SUBJECT: Exemption from tenant representation on some housing authority boards

COMMITTEE: Urban Affairs — favorable, without amendment

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

0 nays

1 absent — Menendez

WITNESSES: For — Tommy Hernsaling, Newton Housing Authority; Ed Komandosky, Taylor Housing Authority; Shirley Shofner, Center Housing Authority and the South East Texas Housing Association

Against — John Henneberger, Texas Low Income Housing Information Service

BACKGROUND: Local Government Code, sec. 392.031 requires a municipal housing authority to be governed by five, seven, nine, or 11 commissioners appointed by the municipality's presiding officer. Section 392.0331 requires that a five-member authority include at least one member who is a tenant of a housing project under the authority's jurisdiction. This requirement applies to a municipality or to a county that either has a county housing authority or is a member of a regional housing authority with more than 750 total units.

DIGEST: HB 424 would exempt a municipality that has a municipal housing authority with 300 or fewer units from the requirement that the municipality appoint at least one tenant as a commissioner of the housing authority.

The bill would take effect September 1, 2003.

SUPPORTERS SAY: HB 424 would provide relief to small housing authorities that often have trouble recruiting tenants to serve as commissioners. A housing authority with fewer than 300 units has a very small pool of people from which to draw potential board members. A small housing authority that has been unable to fulfill the tenant-representation requirement risks sanction by the state, even when no tenants can be found to fill a commissioner position. The 300-unit

floor proposed by HB 424 would allow a non-resident to serve when no resident had volunteered to serve as a commissioner.

The bill would bring state law governing housing authorities into line with federal requirements. Currently, any municipal or county housing authority must have at least one tenant serving as an authority commissioner. However, the federal government does not apply this requirement to housing authorities with fewer than 300 units. HB 424 would eliminate an unnecessary provision that places an undue burden on small housing authorities in the state.

Many residents in public housing are full-time workers who cannot commit to obligations outside of work or family. Many others are either mentally or physically disabled, limiting their ability to serve as a housing authority commissioner. Nevertheless, a small housing authority bound by current law often must consider such unqualified tenants for this significant responsibility.

HB 424 would not deny residents the ability to provide input into the administration of housing authorities. It simply would allow a municipality to appoint a non-tenant as a housing authority commissioner if no tenant volunteered. Even if no tenant served on the commissioners court, tenants still would have representation through the mandated resident advisory board that meets at least once a year, and through surveys that must be sent to residents on a regular basis. Under the bill, housing authorities would continue to respond to resident input through these forums, and the state simply would excuse small authorities that were unable to attract tenant commissioners.

OPPONENTS SAY:

HB 424 would deprive over 75,000 families from 405 of the state's 435 public housing authorities of a voice in the way their housing authorities were managed. Because public housing tenants often do not have the economic ability to move out of poorly managed projects, market mechanisms to force landlords to adequately maintain their properties do not exist. The only way that tenants have to represent their interests is a public housing authority, and HB 424 would dilute the responsiveness of housing authorities to tenants' concerns by eliminating the requirement that a tenant be appointed one of the commissioners governing the authority.

This bill would reverse the progress that has made Texas a model for the rest of the nation. The provision in the 1998 federal Public Housing Reform Act

requiring tenant representation was modeled after Texas law. The federal law requires a small housing authority to make efforts to include tenants as commissioners. Texas law is entirely compatible with federal law governing housing authorities, and actually is preferable, since tenants are guaranteed input even if they are under the jurisdiction of a small housing authority.

In addition, HB 424 would create a loophole allowing many public housing authorities to avoid the tenant representation requirement. The federal Section 8 program provides rent subsidies to low-income people, but Texas law places Section 8 housing in a different category from public housing. As a result, this bill would not apply to large municipal housing authorities that might oversee hundreds of Section 8 units, yet had fewer than 300 “official” public housing units. At the very least, HB 424 should amend current law to eliminate the false distinction between Section 8 units and other units of public housing.