

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1621
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Jurisprudence
4/24/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Tenants living in federally-subsidized apartment complexes become eligible for a federal housing voucher under the Section 8 Housing Choice Voucher Program when an owner converts the property to market rate housing. An owner who converts a property is required by federal law to accept these vouchers from residents who wish to remain in the building. Under current Texas law, there are no provisions regarding a property owner's violation of the owner's duty to accept certain housing vouchers. C.S.S.B. 1621 establishes this requirement in Texas law and sets forth provisions for civil penalties that may be applied if an owner is found to have violated this requirement.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 15, Property Code, by adding Chapter 302, as follows:

CHAPTER 302. DISCRIMINATION AGAINST TENANTS
OF CERTAIN FEDERALLY SUBSIDIZED OR ASSISTED HOUSING

Sec. 302.001. DEFINITIONS. Defines "housing conversion" and "subsidized or assisted development."

Sec. 302.002. PROHIBITED DISCRIMINATION AGAINST TENANT OF SUBSIDIZED OR ASSISTED DEVELOPMENT. Prohibits an owner of a subsidized or assisted development in which a housing conversion has occurred or the owner's agent from refusing or failing to enter, without good cause, into a lease agreement with a tenant of the development under the Section 8 housing choice voucher program for any reason related to the tenant's participation in the program.

Sec. 302.003. CIVIL ACTION. Authorizes a tenant of a subsidized or assisted development in which a housing conversion has occurred to bring a civil action against an owner of the development if the owner or the owner's agent without good cause refuses or fails to enter into a lease agreement with the tenant as described by Section 302.002.

Sec. 302.004. RELIEF GRANTED. (a) Requires the court, if in an action brought under Section 302.003 the court finds that an owner of a subsidized or assisted development in which a housing conversion has occurred or the owner's agent without good cause has refused or failed to enter into a lease agreement with the tenant as described by Section 302.002, to award the tenant actual damages; certain fees and costs; and any appropriate injunctive relief, including certain relief.

(b) Authorizes the court to award a civil penalty of \$100 plus three times the tenant's

fair market monthly rent if the court makes the finding described by Subsection (a) and certain additional findings.

Sec. 302.005. DEFENSE TO FORCIBLE DETAINER ACTION. Provides that it is a defense to a forcible detainer action under Chapter 24 that the underlying basis of the claim for possession, in whole or in part, is the refusal or failure of the owner of a subsidized or assisted development in which a housing conversion has occurred or the owner's agent to enter into a lease agreement with the defendant as described by Section 302.002, absent good cause for the refusal or failure.

Sec. 302.006. BURDEN ON OWNER OF DEVELOPMENT. Provides that the owner has the burden of pleading and proving good cause to refuse or fail to enter into a lease agreement with the tenant as described by Section 302.002.

SECTION 2. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Differs from the original by amending the relating clause.

SECTION 1. Differs from the original by amending previously proposed provisions regarding the prohibition of the discrimination against a tenant of a federally subsidized or assisted development and adding related provisions.

SECTION 2. No change.