

CHAPTER 1009

H.B. No. 1547

AN ACT

relating to the appointment of commissioners of public housing authorities.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 392.031(a), Local Government Code, is amended to read as follows:

(a) *Each municipal housing authority shall be governed by five commissioners. The presiding officer of the governing body of a municipality [If the governing body of a municipality adopts a resolution declaring a need for a housing authority, the governing body shall promptly notify the mayor of the adoption. On receiving the notice, the mayor] shall appoint five persons to serve as commissioners of the authority. An appointed commissioner of the authority may not be an officer or employee of the municipality. Appointments made under this section must comply with the requirements of Section 392.0331, if applicable.*

SECTION 2. Section 392.032(a), Local Government Code, is amended to read as follows:

(a) *Each county housing authority shall be governed by five commissioners. The [If the commissioners court adopts a resolution declaring a need for a county housing authority, the] commissioners court shall appoint five persons to serve as commissioners of the authority. An appointed commissioner of the authority may not be an officer or employee of the county. Appointments made under this section must comply with the requirements of Section 392.0331, if applicable.*

SECTION 3. Section 392.033, Local Government Code, is amended to read as follows:

Sec. 392.033. APPOINTMENT OF COMMISSIONERS OF A REGIONAL HOUSING AUTHORITY. (a) *The [On creation of a regional housing authority, the] commissioners court of each county in a regional housing [the] authority shall appoint a person to serve as a commissioner of the authority. Subsequently, the commissioners court of each county shall appoint successors to the commissioner of the authority appointed by that commissioners court. An appointed commissioner of the authority may not be an officer or employee of the county.*

(b) *If the area of operation of an authority is increased to include another county, the commissioners court of that county shall appoint a person to serve as a commissioner of the authority and, subsequently, the successors to that commissioner.*

(c) *If there are only two counties in the housing authority, the commissioners of the authority appointed by the commissioners courts shall appoint an additional commissioner to serve as commissioner of the authority. Subsequently, the commissioners of the authority appointed by the commissioners courts shall appoint a person to succeed the additional commissioner if the successor's term of office begins during their term of office. If the area of operation of the authority is increased to more than two counties, a successor to the additional commissioner is not appointed.*

(d) *If the housing authority contains only one county, the commissioners court of that county shall appoint three persons instead of one person to serve as commissioners of the authority. Subsequently, the commissioners court of the county shall appoint successors to the commissioners of the authority appointed by that commissioners court.*

(e) *A certificate of the appointment of a commissioner appointed by a commissioners court shall be filed with the county clerk. The certificate is conclusive evidence of the proper appointment of the commissioner.*

(f) [(e)] A certificate of the appointment of an additional commissioner by the commissioners of an authority composed of only two counties shall be filed with the records of the authority. The certificate is conclusive evidence of the proper appointment of the commissioner.

(g) *Appointments made under this section must comply with the requirements of Section 392.0331, if applicable.*

SECTION 4. Subchapter C, Chapter 392, Local Government Code, is amended by adding Section 392.0331 to read as follows:

Sec. 392.0331. APPOINTMENT OF TENANT REPRESENTATIVE AS COMMISSIONER OF MUNICIPAL, COUNTY, OR REGIONAL HOUSING AUTHORITY. (a) This section applies only to:

(1) a municipality with a population of 75,000 or more; or

(2) a county that has a county housing authority or is a member of a regional housing authority and the total number of units in the authority is more than 750.

(b) In appointing commissioners under Section 392.031, a municipality shall appoint at least one commissioner to a municipal housing authority who is a tenant of a public housing project over which the municipal housing authority has jurisdiction.

(c) In appointing commissioners under Section 392.032, a county shall appoint at least one commissioner to a county housing authority who is a tenant of a public housing project over which the county housing authority has jurisdiction.

(d) In appointing commissioners under Section 392.033, a county or counties comprising a regional housing authority shall appoint at least one commissioner to a regional housing authority who is a tenant of a public housing project over which the regional housing authority has jurisdiction. If more than one county comprises a regional housing authority, the counties shall agree to a method for appointing the tenant member to the regional housing authority.

(e) A commissioner appointed under this section may not be an officer or employee of the municipality or county that appoints the commissioner.

(f) A commissioner appointed under this section may be reappointed to consecutive terms.

(g) A commissioner appointed under this section may not participate:

(1) in any vote or discussion concerning the termination of the commissioner's occupancy rights in public housing or the rights of any person related in the first degree by consanguinity to the commissioner; or

(2) in a grievance or administrative hearing in which the commissioner or a person related in the first degree by consanguinity to the commissioner is a party.

(h) If a commissioner appointed under this section ceases to reside in a housing unit operated by the public housing authority during the commissioner's term, a majority of the other commissioners shall decide whether to request that a new commissioner be appointed. A majority of the commissioners may decide to allow the commissioner to serve the remaining portion of the commissioner's term.

(i) If a commissioner appointed under this section fails to attend three consecutive regularly called meetings of the housing authority commissioners during the commissioner's term, a majority of the commissioners shall decide whether to declare the position vacant and request that a new commissioner be appointed. A majority of the commissioners may decide to allow the commissioner to serve the remaining portion of the commissioner's term.

SECTION 5. (a) This Act takes effect September 1, 1993.

(b) A municipal, county, or regional housing authority created before the effective date of this Act may be governed until July 1, 1994, by commissioners appointed under the law as it existed before the effective date of this Act, and the former law is continued in effect for that purpose.

(c) The governing body of a political subdivision that appoints commissioners of a municipal, county, or regional housing authority shall appoint a commissioner from the residents of a public housing project of a public housing authority, if required under Section 392.0331, Local Government Code, as added by this Act, as soon as practicable, but before July 1, 1994.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 7, 1993, by a non-record vote; passed by the Senate on May 26, 1993: Yeas 30, Nays 0.

Approved June 19, 1993.

Effective Sept. 1, 1993.