

1-1 By: Rodriguez S.B. No. 1262  
1-2 (In the Senate - Filed March 6, 2013; March 13, 2013, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 22, 2013, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;  
1-6 April 22, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Hinojosa	X		
1-10	Nichols	X		
1-11	Garcia	X		
1-12	Paxton	X		
1-13	Taylor	X		

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1262 By: Garcia

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the housing authorities in certain municipalities and  
1-18 counties.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Subchapter B, Chapter 392, Local Government  
1-21 Code, is amended by adding Sections 392.0121, 392.0131, and  
1-22 392.0161 to read as follows:

1-23 Sec. 392.0121. DISSOLUTION OF COUNTY HOUSING AUTHORITY.

1-24 (a) The commissioners court of a county described by Section  
1-25 392.0131(a)(1) may determine on its own motion that there is no  
1-26 longer a need for a county housing authority because the conditions  
1-27 described by Section 392.012(f):

1-28 (1) no longer exist; or

1-29 (2) may be better and more efficiently addressed by:

1-30 (A) a merger pursuant to Section 392.0131; or

1-31 (B) a cooperation agreement entered into by the  
1-32 county and a housing authority pursuant to Section 392.059 and  
1-33 Chapter 791, Government Code.

1-34 (b) The commissioners court of a county that makes a  
1-35 determination under Subsection (a) shall adopt and file with the  
1-36 county clerk a resolution specifying the reasons for its  
1-37 determination that there is no longer a need for a county housing  
1-38 authority.

1-39 (c) On the filing of a resolution under Subsection (b):

1-40 (1) all property, rights, contracts, agreements, and  
1-41 obligations of the housing authority vest in and revert to the  
1-42 ownership of the county; and

1-43 (2) the county may:

1-44 (A) enter into a cooperation agreement under  
1-45 Section 392.059 and Chapter 791, Government Code; or

1-46 (B) merge with a municipal housing authority  
1-47 under Section 392.0131.

1-48 (d) A person with rights or remedies against the county  
1-49 housing authority may assert, enforce, and prosecute those rights  
1-50 or remedies against the county or against the municipal housing  
1-51 authority in the event of a cooperation agreement pursuant to  
1-52 Section 392.059 and Chapter 791, Government Code, or a merger  
1-53 pursuant to Section 392.0131.

1-54 (e) A resolution filed under Subsection (b) is conclusive  
1-55 evidence that the county housing authority is no longer authorized  
1-56 to transact business or exercise its powers.

1-57 Sec. 392.0131. MERGER OF CERTAIN COUNTY HOUSING AUTHORITIES  
1-58 INTO MUNICIPAL HOUSING AUTHORITIES. (a) This section applies only  
1-59 to the merger of housing authorities operating in:

1-60 (1) a county that has a population of 800,000 or more  
1-61 and is located on the international border; and

1-62 (2) a municipality that has a population of more than  
1-63 600,000 and less than 700,000 and is located in a county described

by Subdivision (1).

(b) A housing authority for a county described by Subsection (a)(1) may merge into a housing authority for a municipality that is described by Subsection (a)(2) and located in that county if the merger is approved by the federal government and by a regular majority of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

\* \* \* \* \*