

By: Rodriguez

S.B. No. 1262

A BILL TO BE ENTITLED

AN ACT

relating to the 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 392.0121, 392.0131, and 392.0161 to read as follows:

Sec. 392.0121. DISSOLUTION OF COUNTY HOUSING AUTHORITY.

(a) The commissioners court of a county described by Section 392.0131(a)(1) may determine on its own motion that there is no longer a need for a county housing authority because the conditions described by Section 392.012(f):

(1) no longer exist; or

(2) may be better and more efficiently addressed by:

(A) a merger pursuant to Section 392.0131; or

(B) a cooperation agreement entered into by the county and a housing authority pursuant to Section 392.059 and Chapter 791, Government Code.

(b) The commissioners court of a county that makes a determination under Subsection (a) shall adopt and file with the county clerk a resolution specifying the reasons for its determination that there is no longer a need for a county housing authority.

(c) On the filing of a resolution under Subsection (b):

1           (1) all property, rights, contracts, agreements, and  
2 obligations of the housing authority vest in and revert to the  
3 ownership of the county; and

4           (2) the county may:

5                 (A) enter into a cooperation agreement under  
6 Section 392.059 and Chapter 791, Government Code; or

7                 (B) merge with a municipal housing authority  
8 under Section 392.0131.

9           (d) A person with rights or remedies against the county  
10 housing authority may assert, enforce, and prosecute those rights  
11 or remedies against the county or against the municipal housing  
12 authority in the event of a cooperation agreement pursuant to  
13 Section 392.059 and Chapter 791, Government Code, or a merger  
14 pursuant to Section 392.0131.

15           (e) A resolution filed under Subsection (b) is conclusive  
16 evidence that the county housing authority is no longer authorized  
17 to transact business or exercise its powers.

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

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

23                 (2) a municipality that has a population of more than  
24 600,000 and less than 700,000 and is located in a county described  
25 by Subdivision (1).

26           (b) A housing authority for a county described by Subsection  
27 (a)(1) may merge into a housing authority for a municipality that is

1 described by Subsection (a)(2) and located in that county if the  
2 merger is approved by the federal government and by a regular  
3 majority of:

4 (1) the commissioners of each housing authority; or  
5 (2) the commissioners court of the county, pursuant to  
6 a resolution made under Section 392.0121(b), and a regular majority  
7 of the commissioners of the municipal housing authority.

8 (c) A merger under this section must include a county  
9 housing authority's transfer of the following to the municipal  
10 housing authority:

11 (1) public housing properties;  
12 (2) housing choice voucher and project-based voucher  
13 programs; and  
14 (3) the annual contributions contract with the federal  
15 government.

16 (d) A transfer under Subsection (c) must be accomplished in  
17 accordance with applicable federal requirements and with state law  
18 or by interlocal cooperative agreement.

19 (e) On the date housing authorities are merged in the manner  
20 provided by this section:

21 (1) the county housing authority ceases to exist,  
22 except for the purpose of winding up the affairs of the authority  
23 and executing deeds of real property to the municipal housing  
24 authority;

25 (2) the officers and employees of the municipal  
26 housing authority serve as the officers and employees responsible  
27 for the merged authority; and

1           (3) the municipal housing authority is responsible for  
2 all assets and liabilities of the merged authority.

3           Sec. 392.0161. AREA OF OPERATION OF MERGED HOUSING  
4 AUTHORITY. Notwithstanding Section 392.017(b), the area of  
5 operation of a merged housing authority is the county in which the  
6 authority is created, excluding any part of the county that is  
7 within the territorial boundaries of a municipality other than the  
8 municipality operating the municipal housing authority into which  
9 the county housing authority was merged.

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

12          Sec. 392.019. EFFECT OF COOPERATION AGREEMENT ON AREA OF  
13 OPERATION OF HOUSING AUTHORITY. Regardless of Sections 392.015,  
14 ~~[and]~~ 392.016, and 392.0161, the area of operation of a municipal  
15 housing authority, a county housing authority, ~~[or]~~ a regional  
16 housing authority, or a merged housing authority may extend to and  
17 include another municipality, county, or other political  
18 subdivision of this state, under the terms of a cooperation  
19 agreement made under Section 392.059.

20          SECTION 3. Subsections (a) and (c), Section 392.063, Local  
21 Government Code, are amended to read as follows:

22          (a) A county, ~~[or]~~ regional, or merged housing authority may  
23 borrow money, accept grants, and exercise its powers to provide  
24 housing for farmers of low income.

25          (c) The owner of a farm operated, or worked on, by farmers of  
26 low income in need of safe and sanitary housing may file an  
27 application with a county, ~~[or]~~ regional, or merged housing

1 authority requesting that the authority provide safe and sanitary  
2 housing for the farmers. The housing authority shall consider the  
3 applications in connection with the formulation of projects or  
4 programs to provide housing for farmers of low income.

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