION 4. This Act takes effect immediately if it receives
2-51 a vote of two-thirds of all the members elected to each house, as
2-52 provided by Section 39, Article III, Texas Constitution. If this
2-53 Act does not receive the vote necessary for immediate effect, this
2-54 Act takes effect September 1, 2013.

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