

By: Pickett

H.B. No. 684

A BILL TO BE ENTITLED

1 AN ACT

2 relating to state assistance for housing developments located in
3 certain disaster areas and notice for certain housing developments.

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

5 SECTION 1. Section 2306.0721(c), Government Code, is
6 amended to read as follows:

7 (c) The plan must include:

8 (1) an estimate and analysis of the housing needs of
9 the following populations in each uniform state service region:

10 (A) individuals and families of moderate, low,
11 very low, and extremely low income;

12 (B) individuals with special needs; ~~and~~

13 (C) homeless individuals; and

14 (D) individuals and families who, within the
15 two-year period preceding the date the estimate is made or the
16 analysis is performed, whichever is earlier, reside in an area
17 declared to be a disaster under Section 418.014;

18 (2) a proposal to use all available housing resources
19 to address the housing needs of the populations described by
20 Subdivision (1) by establishing funding levels for all
21 housing-related programs;

22 (3) an estimate of the number of federally assisted
23 housing units available for the populations described by
24 Subdivisions (1)(A), (B), and (D) ~~[individuals and families of low~~

1 ~~and very low income and individuals with special needs]~~ in each
2 uniform state service region;

3 (4) a description of state programs that govern the
4 use of all available housing resources;

5 (5) a resource allocation plan that targets all
6 available housing resources to the populations described by
7 Subdivisions (1)(A), (B), and (D) ~~[individuals and families of low~~
8 ~~and very low income and individuals with special needs]~~ in each
9 uniform state service region;

10 (6) a description of the department's efforts to
11 monitor and analyze the unused or underused federal resources of
12 other state agencies for housing-related services and services for
13 the populations described by Subdivisions (1)(C) and (D) ~~[homeless~~
14 ~~individuals]~~ and the department's recommendations to ensure the
15 full use by the state of all available federal resources for those
16 services in each uniform state service region;

17 (7) strategies to provide housing for the populations
18 described by Subdivisions (1)(B) and (D) ~~[individuals and families~~
19 ~~with special needs]~~ in each uniform state service region;

20 (8) a description of the department's efforts to
21 encourage in each uniform state service region the construction of
22 housing units that incorporate energy efficient construction and
23 appliances;

24 (9) an estimate and analysis of the housing supply in
25 each uniform state service region;

26 (10) an inventory of all publicly and, where possible,
27 privately funded housing resources, including public housing

1 authorities, housing finance corporations, community housing
2 development organizations, and community action agencies;

3 (11) strategies for meeting rural housing needs;

4 (12) a biennial action plan for colonias that:

5 (A) addresses current policy goals for colonia
6 programs, strategies to meet the policy goals, and the projected
7 outcomes with respect to the policy goals; and

8 (B) includes information on the demand for
9 contract-for-deed conversions, services from self-help centers,
10 consumer education, and other colonia resident services in counties
11 some part of which is within 150 miles of the international border
12 of this state;

13 (13) a summary of public comments received at a
14 hearing under this chapter or from another source that concern the
15 demand for colonia resident services described by Subdivision (12);
16 and

17 (14) any other housing-related information that the
18 state is required to include in the one-year action plan of the
19 consolidated plan submitted annually to the United States
20 Department of Housing and Urban Development.

21 SECTION 2. Section 2306.127, Government Code, is amended to
22 read as follows:

23 Sec. 2306.127. PRIORITY FOR CERTAIN COMMUNITIES. In a
24 manner consistent with the regional allocation formula described
25 under Section 2306.111(d), the department shall give priority
26 through its housing program scoring criteria to communities that:

27 (1) at the time complete applications are submitted

1 under a housing program in relation to those communities, are
2 located wholly or partly in:

3 (A) [~~(1)~~] a federally designated urban
4 enterprise community;

5 (B) [~~(2)~~] an urban enhanced enterprise
6 community; or

7 (C) [~~(3)~~] an economically distressed area or
8 colonia; or

9 (2) at the time complete applications are submitted
10 under a housing program in relation to those communities or at any
11 time within the two-year period preceding the dates of submission
12 of the applications, are located wholly or partly in an area
13 declared to be a disaster under Section 418.014.

14 SECTION 3. Section 2306.359(a), Government Code, is amended
15 to read as follows:

16 (a) In evaluating an application for an issuance of private
17 activity bonds, the department shall score and rank the application
18 using a point system based on criteria that are adopted by the
19 department, including criteria:

20 (1) regarding:

21 (A) the income levels of tenants of the
22 development, consistent with the funding priorities provided by
23 Section 1372.0321;

24 (B) the rent levels of the units;

25 (C) the level of community support for the
26 application;

27 (D) the period of guaranteed affordability for

1 low income tenants;

2 (E) the cost per unit of the development;

3 (F) the size, quality, and amenities of the
4 units;

5 (G) the services to be provided to tenants of the
6 development;

7 (H) the commitment of development funding by
8 local political subdivisions that enables additional units for
9 individuals and families of very low income; ~~and~~

10 (I) whether, at the time the complete application
11 is submitted or at any time within the two-year period preceding the
12 date of submission, the proposed development site is located in an
13 area declared to be a disaster under Section 418.014; and

14 (J) other criteria as developed by the board; and

15 (2) imposing penalties on applicants who have
16 requested extensions of department deadlines relating to
17 developments supported by an issuance of private activity bonds
18 made in the application round preceding the current round.

19 SECTION 4. Section 2306.565(e), Government Code, is amended
20 to read as follows:

21 (e) The board of directors of the corporation shall adopt
22 criteria governing the method by which the staff of the corporation
23 scores and ranks each application ~~[applications]~~ for an allocation
24 under this section that is ~~[are]~~ received in response to a request
25 for a proposal ~~[proposals]~~. The criteria must include:

26 (1) the cost per unit of the housing development;

27 (2) the proposed rent for a unit; ~~and~~

1 (3) the income ranges of individuals and families to
2 be served by the housing development; and

3 (4) criteria related to whether, at the time the
4 complete application is submitted or at any time within the
5 two-year period preceding the date of submission, the proposed
6 housing development site is located in an area declared to be a
7 disaster under Section 418.014.

8 SECTION 5. Section 2306.6710(b), Government Code, is
9 amended to read as follows:

10 (b) If an application satisfies the threshold criteria, the
11 department shall score and rank the application using a point
12 system that:

13 (1) prioritizes in descending order criteria
14 regarding:

15 (A) whether, at the time the complete application
16 is submitted or at any time within the two-year period preceding the
17 date of submission, the proposed development site is located in an
18 area declared to be a disaster under Section 418.014;

19 (B) financial feasibility of the development
20 based on the supporting financial data required in the application
21 that will include a project underwriting pro forma from the
22 permanent or construction lender;

23 (C) [~~(B)~~] quantifiable community participation
24 with respect to the development, evaluated on the basis of written
25 statements from any neighborhood organizations on record with the
26 state or county in which the development is to be located and whose
27 boundaries contain the proposed development site;

1 (D) [~~(C)~~] the income levels of tenants of the
2 development;

3 (E) [~~(D)~~] the size and quality of the units;

4 (F) [~~(E)~~] the commitment of development funding
5 by local political subdivisions;

6 (G) [~~(F)~~] the level of community support for the
7 application, evaluated on the basis of written statements from
8 state elected officials;

9 (H) [~~(G)~~] the rent levels of the units;

10 (I) [~~(H)~~] the cost of the development by square
11 foot; and

12 (J) [~~(I)~~] the services to be provided to tenants
13 of the development; and

14 (2) uses criteria imposing penalties on applicants or
15 affiliates who have requested extensions of department deadlines
16 relating to developments supported by housing tax credit
17 allocations made in the application round preceding the current
18 round or a developer or principal of the applicant that has been
19 removed by the lender, equity provider, or limited partners for its
20 failure to perform its obligations under the loan documents or
21 limited partnership agreement.

22 SECTION 6. Subchapter DD, Chapter 2306, Government Code, is
23 amended by adding Section 2306.67171 to read as follows:

24 Sec. 2306.67171. ELECTRONIC MAIL NOTIFICATION SERVICE. (a)
25 The department shall maintain an electronic mail notification
26 service to which any person in this state may electronically
27 subscribe to receive information concerning the status of

1 preapplications and applications under this subchapter.

2 (b) The electronic mail notification service maintained
3 under Subsection (a) must:

4 (1) allow a subscriber to request for a zip code
5 notification of:

6 (A) the filing of any preapplication or
7 application concerning a development that is or will be located in
8 the zip code;

9 (B) any change in the status of an application or
10 preapplication described by Paragraph (A); and

11 (C) any public hearing to be held concerning an
12 application or preapplication described by Paragraph (A); and

13 (2) respond to a subscriber via electronic mail not
14 later than the later of:

15 (A) the third business day after the date the
16 department receives notice of an event described by Subdivision
17 (1); or

18 (B) if applicable, the date or dates specified by
19 Section 2306.6717(a).

20 (c) The department may include in an electronic mail
21 notification sent to a subscriber any applicable information
22 described by Section 2306.6717.

23 SECTION 7. The changes in law made by this Act relating to
24 the evaluation of applications for financial assistance
25 administered by the Texas Department of Housing and Community
26 Affairs or the Texas State Affordable Housing Corporation apply
27 only to an application submitted for an application cycle that

1 begins on or after the effective date of this Act. An application
2 submitted for an application cycle that begins before the effective
3 date of this Act is governed by the law in effect when the
4 application was submitted, and the former law is continued in
5 effect for that purpose.

6 SECTION 8. This Act takes effect September 1, 2007.