

By: Cortez, Wu

H.B. No. 1757

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the requirements for applications for low income
3 housing tax credits for certain developments financed through the
4 private activity bond program.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section [2306.67071](#), Government Code, is amended
7 by amending Subsections (b), (c), and (d) and adding Subsection (e)
8 to read as follows:

9 (b) A county with a population of 1.2 million or more or a
10 municipality with a population of 600,000 or more, as applicable,
11 shall hold a hearing at which public comment may be made on the
12 application.

13 (c) Except as provided by Subsection (e), the ~~[The]~~ board
14 may not approve an application for housing tax credits for
15 developments financed through the private activity bond program
16 unless the applicant has submitted to the department a certified
17 copy of a resolution from each applicable governing body described
18 by Subsection (a). The resolution must certify that:

19 (1) notice has been provided to each governing body as
20 required by Subsection (a);

21 (2) each governing body has had sufficient opportunity
22 to obtain a response from the applicant regarding any questions or
23 concerns about the proposed development;

24 (3) for a county or municipality described by

1 Subsection (b), the [each] governing body of the county or
2 municipality has held a hearing under that subsection [~~Subsection~~
3 ~~(b)~~]; and

4 (4) after due consideration of the information
5 provided by the applicant and public comment, the governing body
6 does not object to the proposed application.

7 (d) Except as provided by Subsection (e), the [The]
8 department by rule may provide for the time and manner of the
9 submission to the department of a resolution required by Subsection
10 (c).

11 (e) The board may approve an application for housing tax
12 credits for developments financed through the private activity bond
13 program that will be located in a county or municipality described
14 by Subsection (b) if, before the 90th day after the date on which
15 all applicable governing bodies received notice of the application
16 under Subsection (a), the governing body does not:

17 (1) hold a hearing as required by Subsection (b); and

18 (2) pass a resolution described by Subsection (c) or
19 otherwise object to the application through an official decree.

20 SECTION 2. The change in law made by this Act applies only
21 to an application for low income housing tax credits that is
22 submitted to the Texas Department of Housing and Community Affairs
23 during an application cycle that is based on the 2024 qualified
24 allocation plan or a subsequent plan adopted by the governing board
25 of the department. An application that is submitted during an
26 application cycle that is based on an earlier qualified allocation
27 plan is governed by the law in effect on the date the application

1 cycle began, and the former law is continued in effect for that
2 purpose.

3 SECTION 3. This Act takes effect September 1, 2023.