

By: Davis of Dallas

H.B. No. 3540

Substitute the following for H.B. No. 3540:

By: Walle

C.S.H.B. No. 3540

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of a statewide initiative to increase
3 independent, affordable housing for elderly or homeless persons and
4 persons with disabilities.

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

6 SECTION 1. Chapter 2306, Government Code, is amended by
7 adding Subchapter NN to read as follows:

8 SUBCHAPTER NN. TEXAS AFFORDABLE HOUSING INITIATIVE

9 Sec. 2306.1081. PURPOSE. The purpose of this subchapter is
10 to promote housing independence and prevent unnecessary and
11 expensive institutionalization of the state's extremely low income
12 elderly and homeless populations and persons with disabilities.

13 Sec. 2306.1082. DEFINITIONS. In this subchapter:

14 (1) "Elderly person" means a person 62 years of age or
15 older or of an age specified by the applicable federal program.

16 (2) "Extremely low income" means a household with a
17 combined income that is not more than 30 percent of the area median
18 income or applicable federal poverty line, as determined under
19 Section 2306.123 or 2306.1231.

20 (3) "Initiative plan" means the single unified plan
21 developed by the task force under Section 2306.1087.

22 (4) "Noninstitutionalized housing" means a privately
23 owned home, apartment, or group home.

24 (5) "Participating agency" means the Texas Department

1 of Housing and Community Affairs, the Health and Human Services
2 Commission, the Department of State Health Services, the Department
3 of Aging and Disability Services, the Public Utility Commission of
4 Texas, the Department of Assistive and Rehabilitative Services, or
5 the Office of Rural Community Affairs.

6 (6) "Service-enriched housing" means a living
7 arrangement that provides health services or social services, or
8 both, in an accessible, supportive environment.

9 (7) "Task force" means the Texas Affordable Housing
10 Initiative Task Force.

11 Sec. 2306.1083. ADMINISTRATIVE AND RULEMAKING AUTHORITY.

12 (a) A regulatory official has broad authority to administer,
13 interpret, and enforce this subchapter.

14 (b) A rulemaking authority has broad authority to adopt
15 rules to implement this subchapter to carry out the legislature's
16 intent.

17 Sec. 2306.1084. COMPOSITION OF TASK FORCE. (a) The Texas
18 Affordable Housing Initiative Task Force is composed of:

19 (1) one representative from each of the following
20 agencies, appointed by the head of that agency:

21 (A) the Health and Human Services Commission;

22 (B) the Department of State Health Services;

23 (C) the Department of Aging and Disability
24 Services;

25 (D) the Department of Assistive and
26 Rehabilitative Services;

27 (E) the Public Utility Commission of Texas; and

1 (F) the Office of Rural Community Affairs.

2 (2) two representatives from the department,
3 including the director and a person appointed by the director;

4 (3) one member representing advocacy organizations
5 and service providers to homeless persons, appointed by the
6 governor;

7 (4) one member representing advocacy organizations
8 and service providers to elderly persons, appointed by the
9 governor; and

10 (5) one member representing advocacy organizations
11 and service providers to persons with disabilities, appointed by
12 the governor.

13 (b) A member of the task force serves at the pleasure of the
14 appointing official or until termination of the member's employment
15 or association, as applicable, with the entity the member
16 represents.

17 (c) A member of the task force representing a state agency
18 must have:

19 (1) administrative responsibility for programs for
20 homeless or elderly persons or persons with disabilities or related
21 services provided by the agency that the member represents; and

22 (2) authority to make decisions for and commit
23 resources of the agency, subject to the approval of the head of the
24 agency or the board of directors of the agency.

25 Sec. 2306.1085. OPERATION OF TASK FORCE. (a) The director
26 serves as the presiding officer of the task force.

27 (b) The task force shall meet at least quarterly.

1 (c) The task force shall keep minutes and records of
2 attendance with respect to the meetings of the task force.

3 (d) An action taken by the task force must be approved by a
4 majority vote of the members present.

5 (e) The task force may select and use advisors.

6 (f) The department shall provide clerical and advisory
7 support staff to the task force.

8 (g) Chapter 2110 does not apply to the task force.

9 Sec. 2306.1086. GIFTS AND GRANTS. The task force may
10 solicit and accept gifts, grants, and donations from a public or
11 private source for use in carrying out the task force's duties under
12 this subchapter.

13 Sec. 2306.1087. DUTIES OF TASK FORCE. The task force shall:

14 (1) coordinate interdepartmental and interagency
15 plans and develop and annually update a unified initiative plan to:

16 (A) not later than January 1, 2020, reduce by at
17 least 20 percent the number of persons desiring and capable of
18 living independently who are compelled to reside in
19 Medicaid-supported nursing homes, state institutions, and publicly
20 supported homeless shelters by making it possible for those persons
21 to remain and live independently in noninstitutionalized housing,
22 especially their own homes;

23 (B) ensure that the numbers of persons and
24 households assisted under programs under this subchapter in each
25 uniform state service region are in approximate proportion to the
26 numbers of eligible persons and households residing in that uniform
27 state service region;

1 (C) develop new, more cost-effective programs
2 and strategies to use existing public and private resources to
3 provide housing and reduce the residential energy cost burden on
4 extremely low income homeless or elderly persons or persons with
5 disabilities;

6 (D) affirmatively further fair housing
7 opportunities by making available noninstitutionalized housing
8 opportunities to extremely low income homeless or elderly persons
9 or persons with disabilities; and

10 (E) coordinate housing and health services to
11 meet the demands of extremely low income homeless or elderly
12 persons or persons with disabilities by promoting service-enriched
13 housing opportunities within a wide range of noninstitutionalized
14 housing, including homes currently owned and rented by those
15 persons to the extent possible;

16 (2) determine the programmatic approaches, levels of
17 funding, and funding sources necessary to carry out the initiative
18 plan;

19 (3) research housing needs and programs to achieve the
20 goals of the initiative plan; and

21 (4) aggregate, analyze, and report the program
22 initiatives and resource commitments of each participating agency
23 with respect to activities under the Texas Affordable Housing
24 Initiative and certify whether sufficient programs have been
25 initiated and sufficient resources have been committed to meet the
26 goals of the initiative plan.

27 Sec. 2306.1088. REPORT. (a) Not later than September 1,

1 2010, the task force shall submit a copy of the initiative plan,
2 including an accounting of the funds allocated or expended and the
3 number and geographic, demographic, and economic characteristics
4 of persons served by each participating agency through the
5 initiative plan, to:

6 (1) the governor;

7 (2) the lieutenant governor;

8 (3) the speaker of the house of representatives;

9 (4) the Legislative Budget Board;

10 (5) the legislative oversight committees for the
11 department; and

12 (6) the legislative oversight committees for the
13 Office of Rural Community Affairs.

14 (b) This section expires December 31, 2010.

15 Sec. 2306.1089. SERVICE-ENRICHED HOUSING INITIATIVE. (a)

16 The task force shall plan and take necessary actions to improve
17 coordination between housing and health services programs to
18 increase state efforts to offer service-enriched housing,
19 including:

20 (1) identifying barriers preventing or slowing
21 service-enriched housing efforts, such as:

22 (A) regulatory, administrative, or funding
23 barriers; or

24 (B) ineffective or limited coordination among
25 state agencies;

26 (2) developing a system and plan to cross-educate
27 selected staff in agencies represented on the task force and other

1 state and local agencies to increase the number of staff with
2 expertise in both housing and health services programs;

3 (3) identifying opportunities for state housing and
4 health services agencies to provide technical assistance and
5 training to local housing and health services entities regarding
6 the cross-education of staff, agency and entity coordination, and
7 opportunities to increase local efforts to create service-enriched
8 housing;

9 (4) developing suggested performance measures to
10 track progress in:

11 (A) reducing or eliminating barriers in creating
12 service-enriched housing;

13 (B) increasing the coordination among housing
14 and health services agencies;

15 (C) increasing the number of state housing and
16 health services staff who have expertise in both housing and health
17 services programs; and

18 (D) increasing the instances of state housing and
19 health services staff providing technical assistance to local
20 communities to increase the number of service-enriched housing
21 projects; and

22 (5) implementing the related portions of the
23 initiative plan and tracking the progress of implementation.

24 (b) In implementing program activities described by this
25 section, the task force shall ensure that the provision of
26 service-enriched housing is available to eligible persons on an
27 equal basis whether they choose to move from their existing homes to

1 noninstitutionalized housing developments with enriched services
2 or whether they elect to receive the services in other
3 noninstitutionalized housing. The task force shall act to ensure
4 that no state action or policy forces an elderly person or a person
5 with a disability to choose between living independently and
6 obtaining services similar to those provided in an institutional
7 setting.

8 SECTION 2. Subchapter C, Chapter 487, Government Code, is
9 amended by adding Section 487.062 to read as follows:

10 Sec. 487.062. COMPLIANCE WITH TEXAS AFFORDABLE HOUSING
11 INITIATIVE. The office shall designate a representative to the
12 Texas Affordable Housing Initiative Task Force under Section
13 2306.1084, shall implement the plan enacted, and shall take all
14 other actions required to achieve the goals of the Texas Affordable
15 Housing Initiative under Subchapter NN, Chapter 2306.

16 SECTION 3. Subchapter B, Chapter 531, Government Code, is
17 amended by adding Section 531.0973 to read as follows:

18 Sec. 531.0973. COMPLIANCE WITH TEXAS AFFORDABLE HOUSING
19 INITIATIVE. The commission shall designate a representative to the
20 Texas Affordable Housing Initiative Task Force under Section
21 2306.1084, shall implement the plan enacted, and shall take all
22 other actions required to achieve the goals of the Texas Affordable
23 Housing Initiative under Subchapter NN, Chapter 2306.

24 SECTION 4. Subchapter C, Chapter 2306, Government Code, is
25 amended by adding Section 2306.058 to read as follows:

26 Sec. 2306.058. COMPLIANCE WITH TEXAS AFFORDABLE HOUSING
27 INITIATIVE. The department shall designate a representative to the

1 Texas Affordable Housing Initiative Task Force under Section
2 2306.1084, shall implement the plan enacted, and shall take all
3 other actions required to achieve the goals of the Texas Affordable
4 Housing Initiative under Subchapter NN.

5 SECTION 5. Subchapter D, Chapter 1001, Health and Safety
6 Code, is amended by adding Section 1001.076 to read as follows:

7 Sec. 1001.076. COMPLIANCE WITH TEXAS AFFORDABLE HOUSING
8 INITIATIVE. The department shall designate a representative to the
9 Texas Affordable Housing Initiative Task Force under Section
10 2306.1084, Government Code, shall implement the plan enacted, and
11 shall take all other actions required to achieve the goals of the
12 Texas Affordable Housing Initiative under Subchapter NN, Chapter
13 2306, Government Code.

14 SECTION 6. Subchapter D, Chapter 117, Human Resources Code,
15 is amended by adding Section 117.075 to read as follows:

16 Sec. 117.075. COMPLIANCE WITH TEXAS AFFORDABLE HOUSING
17 INITIATIVE. The department shall designate a representative to the
18 Texas Affordable Housing Initiative Task Force under Section
19 2306.1084, Government Code, shall implement the plan enacted, and
20 shall take all other actions required to achieve the goals of the
21 Texas Affordable Housing Initiative under Subchapter NN, Chapter
22 2306, Government Code.

23 SECTION 7. Subchapter D, Chapter 161, Human Resources Code,
24 is amended by adding Section 161.076 to read as follows:

25 Sec. 161.076. COMPLIANCE WITH TEXAS AFFORDABLE HOUSING
26 INITIATIVE. The department shall designate a representative to the
27 Texas Affordable Housing Initiative Task Force under Section

1 2306.1084, Government Code, shall implement the plan enacted, and
2 shall take all other actions required to achieve the goals of the
3 Texas Affordable Housing Initiative under Subchapter NN, Chapter
4 2306, Government Code.

5 SECTION 8. Subchapter A, Chapter 12, Utilities Code, is
6 amended by adding Section 12.006 to read as follows:

7 Sec. 12.006. COMPLIANCE WITH TEXAS AFFORDABLE HOUSING
8 INITIATIVE. The commission shall designate a representative to the
9 Texas Affordable Housing Initiative Task Force under Section
10 2306.1084, Government Code, shall implement the plan enacted, and
11 shall take all other actions required to achieve the goals of the
12 Texas Affordable Housing Initiative under Subchapter NN, Chapter
13 2306, Government Code.

14 SECTION 9. As soon as possible after the effective date of
15 this Act, the governor and the heads of the applicable state
16 agencies shall appoint members to the Texas Affordable Housing
17 Initiative Task Force in accordance with Subchapter NN, Chapter
18 2306, Government Code, as added by this Act.

19 SECTION 10. This Act takes effect September 1, 2009.