

SUBJECT: Removing term limits for housing authority tenant commissioners

COMMITTEE: Urban Affairs — favorable, without amendment

VOTE: 5 ayes — Alvarado, Elkins, Leach, J. Rodriguez, Sanford

0 nays

2 absent — Dutton, Anchia

WITNESSES: For — Carl Richie, Housing Authority for the City of Austin

Against — Emily Rickers, Alliance for Texas Families

On — None

BACKGROUND: Local Government Code, sec. 392.0331 requires a municipality with a municipal housing authority composed of five commissioners to appoint at least one who is a tenant of a public housing project over which the authority has jurisdiction. An authority with at least seven commissioners must appoint at least two who are tenants. A municipality does not have to appoint a tenant commissioner to a municipal housing authority if it has 150 units or fewer and the municipality cannot fill the position with an eligible tenant within 60 days of a vacancy after timely notice.

A county must appoint at least one commissioner to a county housing authority who is a tenant of a public housing project over which it has jurisdiction. A regional housing authority must have at least one appointed tenant commissioner. A county or regional housing authority with up to 750 units is exempt from appointing tenant commissioners.

A tenant commissioner on a municipal, county, or regional housing authority board may not serve more than two consecutive two-year terms. Tenant commissioners for municipal housing authorities overseeing up to 150 units are exempt from this term limit.

DIGEST: HB 654 would eliminate the term limit of two consecutive two-year terms for a tenant of a public housing project who served as a commissioner on the board of a municipal, county, or regional housing authority. The bill

would apply to commissioners appointed before, on, or after the effective date of the bill.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

**SUPPORTERS  
SAY:**

HB 654 would give tenant commissioners parity with their colleagues who are not bound by term limits. Tenant commissioners invest time learning about the housing industry and housing authority issues. The board of commissioners loses this institutional knowledge each time a tenant commissioner leaves office. By allowing tenant commissioners to serve more than two terms, HB 654 would improve board efficiency and efficacy by allowing tenant commissioners to stay on the board and use the knowledge they gained during their service to better represent the interests of other tenants.

HB 654 would preserve democratic accountability for all commissioners and would guard against corruption. Texas statute allows any commissioner to be removed at any time for inefficiency, neglect of duty, or misconduct in office. Under HB 654, tenant commissioners would be held to the same high standard as their colleagues.

If other tenants had concerns about the performance of the tenant commissioner, they could voice their concerns to the mayor or commissioners court, who could remove the commissioner from office. Many Texas cities have term limits for city council and the commissioners court, which would help ensure that a corrupt commissioner did not stay in office because of corruption in city government.

**OPPONENTS  
SAY:**

HB 654 could create an opportunity for corruption with the same tenant staying on the board indefinitely and with little accountability.

While it is important for tenants to be represented on the board of the housing authority that governs the housing project in which they live, retaining a term limit for these tenant commissioners would better guard against inefficiency, neglect of duty, or misconduct and ensure other tenants had an opportunity to serve. Current law provides a more democratic process and allows a steady rotation of tenants to serve on a housing authority's board. This gives more tenants a voice if they believe the tenant commissioner is not competently representing their interests.

