

BILL ANALYSIS

Senate Research Center
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S.B. 1943
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the only forum for taking up and affirmatively furthering fair housing issues is in the courts. Texas needs its own mechanism for addressing fair housing issues and concerns in a proactive way. This bill gives civil rights, fair housing, and low income advocates and housing industry stakeholders a forum for policy discussion about the best ways to accomplish the goals of fair housing.

As proposed, S.B. 1943 establishes the Governor's Fair Housing Council and provides for state and municipal actions to ensure compliance with fair housing requirements.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Housing and Community Affairs in SECTION 1 (Section 301.202, Property Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 301, Property Code, by adding Subchapter J, as follows:

SUBCHAPTER J. STATE AND MUNICIPAL ACTIONS FOR FAIR HOUSING

Sec. 301.201. ADMINISTRATION OF STATE PROGRAMS AND ACTIVITIES RELATING TO HOUSING AND URBAN DEVELOPMENT. Requires each state agency to administer programs and activities relating to housing and urban development in a manner that affirmatively furthers the goals of fair housing under this chapter.

Sec. 301.202. GOVERNOR'S FAIR HOUSING ADVISORY COUNCIL. (a) Defines "council."

(b) Establishes the governor's fair housing advisory council (council). Provides that this council is composed of the heads of certain state agencies.

(c) Provides that the executive director (executive director) of the Texas Department of Housing and Community Affairs (TDHCA) serves as the presiding officer of the council.

(d) Requires the council to review the design and delivery of state programs and activities relating to housing and urban development to ensure that the programs and activities support a coordinated strategy to affirmatively further the goals of fair housing under this chapter. Requires the council, as necessary to achieve the goals of this chapter, to propose revisions to existing programs or activities, develop pilot programs and activities, and propose new programs and activities.

(e) Requires the executive director, in support of the council's goal of cooperative efforts among all state agencies, to:

(1) cooperate with, and render assistance to, the heads of all state agencies in the formulation of policies and procedures to:

(A) affirmatively further fair housing goals; and

(B) provide information and guidance on the affirmative administration of programs and activities relating to housing and urban development and the protection of the rights accorded by this chapter; and

(2) develop with other state agencies memoranda of understanding and any necessary implementing procedures designed to provide for consultation and the coordination of state efforts to further fair housing goals through the affirmative administration of programs and activities relating to housing and urban development.

(f) Requires TDHCA, in implementing responsibilities under this subchapter, to adopt rules that describe the functions, organization, and operations of the council; the responsibilities and obligations of state agencies in ensuring that programs and activities are administered and executed in a manner that furthers fair housing; programs and activities that affirmatively further the goals of fair housing; and a method to identify impediments in programs or activities that restrict fair housing choice and implement incentives that will maximize the success of practices that affirmatively further fair housing goals.

Sec. 301.203. MUNICIPALITIES. Requires each municipality to administer municipal programs and activities relating to housing and urban development in a manner that affirmatively furthers the goals of fair housing under this chapter.

Sec. 301.204. ANNUAL REPORT. (a) Requires TDHCA to prepare an annual report describing the progress of TDHCA and other state agencies in carrying out requirements and responsibilities under this subchapter.

(b) Requires TDHCA to submit the report required under Subsection (a) not later than December 1 of each year to the governor, the lieutenant governor, the speaker of the house of representatives, and the appropriate committees of the senate and the house of representatives.

SECTION 2. Effective date: upon passage or September 1, 2009.