

By: Menendez

H.B. No. 3878

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the transfer of the powers and duties of the Texas State
3 Affordable Housing Corporation to the Texas Department of Housing
4 and Community Affairs, including the transfer of certain housing
5 programs to that department.

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

7 SECTION 1. Subchapter C, Chapter 2306, Government Code, is
8 amended by adding Section 2306.058 to read as follows:

9 Sec. 2306.058. TRANSITION PLAN FOR CERTAIN POWERS, DUTIES,
10 AND PROGRAMS; RULES. (a) The director by rule shall adopt a
11 transition plan for the department's assumption of the former
12 powers and duties of the Texas State Affordable Housing Corporation
13 under Section 2306.551. The transition plan must include a
14 timetable with specific steps and deadlines needed to fully
15 complete the transfer. The transition plan must ensure that the
16 transfer is fully implemented not later than September 1, 2009.

17 (b) The director may adopt rules necessary to improve the
18 efficiency or effectiveness of any program that is transferred to
19 the department as a result of the department's assumption of the
20 former powers and duties of the Texas State Affordable Housing
21 Corporation under Section 2306.551, including rules that combine
22 the operation of programs already administered by the department
23 and a program or programs that are transferred to the department
24 from the Texas State Affordable Housing Corporation.

1 SECTION 2. Subchapter Y, Chapter 2306, Government Code, is
2 amended by amending Section 2306.551 and adding Section 2306.5511
3 to read as follows:

4 Sec. 2306.551. TRANSFER OF CORPORATION POWERS AND DUTIES
5 AND ASSETS. (a) The powers and duties of the corporation under
6 this chapter or other law are transferred to the Texas Department of
7 Housing and Community Affairs.

8 (b) The corporation shall transfer to the Texas Department
9 of Housing and Community Affairs:

10 (1) all assets owned or distributed by the
11 corporation, including any real or personal property owned by the
12 corporation and any bond revenue distributed by the corporation;

13 (2) all records related to the operation of any home
14 loan programs under this chapter; and

15 (3) any applications pending with the corporation on
16 the date the corporation is dissolved by the board of the
17 corporation.

18 (c) The board of the corporation shall:

19 (1) take all necessary actions to dissolve the
20 corporation; and

21 (2) at the request of the director, assist the
22 director in formulating the transition plan under Section 2306.058.

23 Sec. 2306.5511. DEFINITION; CONSTRUCTION OF OTHER LAW. (a)
24 In this subchapter, "corporation" means the Texas State Affordable
25 Housing Corporation.

26 (b) A reference in law to the corporation is a reference to
27 the Texas Department of Housing and Community Affairs.

1 SECTION 3. Sections 2306.553(a) and (b), Government Code,
2 are amended to read as follows:

3 (a) The public purpose of the corporation is to perform
4 activities and services that the corporation's board of directors
5 determines will promote the public health, safety, and welfare
6 through the provision of adequate, safe, and sanitary housing
7 primarily for individuals and families of low, very low, and
8 extremely low income and~~[,]~~ for persons who are eligible for loans
9 ~~[professional educators]~~ under the ~~[professional educators]~~ home
10 loan programs ~~[program as]~~ provided by Sections ~~[Section]~~ 2306.562
11 and~~[, for fire fighters, corrections officers, county jailers,~~
12 ~~public security officers, and peace officers under the fire~~
13 ~~fighter, law enforcement officer, and security officer home loan~~
14 ~~program as provided by Section]~~ 2306.5621~~[, and for professional~~
15 ~~nursing program faculty members under the professional nursing~~
16 ~~program faculty member home loan program as provided by Section~~
17 ~~2306.5622]~~. The activities and services shall include engaging in
18 mortgage banking activities and lending transactions and
19 acquiring, holding, selling, or leasing real or personal property.

20 (b) The corporation's primary public purpose is to
21 facilitate the provision of housing by issuing qualified 501(c)(3)
22 bonds and qualified residential rental project bonds and by making
23 affordable loans to individuals and families of low, very low, and
24 extremely low income and~~[,]~~ to persons who are eligible for loans
25 under the home loan programs provided by Sections 2306.562 and
26 2306.5621 ~~[professional educators under the professional educators~~
27 ~~home loan program, to fire fighters, corrections officers, county~~

1 ~~jailers, public security officers, and peace officers under the~~
2 ~~fire fighter, law enforcement officer, and security officer home~~
3 ~~loan program, and to professional nursing program faculty members~~
4 ~~under the professional nursing program faculty member home loan~~
5 ~~program].~~ The corporation may make first lien, single family
6 purchase money mortgage loans for single family homes only to
7 individuals and families of low, very low, and extremely low income
8 if the individual's or family's household income is not more than
9 the greater of 60 percent of the median income for the state, as
10 defined by the United States Department of Housing and Urban
11 Development, or 60 percent of the area median family income,
12 adjusted for family size, as defined by that department. The
13 corporation may make loans for multifamily developments if:

14 (1) at least 40 percent of the units in a multifamily
15 development are affordable to individuals and families with incomes
16 at or below 60 percent of the median family income, adjusted for
17 family size; or

18 (2) at least 20 percent of the units in a multifamily
19 development are affordable to individuals and families with incomes
20 at or below 50 percent of the median family income, adjusted for
21 family size.

22 SECTION 4. Section 2306.562(a), Government Code, is amended
23 by amending Subdivision (3) and adding Subdivision (5) to read as
24 follows:

25 (3) "Professional educator" means a classroom
26 teacher, full-time paid teacher's aide, full-time librarian,
27 full-time counselor certified under Subchapter B, Chapter 21,

1 Education Code, ~~[or]~~ full-time school nurse, or a full-time faculty
2 member of an undergraduate professional nursing program or graduate
3 professional nursing program.

4 (5) "Undergraduate professional nursing program" and
5 "graduate professional nursing program" have the meanings assigned
6 by Section 54.221, Education Code.

7 SECTION 5. Sections 2306.562(b) and (c), Government Code,
8 are amended to read as follows:

9 (b) The corporation shall establish a program to provide
10 low-interest home mortgage loans to eligible professional
11 educators whose income does not exceed 115 percent of area median
12 family income, adjusted for family size~~[, with low-interest home~~
13 ~~mortgage loans]~~.

14 (c) To be eligible for a loan under this section, a
15 professional educator must:

16 (1) reside in this state on the application date; and

17 (2) be employed by a school district or be a full-time
18 faculty member of an undergraduate professional nursing program or
19 graduate professional nursing program in this state on the
20 application date.

21 SECTION 6. Sections 1372.0223, 2306.255(g), 2306.552, and
22 2306.5622, Government Code, are repealed.

23 SECTION 7. This Act takes effect September 1, 2007.