

- SUBJECT:** Prohibiting discrimination against Section 8 voucher holders
- COMMITTEE:** Urban Affairs — favorable, without amendment
- VOTE:** 9 ayes — Carter, Bailey, Burnam, Callegari, Edwards, Ehrhardt, Hill, E. Jones, Najera
0 nays
- SENATE VOTE:** On final passage, May 3 — 30-0, on Local and Uncontested Calendar
- WITNESSES:** No public hearing
- BACKGROUND:** Owners of federally subsidized affordable housing developments have the option of paying off their mortgages early and converting their properties into market rate housing. Under federal law, the tenants of these properties are eligible for Section 8 housing vouchers, which they can use to subsidize their rent. Owners of federally subsidized properties that convert to market rate housing are required under federal law to accept these vouchers from their tenants who wish to remain in the building.
- Under Property Code, ch. 24, a tenant commits a forcible detainer if the tenant refuses to leave a property after the right to occupy that property has been terminated.
- DIGEST:** SB 1621 would prohibit the owner of a federally subsidized affordable housing development who converted the property to market rate housing from refusing to accept a Section 8 voucher from a tenant who wished to remain in the building for any reason related to the tenant's participation in the program.
- A tenant could bring suit against the owner of the property for refusing to accept the voucher. The owner of the property would carry the burden of proving that the refusal to accept the section 8 voucher was for a reason other than the tenant's participation in the section 8 program. If the court found the owner guilty, the court would be required to award damages, attorney's fees and court costs, and any appropriate injunctive relief. The

court also could award a civil penalty of \$100 plus three times the tenant's rent if the tenant gave the owner a written demand to remain in the housing prior to bring the suit.

A tenant who refused to leave a property after the tenant's right to occupy the property had been terminated due to the owner's refusal to accept a section 8 voucher would have a defense in a forcible detainer suit.

The bill would take effect September 1, 2001.