88R21239 AMF-D

By:  Lopez of Bexar, et al. H.B. No. 5255

Substitute the following for H.B. No. 5255:

By:  Lozano C.S.H.B. No. 5255

A BILL TO BE ENTITLED

AN ACT

relating to the collection and publication of affordable housing information by certain municipalities and the Texas Department of Housing and Community Affairs.

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

SECTION 1.  Section 371.001(a), Local Government Code, is amended to read as follows:

(a)  The governing body of a municipality with a population of 900,000 or less may appropriate from its general fund an amount not to exceed one percent of the general fund budget for that year for the purpose of:

(1)  advertising the municipality and promoting its growth and development; and

(2)  promoting awareness of affordable housing options in the municipality, including by promoting the database described by Section 373C.052.

SECTION 2.  Section 371.021(a), Local Government Code, is amended to read as follows:

(a)  The governing body of a general-law municipality may appropriate from its general fund an amount not to exceed five cents per $100 assessed valuation for the purpose of:

(1)  advertising the municipality and promoting its growth and development; and

(2)  promoting awareness of affordable housing options in the municipality, including by promoting the database described by Section 373C.052.

SECTION 3.  Subtitle A, Title 12, Local Government Code, is amended by adding Chapter 373C to read as follows:

CHAPTER 373C. COLLECTION AND PUBLICATION OF INFORMATION ON AFFORDABLE HOUSING AVAILABILITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 373C.001.  DEFINITIONS. In this chapter:

(1)  "Affordable housing unit" means:

(A)  an income-restricted or income-based housing unit, including:

(i)  a housing unit that may be obtained with a voucher provided through the housing choice voucher program under Section 8, United States Housing Act of 1937 (42 U.S.C. Section 1437f);

(ii)  a public housing unit;

(iii)  a permanent supportive housing unit provided through a program operated by the Health and Human Services Commission;

(iv)  a unit that is part of a service-enriched housing project described by Subchapter NN, Chapter 2306, Government Code; and

(v)  a unit provided through an affordable housing initiative operated by a municipality; and

(B)  a rental housing unit not described by Paragraph (A) for which rent is not more than 30 percent of the lowest household income quartile in a municipality.

(2)  "Department" means the Texas Department of Housing and Community Affairs.

Sec. 373C.002.  APPLICABILITY. (a) This chapter applies to a municipality qualified to receive federal grants under the community development block grant entitlement program authorized under Title 1 of the Housing and Community Development Act of 1974 (42 U.S.C. Section 5301 et seq.).

(b)  A municipality not described by Subsection (a) may participate in the collection and publication of affordable housing information described by Subchapter B. A municipality that elects to participate is subject to the requirements of this chapter.

SUBCHAPTER B. COLLECTION AND PUBLICATION OF INFORMATION

Sec. 373C.051.  ANNUAL MUNICIPAL SURVEY. (a) A municipality shall conduct an annual survey of all affordable housing units located in the municipality. The survey must collect the following information for each unit, as applicable:

(1)  the unit type;

(2)  the monthly rent;

(3)  the estimated monthly cost of basic utilities not included in the rent amount;

(4)  any eligibility requirement, including any average median income restriction;

(5)  the length of any waiting list;

(6)  each social service provided to a tenant, including a supportive service;

(7)  the distance to nearby essential services, including:

(A)  public transit stops;

(B)  public elementary and secondary schools;

(C)  community health centers;

(D)  emergency medical facilities;

(E)  public safety facilities, including fire departments or police stations;

(F)  community centers; and

(G)  food retailers providing grocery items and fresh produce;

(8)  the distance to public community spaces, including parks, sports facilities, and playgrounds; and

(9)  a telephone number, mailing address, and e-mail address for a prospective tenant to inquire about renting the unit.

(b)  A municipality may collect and use the information required to be collected by Subsection (a) from any available source, including information collected for a survey conducted by the municipality in a previous year, provided that the municipality verifies the information is current and accurate.

(c)  A municipality shall provide the information collected under this section to any state agency that requests the information.

Sec. 373C.052.  DATABASE OF AFFORDABLE HOUSING INFORMATION. (a) A municipality shall publish the information collected under Section 373C.051 in a searchable database on a publicly accessible Internet website and mobile application. The municipality must ensure that the database enables a person to:

(1)  search for an affordable housing unit using the characteristics described by Section 373C.051(a);

(2)  update the database in real time if the person is authorized by the municipality to do so; and

(3)  view the complete survey information collected under that section.

(b)  A municipality shall update the municipality's database described by Subsection (a) at least annually.

Sec. 373C.053.  TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS POWERS AND DUTIES. (a) The department shall adopt rules necessary to implement and administer this subchapter, including rules on the collection, compilation, analysis, and publication of information on the availability and accessibility of affordable housing in this state.

(b)  The department shall publish reports on the availability and accessibility of affordable housing in this state using information collected by municipalities under this subchapter and other information available to the department.

(c)  The department may cooperate with any governmental or private entity to carry out the department's duties under this subchapter.

(d)  The department may use gifts, grants, donations, or money appropriated to the department to carry out the department's duties under this subchapter.

SECTION 4.  This Act takes effect September 1, 2023.