

BILL ANALYSIS

Senate Research Center

H.B. 4275
By: Menendez et al. (West)
Intergovernmental Relations
5/11/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 4275 relates to the application process and scoring for the low income housing tax credit program.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter DD, Chapter 2306, Government Code, by adding Section 2306.6736, as follows:

Sec. 2306.6736. LOW INCOME HOUSING TAX CREDITS FINANCED UNDER AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009. (a) Requires that the following provisions apply, to the extent the Texas Department of Housing and Community Affairs (TDHCA) receives federal funds under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) or any subsequent law (including any extension or renewal thereof) that requires TDHCA to award the federal funds in the same manner and subject to the same limitations as awards of housing tax credits.

(b) Requires that any reference in this chapter to the administration of the housing tax credit program apply equally to the administration of such federal funds, except:

(1) TDHCA is authorized to establish a separate application procedure for such funds, outside of the uniform application procedure for such funds, outside of the uniform application cycle referred to in Section 2306.1111 (Uniform Application and Funding Cycles) and the deadlines established in Section 2306.6724 (Deadlines for Allocation of Low Income Housing Tax Credits), and any reference herein to the application period shall refer to the period beginning on the date TDHCA begins accepting applications for such funds and continuing until all such available funds are awarded;

(2) unless reauthorized, this section is repealed on August 31, 2011.

SECTION 2. Amends Subchapter DD, Chapter 2306, Government Code, by adding Section 2306.6737, as follows:

Sec. 2306.6737. ASSISTANCE FROM AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009. Requires TDHCA, if allowed by federal law, under any federally funded program resulting from the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5), to secure the interests of the state through bonds, an ownership interest in property, restrictive covenants filed in the real property records, and/or liens filed on a property for which the applicant has accepted funds until such a time as TDHCA and the State of Texas do not have liability to repay or recapture such funds.

SECTION 3. Provides that it is the intent of the legislature that the passage by the 81st Legislature, Regular Session, 2009, of another bill that amends Chapter 2306, Government Code, and the amendments made by this Act are required to be harmonized, if possible, as provided by Section 311.025(b) (relating to irreconcilable statutes and amendments), Government Code, so that effect may be given to each. Provides that if the amendments made by this Act to Chapter 2306, Government Code, and the amendments made to Chapter 2306, Government Code, by any other bill are irreconcilable, it is the intent of the legislature that this Act prevail, regardless of the relative dates of enactment of this Act and the other bill or bills, but only to the extent that any differences are irreconcilable.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: upon passage or September 1, 2009.