

By: Strama

H.B. No. 2865

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the exemption from ad valorem taxation of property used
3 by a charitable organization that provides access to affordable
4 financial products and services to certain individuals.

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

6 SECTION 1. Section 11.18(d), Tax Code, as amended by
7 Chapters 1034 (H.B. 1742) and 1341 (S.B. 1908), Acts of the 80th
8 Legislature, Regular Session, 2007, is reenacted and amended to
9 read as follows:

10 (d) A charitable organization must be organized exclusively
11 to perform religious, charitable, scientific, literary, or
12 educational purposes and, except as permitted by Subsections (h)
13 and (l), engage exclusively in performing one or more of the
14 following charitable functions:

15 (1) providing medical care without regard to the
16 beneficiaries' ability to pay, which in the case of a nonprofit
17 hospital or hospital system means providing charity care and
18 community benefits in accordance with Section 11.1801;

19 (2) providing support or relief to orphans,
20 delinquent, dependent, or handicapped children in need of
21 residential care, abused or battered spouses or children in need of
22 temporary shelter, the impoverished, or victims of natural disaster
23 without regard to the beneficiaries' ability to pay;

24 (3) providing support to elderly persons, including

1 the provision of recreational or social activities and facilities
2 designed to address the special needs of elderly persons, or to the
3 handicapped, without regard to the beneficiaries' ability to pay;

4 (4) preserving a historical landmark or site;

5 (5) promoting or operating a museum, zoo, library,
6 theater of the dramatic or performing arts, or symphony orchestra
7 or choir;

8 (6) promoting or providing humane treatment of
9 animals;

10 (7) acquiring, storing, transporting, selling, or
11 distributing water for public use;

12 (8) answering fire alarms and extinguishing fires with
13 no compensation or only nominal compensation to the members of the
14 organization;

15 (9) promoting the athletic development of boys or
16 girls under the age of 18 years;

17 (10) preserving or conserving wildlife;

18 (11) promoting educational development through loans
19 or scholarships to students;

20 (12) providing halfway house services pursuant to a
21 certification as a halfway house by the parole [~~pardons and~~
22 ~~paroles~~] division of the Texas Department of Criminal Justice;

23 (13) providing permanent housing and related social,
24 health care, and educational facilities for persons who are 62
25 years of age or older without regard to the residents' ability to
26 pay;

27 (14) promoting or operating an art gallery, museum, or

1 collection, in a permanent location or on tour, that is open to the
2 public;

3 (15) providing for the organized solicitation and
4 collection for distributions through gifts, grants, and agreements
5 to nonprofit charitable, education, religious, and youth
6 organizations that provide direct human, health, and welfare
7 services;

8 (16) performing biomedical or scientific research or
9 biomedical or scientific education for the benefit of the public;

10 (17) operating a television station that produces or
11 broadcasts educational, cultural, or other public interest
12 programming and that receives grants from the Corporation for
13 Public Broadcasting under 47 U.S.C. Section 396, as amended;

14 (18) providing housing for low-income and
15 moderate-income families, for unmarried individuals 62 years of age
16 or older, for handicapped individuals, and for families displaced
17 by urban renewal, through the use of trust assets that are
18 irrevocably and, pursuant to a contract entered into before
19 December 31, 1972, contractually dedicated on the sale or
20 disposition of the housing to a charitable organization that
21 performs charitable functions described by Subdivision (9);

22 (19) providing housing and related services to persons
23 who are 62 years of age or older in a retirement community, if the
24 retirement community provides independent living services,
25 assisted living services, and nursing services to its residents on
26 a single campus:

27 (A) without regard to the residents' ability to

1 pay; or

2 (B) in which at least four percent of the
3 retirement community's combined net resident revenue is provided in
4 charitable care to its residents;

5 (20) providing housing on a cooperative basis to
6 students of an institution of higher education if:

7 (A) the organization is exempt from federal
8 income taxation under Section 501(a), Internal Revenue Code of
9 1986, as amended, by being listed as an exempt entity under Section
10 501(c)(3) of that code;

11 (B) membership in the organization is open to all
12 students enrolled in the institution and is not limited to those
13 chosen by current members of the organization;

14 (C) the organization is governed by its members;
15 and

16 (D) the members of the organization share the
17 responsibility for managing the housing;

18 (21) acquiring, holding, and transferring unimproved
19 real property under an urban land bank demonstration program
20 established under Chapter 379C, Local Government Code, as or on
21 behalf of a land bank; ~~or~~

22 (22) acquiring, holding, and transferring unimproved
23 real property under an urban land bank program established under
24 Chapter 379E, Local Government Code, as or on behalf of a land bank;
25 or

26 (23) providing access to affordable financial
27 products and services for low-income individuals and underserved

1 communities, including mortgage financing, flexible underwriting,
2 and commercial loans and investments, if the organization is:

3 (A) a certified community development financial
4 institution; and

5 (B) exempt from federal income taxation under
6 Section 501(a), Internal Revenue Code of 1986, as amended, by being
7 listed as an exempt entity under Section 501(c)(3) of that code.

8 SECTION 2. This Act applies only to an ad valorem tax year
9 that begins on or after the effective date of this Act.

10 SECTION 3. This Act takes effect January 1, 2010.