

By: Davis of Dallas

H.B. No. 3161

Substitute the following for H.B. No. 3161:

By: Pierson

C.S.H.B. No. 3161

A BILL TO BE ENTITLED

AN ACT

relating to the administration of the Texas Department of Housing and Community Affairs.

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

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

Sec. 2306.058. TRANSITION PLAN FOR CERTAIN POWERS, DUTIES, AND PROGRAMS; RULES. (a) The director by rule shall adopt a transition plan for the department's assumption of the former powers and duties of the Texas State Affordable Housing Corporation under Section 2306.551. The transition plan must:

(1) include a timetable with specific steps and deadlines needed to fully complete the transfer; and

(2) ensure that the transfer is fully implemented not later than January 1, 2010.

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

SECTION 2. Subchapter D, Chapter 2306, Government Code, is

1 amended by adding Section 2306.0725 to read as follows:

2 Sec. 2306.0725. STUDY OF EFFECTIVENESS OF STATE LOW INCOME
3 HOUSING PLAN. (a) The department shall conduct a study regarding
4 the effectiveness of the annual state low income housing plan under
5 Section 2306.0721 in efficiently allocating all available housing
6 resources and reducing or eliminating redundant allocations of
7 housing resources.

8 (b) The study must examine and provide recommendations
9 regarding strategies for increasing the efficiency of the state low
10 income housing plan.

11 (c) Not later than December 1, 2010, the department shall
12 submit a report regarding the results of the study to the
13 legislature.

14 (d) This section expires September 2, 2011.

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

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

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

24 (1) all assets owned or distributed by the
25 corporation, including any real or personal property owned by the
26 corporation and any bond revenue distributed by the corporation;

27 (2) all records related to the operation of any home

1 loan programs under this chapter; and

2 (3) any applications pending with the corporation on
3 the date the corporation is dissolved by the board of the
4 corporation.

5 (c) The board of the corporation shall:

6 (1) take all necessary actions to dissolve the
7 corporation; and

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

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

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

15 SECTION 4. Sections 2306.255(g) and 2306.552, Government
16 Code, are repealed.

17 SECTION 5. (a) The Texas State Affordable Housing
18 Corporation is abolished on January 1, 2010.

19 (b) All powers, duties, obligations, rights, contracts,
20 funds, unspent appropriations, records, real or personal property,
21 and personnel of the Texas State Affordable Housing Corporation
22 shall be transferred to the Texas Department of Housing and
23 Community Affairs not later than January 1, 2010.

24 (c) A policy, procedure, or decision of the Texas State
25 Affordable Housing Corporation relating to a duty of that
26 corporation that is transferred to the authority of the Texas
27 Department of Housing and Community Affairs under Section 2306.551,

1 Government Code, as amended by this Act, continues in effect as a
2 policy, procedure, or decision of the Texas Department of Housing
3 and Community Affairs until superseded by an act of the director of
4 the Texas Department of Housing and Community Affairs.

5 (d) Except as otherwise provided by this Act, the validity
6 of a plan or procedure adopted, contract or acquisition made,
7 proceeding begun, grant or loan awarded, obligation incurred, right
8 accrued, or other action taken by or in connection with the
9 authority of the Texas State Affordable Housing Corporation before
10 that corporation is abolished under Subsection (a) of this section
11 is not affected by the abolishment.

12 (e) The director of the Texas Department of Housing and
13 Community Affairs shall adopt rules relating to the transfer of the
14 programs assigned to the Texas Department of Housing and Community
15 Affairs under Section 2306.551, Government Code, as amended by this
16 Act, not later than October 1, 2009.

17 SECTION 6. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2009.