

BILL ANALYSIS

C.S.H.B. 2909
By: Springer
Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties have expressed concerns regarding some municipal ordinances that have passed or that were proposed for passage that would require private property owners to participate in the federal housing choice voucher program, commonly referred to as the Section 8 program. The parties contend that local governments should not be able to require private property owners to participate in a federal program and explain that the federal program itself is voluntary and does not mandate participation by private property owners. C.S.H.B. 2909 seeks to address these concerns to ensure that private property owners may voluntarily participate in the Section 8 housing program.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2909 amends the Local Government Code to prohibit a municipality or county from adopting or enforcing an ordinance or regulation that prohibits an owner, lessee, sublessee, assignee, managing agent, or other person having the right to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to a person because of the person's lawful source of income to pay rent, including a federal housing choice voucher. This prohibition does not affect an ordinance or regulation adopted before January 1, 2015.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2909 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Chapter 250, Local	SECTION 1. Chapter 250, Local

Government Code, is amended by adding Section 250.007 to read as follows:

Sec. 250.007. REGULATION OF RENTAL OR LEASING OF HOUSING ACCOMMODATIONS. A municipality or county may not adopt or enforce an ordinance or regulation that prohibits an owner, lessee, sublessee, assignee, managing agent, or other person having the right to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to a person because of the person's lawful source of income to pay rent, including a federal housing choice voucher.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Government Code, is amended by adding Section 250.007 to read as follows:

Sec. 250.007. REGULATION OF RENTAL OR LEASING OF HOUSING ACCOMMODATIONS. (a) A municipality or county may not adopt or enforce an ordinance or regulation that prohibits an owner, lessee, sublessee, assignee, managing agent, or other person having the right to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to a person because of the person's lawful source of income to pay rent, including a federal housing choice voucher.

(b) This section does not affect an ordinance or regulation adopted before January 1, 2015.

SECTION 2. Same as introduced version.