

SUBJECT: Requiring municipal approval before initiation of a public housing project

COMMITTEE: Urban Affairs — favorable, without amendment

VOTE: 6 ayes — Talton, Van Arsdale, Menendez, Bailey, Hunter, Wong

0 nays

1 absent — Edwards

WITNESSES: For — Joe Bishop, Coalition of Commercial Affordable Housing Providers;
Mike Dunn, Capital Consultants

Against — Melvin Braziel, National Association of Housing and
Redevelopment Officials

On — John Henneberger, Texas Low Income Housing Information Service

BACKGROUND: Local Government Code, chapter 392 authorizes Texas cities and counties to establish and manage public housing authorities to build and administer housing for low-income families. A housing authority is governed by a board that can be appointed by a mayor, city council, or county commissioners court. Before beginning construction of a new housing project, a housing authority must hold an open meeting to hear public input and testimony on the proposed project.

DIGEST: HB 398 would extend requirements for public participation in the approval of public housing projects to encompass the acquisition of existing multifamily rental housing for use as public housing. It would require the attendance of the following municipal government officials at the public meeting for a proposed housing project:

- a representative of each political subdivision that requires a permit, certificate, or other authorization for occupancy, operation, or construction of a housing project; and
- a representative of the municipality or county in which the proposed housing project is to be located.

The housing authority commissioners would have to submit a summary of comments from the public hearing to these governing bodies, along with the proposal for the project.

Before authorizing acquisition or construction of a housing project, a public housing authority would have to obtain written approval from the political subdivision that required authorization for the project and from the municipality or county in which the project would be located.

The bill would take effect September 1, 2003, and would apply only to a proposed project for which a public housing authority approved a site on or after that date.

**SUPPORTERS
SAY:**

By increasing public participation in the approval of public housing, HB 398 would prevent abuse of power by unelected housing authorities. Current law requires that a public housing project be considered in a public hearing before construction begins, but such meetings often are poorly advertised and sparsely attended. This bill would prevent housing boards from making decisions that affect entire communities without sufficient public input.

Because city councils and county commissioners courts are subject to open hearings requirements, the requirement for a local governmental entity to approve a housing project would ensure consideration of the proposal in an public meeting. City council and commissioners court meetings are open to substantial public scrutiny, and elected officials are more responsive to their constituents than are unelected housing board members. Requiring elected officials to consider a proposal in a public hearing would protect the interests of community members affected by the project.

A community should have the right to oppose a public housing development that could hurt the community. Because proximity to public housing can have a negative effect on housing prices, communities have the right to be made fully aware of proposed developments. Public housing authorities often are unresponsive to community concerns. HB 398 would enable citizens to protest unwanted projects.

A more open deliberation process would lead to greater public education on public housing issues. While communities often resist public housing

projects, engagement with the public could counteract the “not in my backyard” phenomenon. If the public has the opportunity to express its concerns and to learn about a public housing project, the housing authority can overcome opposition and hostility.

Because housing authorities not only build new housing but also acquire existing rental housing, HB 398 appropriately would expand the scope of projects that require consideration in a public hearing. Recently, a housing authority sold an existing apartment complex to a private firm, bought new units, and required families to move from one location to the other. These actions occurred with little consideration for the families that were forced to move or for the families who already lived next to the new units.

**OPPONENTS
SAY:**

HB 398 would introduce additional bureaucratic barriers that would impede the ability of housing authorities to fulfill their legislative mandate. These authorities already bear a heavy regulatory burden, and further restrictions would divert their resources from urgently needed services. HB 398 would slow the approval process greatly, thereby reducing the housing available to low-income Texans.

The bill is unnecessary, because current law covers all concerns regarding public participation in the approval process. Under current law, a housing authority must conduct a public meeting on a proposed project after widely advertising the meeting and proposal. A housing authority must post a sign at the proposed site, individually notify all residents who live within one-quarter mile of the site, and publish a notice in the local newspaper, among other actions. HB 398 redundantly and inefficiently would duplicate the public awareness efforts that housing authorities already conduct.

Because of the widespread “not in my backyard” mindset, the consensus-oriented decision making mandated by HB 398 would allow misconceptions about public housing to eliminate many sites from consideration by housing authorities. Housing authorities already have difficulty finding appropriate sites for projects in many neighborhoods, and this bill would make their task even harder.