

BILL ANALYSIS

C.S.H.B. 1239
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note the need to establish certain qualifications for a public housing authority commissioner. C.S.H.B. 1239 seeks to provide for these qualifications.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1239 amends the Local Government Code to require a commissioner of a municipal public housing authority to reside in the area over which the authority has jurisdiction or in an area outside the jurisdiction of the authority, as determined by the municipality. The bill requires a commissioner of a county public housing authority to reside in the area over which the authority has jurisdiction and removes the prohibition against a commissioner of a county public housing authority being an officer or employee of the county. The bill requires a commissioner or successor commissioner of a regional public housing authority to reside in the county the commissioner is appointed to represent and authorizes the additional commissioner who is appointed by the commissioners of a regional public housing authority comprising only two counties to reside in either county in the authority. The bill establishes that the commissioners court of a county that has a county public housing authority in which the total number of households served by the authority is 150 or fewer is not required to appoint a tenant to the position of commissioner if the commissioners court has provided timely notice of a vacancy in the position to all eligible tenants and is unable to fill the position with an eligible tenant before the 60th day after the date the position becomes vacant. The bill repeals a limitation on the applicability of statutory provisions requiring the appointment of tenant representatives as commissioners of a municipal, county, or regional public housing authority.

C.S.H.B. 1239 removes the authority of a municipal or county public housing authority to employ employees other than technical experts and officers and agents and the requirement for the authority to determine the qualifications, duties, and compensation of persons employed. The bill instead requires the executive director of such an authority to hire such employees and determine the qualifications, duties, and compensation of those employees. The bill provides for the expiration of the term of a public housing authority commissioner who is serving immediately before the bill's effective date and who becomes ineligible to hold that position because of the bill's changes and for the filling of a vacancy of such a commissioner.

C.S.H.B. 1239 repeals Section 392.0331(a), Local Government Code.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1239 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 392.031, Local Government Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Section 392.032(b), Local Government Code, is amended.	SECTION 2. Same as introduced version.
SECTION 3. Section 392.033, Local Government Code, is amended.	SECTION 3. Same as introduced version.
SECTION 4. Section 392.0331, Local Government Code, is amended.	SECTION 4. Same as introduced version.
SECTION 5. Subchapter C, Chapter 392, Local Government Code, is amended by adding Section 392.0332 to read as follows: <u>Sec. 392.0332. QUALIFICATIONS OF COMMISSIONERS. A commissioner of a housing authority must meet the same requirements that apply to a person who seeks to become a tenant of a public housing project and that relate to prohibiting previous criminal activity by the person as a condition for the tenancy, if those requirements were established under federal law or regulation, as that law or regulation existed on May 1, 2017.</u>	<u>No equivalent provision.</u>
SECTION 6. Section 392.038, Local Government Code, is amended to read as follows: Sec. 392.038. OTHER OFFICERS AND EMPLOYEES OF A MUNICIPAL OR COUNTY HOUSING AUTHORITY. A municipal or county housing authority may employ a secretary, who shall serve as executive director. <u>The executive director shall</u> [, and may] employ technical experts and other officers, agents, and employees, permanent or temporary, the authority considers necessary. The authority shall determine the qualifications, duties, and compensation of the persons employed.	SECTION 5. Section 392.038, Local Government Code, is amended to read as follows: Sec. 392.038. OTHER OFFICERS AND EMPLOYEES OF A MUNICIPAL OR COUNTY HOUSING AUTHORITY. (a) A municipal or county housing authority may: (1) employ a secretary, who shall serve as executive director; [;] and (2) [may] employ technical experts and other officers and [;] agents [, and employees, permanent or temporary,] the authority considers necessary. (b) The executive director [authority]

shall:

(1) hire employees, permanent or temporary; and

(2) determine the qualifications, duties, and compensation of those employees [the persons employed].

SECTION 7. Section 392.0331(a), Local Government Code, is repealed.

SECTION 8. (a) The term of a housing authority commissioner who is serving immediately before the effective date of this Act and who becomes ineligible to hold that position because of the changes in law made by this Act expires on the effective date of this Act.

(b) As soon as practicable after the effective date of this Act, the appropriate appointing entity shall fill any vacancy in the position of housing authority commissioner that occurs as described by Subsection (a) of this section.

SECTION 9. This Act takes effect September 1, 2017.

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.

SECTION 8. Same as introduced version.