

By: Davis of Dallas

H.B. No. 3540

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the provision of housing, weatherization and energy
3 assistance to persons who are elderly, homeless or with
4 disabilities through the establishment of the Texas Housing
5 Independence Campaign.

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

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

9 SUBCHAPTER NN. TEXAS HOUSING INDEPENDENCE CAMPAIGN

10 Sec. 2306.1110. SHORT TITLE. This subchapter may be cited
11 as the Texas Housing Independence Campaign.

12 Sec. 2306.1111. PURPOSE. The purpose of this subchapter is
13 to promote housing independence and prevent unnecessary and
14 expensive institutionalization of the state's extremely low-income
15 elderly and homeless populations and persons with disabilities.

16 Sec. 2306.1112. GOALS. The goal of the Texas Housing
17 Independence Campaign is to:

18 (a) Reduce, by 2020 by at least 20 percent the number of
19 those individuals desiring and capable of living independently who
20 are compelled to reside in Medicaid supported nursing homes, state
21 institutions and publicly supported homeless shelters by making it
22 possible for these individuals to remain and live independently in
23 privately owned housing especially their own homes;

24 (b) Ensure households assisted under this program in each

1 region are in approximate proportion to the number of eligible
2 individuals and households residing within each of the various
3 regions of the state;

4 (d) Develop new, more cost effective programs and
5 strategies to utilize existing public and private resources to
6 provide housing and reduce the residential energy cost burden on
7 extremely low income homeless, elderly and households that include
8 persons with disabilities;

9 (e) Affirmatively further fair housing opportunities by
10 making available non-institutionalized housing opportunities to
11 extremely low income homeless persons, elderly persons and
12 households that include persons with disabilities; and

13 (f) Coordinate housing and health services to meet demands
14 of aging, disabled and homeless extremely low income individuals by
15 promoting service enriched housing opportunities within a wide
16 range of private housing including homes owned and rented by these
17 individuals, especially their existing homes.

18 Sec. 2306.1113. DEFINITIONS. In this subchapter:

19 (1) "Advisory members" means a representative of the
20 public or private industry, appointed by the Governor to meet with
21 and advise the Task Force;

22 (2) "Campaign plan" means a single unified plan as
23 amended that is developed and approved by the task force to achieve
24 the goals of the Texas Housing Independence Campaign;

25 (3) "Extremely low-income" means a household with a
26 combined income of 150 percent or less of the federal poverty level;

27 (4) "Non-institutionalized residence" means a

1 privately owned home, apartment or group home;

2 (5) "Participating agencies" means the Texas
3 Department of Housing and Community Affairs, Texas Department of
4 Human Services, Texas Department of Mental Health and Mental
5 Retardation, Texas Department on Aging and Disability Services,
6 Public Utility Commission, Texas State Affordable Housing
7 Corporation, Department of Assistive and Rehabilitative Services
8 and the Office of Rural Community Affairs;

9 (6) "Service-enriched housing" means living
10 arrangements that include health and/or social services in an
11 accessible, supportive environment; and

12 (7) "Task force" means Texas Housing Independence
13 Campaign Task Force comprised of state agency and department
14 representative and appointees of the Governor having
15 responsibility for the planning, implementation and reporting on
16 the Texas Housing Independence Campaign.

17 Sec. 2306.1114. ADMINISTRATIVE AND RULEMAKING AUTHORITY.

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

20 (b) A rulemaking authority has broad authority to adopt
21 rules to implement this subchapter to carry out the legislature's
22 intent.

23 Sec. 2306.1115. COMPOSITION OF THE TASK FORCE. (a) The
24 Texas Housing Independence Campaign Task Force shall be composed
25 of:

26 (1) one representative from each of the following
27 agencies, appointed by the administrative head of that agency:

- 1 (A) the Texas Department of Human Services;
2 (B) the Texas Department of Mental Health and
3 Mental Retardation;
4 (C) the Texas Department on Aging and Disability
5 Services;
6 (D) the Texas State Affordable Housing
7 Corporation;
8 (E) the Department of Assistive and
9 Rehabilitative Services;
10 (F) the Public Utility Commission; and
11 (G) the Office of Rural Community Affairs.
12 (2) two representatives from the department,
13 including the executive director and a designee of the executive
14 director; and
15 (3) three members representing advocacy organizations
16 and service providers to the homeless, one each appointed by the
17 governor, the lieutenant governor, and the speaker of the house of
18 representatives.
19 (4) three members representing advocacy organizations
20 and service providers to the elderly, one each appointed by the
21 governor, the lieutenant governor, and the speaker of the house of
22 representatives.
23 (5) three members representing advocacy organizations
24 and service providers to persons with disabilities, one each
25 appointed by the governor, the lieutenant governor, and the speaker
26 of the house of representatives.
27 (b) A member of the task force serves at the pleasure of the

1 appointing official or until termination of the member's employment
2 with the entity the member represents.

3 (c) A member of the representing a state agency or
4 department on the task force must have:

5 (1) administrative responsibility for programs for
6 the homeless, disabled, or senior housing or related services
7 provided by the agency that the member represents; and

8 (2) authority to make decisions for and commit
9 resources of the agency, subject to the approval of the
10 administrative head and/or board of directors of the agency.

11 Sec. 2306.1116. OPERATION OF TASK FORCE. (a) The executive
12 director of the department shall chair the task force.

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

14 (c) A record shall be taken of attendance and minutes
15 produced which shall be included in the annual report provided for
16 in Sec. 2306.1118.

17 (c) An action taken by the task force must be approved by a
18 majority vote of the members present.

19 (d) The task force may select and use advisors.

20 (e) The department shall provide clerical and advisory
21 support staff to the task force.

22 Sec. 2306.1117. GIFTS AND GRANTS. The task force may accept
23 gifts and grants from a public or private source for use in carrying
24 out the task force's duties under this subchapter.

25 Sec. 2306.1118. DUTIES OF THE TASK FORCE. The task force
26 shall:

27 (1) coordinate interdepartmental and interagency

1 plans and develop a unified campaign plan to achieve the goals of
2 the Texas Housing Independence Campaign;

3 (2) determine the programmatic approaches, levels of
4 funding and funding sources necessary to carry out the campaign
5 plan to achieve the goals of the Texas Housing Independence
6 Campaign;

7 (3) research housing needs and programs to achieve the
8 goals of the Texas Housing Independence Campaign; and

9 (4) aggregate, analyze and report the program
10 initiatives and funding commitments of each participating
11 department and agency for activities under the Texas Housing
12 Independence Campaign, and certify whether sufficient programs and
13 resources have been committed to meet the campaign plan and goals.

14 (5) by September 1 of each year submit to the Governor,
15 Lt. Governor, Speaker, the Legislative Budget Board and to the
16 department's legislative oversight committees and the legislative
17 oversight committees of the Office of Rural Community Affairs the
18 campaign plan and subsequent yearly revisions to the campaign plan
19 that include an accounting of the funds allocated, funds expended
20 and the number and geographic, demographic and economic
21 characteristics of persons served by each participating department
22 and agency through the campaign plan.

23 Sec. 2306.1119 FUNDING. (a) Notwithstanding other law,
24 participating agencies shall revise their existing program
25 services and funding rules to permit them to contribute adequate
26 program resources and target services as necessary to achieve the
27 goals of the campaign plan.

1 (b) The department and the Office of Rural Community Affairs
2 shall specifically assign housing funding and community
3 development block grants, housing tax credits, weatherization,
4 Texas Housing Trust Fund, program revenues, program income, excess
5 proceeds from any related activities, energy assistance funds as
6 well as any other resources available to the department and the
7 Office of Rural Community Affairs at levels sufficient to meet the
8 requirements of the campaign plan.

9 (c) The Texas State Affordable Housing Corporation shall
10 assign the highest priority to using any program income, grant
11 funds, bond refunding proceeds and existing or future surplus funds
12 available to the corporation to fund activities recommended by the
13 task force to achieve the campaign plan.

14 (d) The department, the Office of Rural Community Affairs
15 and the Texas State Affordable Housing Corporation shall amend
16 their strategic plans to increase the number of new and
17 rehabilitated, integrated, affordable housing units for extremely
18 low income people with disabilities the elderly and homeless
19 populations at risk of being compelled to seek publicly supported
20 institutionalized housing or shelter through new construction,
21 rehabilitation and reuse, or tenant rental assistance by a number
22 necessary to meet the campaign plan.

23 Sec. 2306.1120 TEXAS HOUSING INDEPENDENCE CAMPAIGN HOUSING
24 ASSISTANCE PROGRAM. (a) A program shall be established to build or
25 rehabilitate housing units of the type designated by
26 recommendations of the task force consistent with the goals of the
27 Texas Housing Independence Campaign.

1 (b) Program rules, contracts, procurement procedures and
2 other aspects of the administration of the program shall be the
3 responsibility of the agency administering the funds.

4 (c) The aggregate number of new or rehabilitated housing
5 units to be included in the department's, the Office of Rural
6 Community Affairs and the Texas State Affordable Housing
7 Corporation's strategic plans shall not be less than 5,000 per
8 biennium with a minimum of 3,500 housing units to be assisted by
9 funds from the department, a minimum of 1,000 units to be assisted
10 with funds from the Office of Rural Community Affairs and a minimum
11 of 500 units to be assisted by the Texas State Affordable Housing
12 Corporation.

13 (d) The department, the Office of Rural Community Affairs
14 and the Texas State Affordable Housing Corporation shall, through
15 the Texas Housing Independence Campaign Task Force, develop and
16 market an adequate portion of these housing units to meet the
17 housing needs of individuals relocated as a result of any closing or
18 consolidation of residential care facilities operated or
19 maintained by the State of Texas.

20 Sec. 2306.1121. TEXAS HOUSING INDEPENDENCE CAMPAIGN
21 RESIDENTIAL ARCHITECTURAL BARRIER REMOVAL PROGRAM. (a) The
22 department and the Office of Rural Community Affairs shall
23 cooperate to develop rules and procedures to establish the program;

24 (b) The department and the Office of Rural Community Affairs
25 shall each expend no less than \$5 million from funds available to
26 carry out a \$10 million Texas Residential Barrier Removal Grant
27 Program to assist not less than 3,000 elderly or disabled Texas

1 households to remain in their homes each year.

2 (c) The Office of Rural Community Affairs shall administer
3 the program to serve beneficiaries residing in that portion of the
4 state that lies outside of Participating Jurisdictions under the
5 Community Development Block Grant program and the Texas Department
6 of Housing and Community Affairs shall administer that portion of
7 the program that serves beneficiaries residing in the remainder of
8 the state.

9 (d) The department and the Office of Rural Community Affairs
10 shall cooperate to provide local communities, nonprofit and for
11 profit organizations desiring to participate in this program the
12 necessary technical assistance to successfully implement a
13 program.

14 Sec. 2306.1122 TEXAS HOUSING INDEPENDENCE CAMPAIGN ENERGY
15 COST BURDEN REDUCTION PROGRAM (a) The Texas Department of Housing
16 and Community Affairs and the Office of Rural Community Affairs
17 shall develop and undertake a program to reduce the energy costs of
18 extremely low income elderly and disabled households whose energy
19 costs exceed twenty percent of their gross income over the
20 preceding 12 month period.

21 (b) The Public Utility Commission, shall cooperate with the
22 department and the Office of Rural Community Affairs to research
23 and monitor the effectiveness of the program's efforts to reduce
24 the cost of utilities and to recommend and support demonstration
25 programs to be undertaken by the department and the Office of Rural
26 Community Affairs under this section in order to test program
27 initiatives to reduce the energy cost burden on households provided

1 in subparagraph (a).

2 (c) Low Income Homeowner Energy Assistance Program and
3 federal weatherization grant funds secured as a part of the regular
4 federal allocation and through supplemental federal appropriations
5 shall be prioritized, consistent with the actions necessary to
6 fully draw down and utilize all available federal funding from
7 these sources, to serve the households provided in subparagraph
8 (a). These funds shall be coordinated with other initiatives to
9 develop, modify and rehabilitate housing to assist the target
10 populations under this section to stay out of or to exit from
11 publicly supported institutional housing, state schools or
12 shelters and to return to privately owned housing.

13 (d) The program shall be administered in a manner that
14 ensures that eligible beneficiaries in small cities and rural
15 communities receive a share of the campaign resources in proportion
16 to their share of the state's eligible population.

17 (e) Funds appropriated from the System Benefit Fund for
18 purposes of implementing this section may be used in conjunction
19 with the Weatherization Program to provide for additional
20 weatherization above the maximum levels provided for with federal
21 funds and to provide passive solar energy, solar water heating,
22 high efficiency heating and cooling systems and energy efficient
23 appliances to equip the homes of at least 3,000 elderly or disabled
24 Texans with such improvements.

25 (f) Eligible households shall be those that meet the income
26 qualifications of the campaign and whose utility bills for the
27 previous 12 months exceed 20 percent of gross income.

1 (g) In conjunction with the Public Utility Commission, the
2 department shall design this program, to the extent possible, to
3 provide passive solar energy and water heating systems in such a
4 manner that the systems are provided on a no cost lease basis and
5 will be recovered when the household no longer needs the system and
6 reinstalled at the home of another eligible household.

7 (h) Maximum program benefits for weatherization and home
8 repairs related to energy cost reductions, excluding passive solar
9 energy and solar water heating under this section may not exceed
10 \$15,000 per household. The maximum cost of passive solar energy
11 and/or solar water heating system not permanently affixed to a
12 house but instead designed to be recovered and reused shall not
13 exceed \$20,000 per household.

14 (f) The Public Utility Commission shall monitor and report
15 on the cost effectiveness of this program and make recommendations
16 for the improvement and efficiency of the program through the
17 reports provided in Sec. 2306.1118.

18 Sec. 2306.1123. DISTRIBUTION OF PROGRAM RESOURCES. The task
19 force shall develop recommendations to ensure all programs
20 undertaken through this campaign are designed and implemented in a
21 manner that affirmatively furthers fair housing and offers
22 desegregated housing location choices to the beneficiaries and
23 shall further ensure that no state action or policy under the
24 campaign forces an elderly or disabled individual to forgo living
25 independently in order to obtain services in an institutional
26 setting.

27 Sec. 2306.1124 TEXAS HOUSING INDEPENDENCE CAMPAIGN SERVICE

1 ENRICHED HOUSING INITIATIVE. (a) The task force shall plan and take
2 necessary actions to improve coordination between housing and
3 health services programs to increase state efforts to offer
4 service-enriched housing including:

5 (1) identify barriers preventing or slowing service-
6 enriched housing efforts. The barriers to be examined shall
7 include, but not be limited to regulatory, administrative, funding,
8 and coordination;

9 (2) develop a system and plan to cross-educate
10 selected staff in agencies represented on the task force and other
11 state and local agencies to increase the number of staff with
12 expertise in both areas;

13 (3) identify opportunities for state housing and
14 health service agencies to provide technical assistance and
15 training to local housing and health service entities about cross
16 education of staff, cross agency coordination, and opportunities to
17 increase local efforts to create service-enriched housing;

18 (4) develop suggested performance measures to track
19 progress in:

20 (A) reducing or eliminating barriers in creating
21 service-enriched housing;

22 (B) increasing the coordination between housing
23 and health services agencies;

24 (C) increasing the number of state housing and
25 health services staff cross-educated and/or with expertise in both
26 housing and health services programs; and

27 (D) increasing the provision of state housing and

1 health services staff providing technical assistance to local
2 communities to increase the number of service-enriched housing
3 projects; and

4 (6) implement the plan through the Texas Housing
5 Independence Campaign and to track the progress of implementation.

6 (7) The task force shall include in the report
7 provided for in Sec. 2306.1118 a report on the progress of the
8 program described in this section.

9 (b) In undertaking program activities described in this
10 section, the task force shall ensure that the provision of service
11 enriched housing is available to beneficiaries on an equal basis
12 whether they choose to move from their existing home to a housing
13 development with enriched services or whether they elect to receive
14 the services within another private home of their own choice. The
15 task force shall act to ensure that no state action or policy forces
16 an elderly or disabled individual to choose between living
17 independently and obtaining services in an institutional setting.

18 SECTION 2. Chapter 487, Government Code, is amended by
19 adding Section 487.0542, to read as follows:

20 Sec. 487.0542. COMPLIANCE WITH TEXAS HOUSING INDEPENDENCE
21 CAMPAIGN. The office shall designate a representative to the Texas
22 Housing Independence Campaign Task Force under Section 2306.1115,
23 Government Code, shall implement the plan enacted, and take all
24 other actions required to achieve the goals of the Texas Housing
25 Independence Campaign under Subchapter NN, Chapter 2306,
26 Government Code.

27 SECTION 3. Chapter 12, Utilities Code, is amended by adding

1 Section 12.104, to read as follows:

2 Sec. 12.104. COMPLIANCE WITH TEXAS HOUSING INDEPENDENCE
3 CAMPAIGN. The commission shall designate a representative to the
4 Texas Housing Independence Campaign Task Force under Section
5 2306.1115, Government Code, shall implement the plan enacted, and
6 take all other actions required to achieve the goals of the Texas
7 Housing Independence Campaign under Subchapter NN, Chapter 2306,
8 Government Code.

9 SECTION 4. Chapter 161, Human Resources Code, is amended by
10 adding Section 161.0711, to read as follows:

11 Sec. 161.0711. COMPLIANCE WITH TEXAS HOUSING INDEPENDENCE
12 CAMPAIGN. The department shall designate a representative to the
13 Texas Housing Independence Campaign Task Force under Section
14 2306.1115, Government Code, shall implement the plan enacted, and
15 take all other actions required to achieve the goals of the Texas
16 Housing Independence Campaign under Subchapter NN, Chapter 2306,
17 Government Code.

18 SECTION 5. Chapter 101, Human Resources Code, is amended by
19 adding Section 101.0222, to read as follows:

20 Sec. 101.0222. COMPLIANCE WITH TEXAS HOUSING INDEPENDENCE
21 CAMPAIGN. The department shall designate a representative to the
22 Texas Housing Independence Campaign Task Force under Section
23 2306.1115, Government Code, shall implement the plan enacted, and
24 take all other actions required to achieve the goals of the Texas
25 Housing Independence Campaign under Subchapter NN, Chapter 2306,
26 Government Code.

27 SECTION 6. Chapter 22, Human Resources Code, is amended by

1 adding Section 22.0012, to read as follows:

2 Sec. 22.0012. COMPLIANCE WITH TEXAS HOUSING INDEPENDENCE
3 CAMPAIGN. The department shall designate a representative to the
4 Texas Housing Independence Campaign Task Force under Section
5 2306.1115, Government Code, shall implement the plan enacted, and
6 take all other actions required to achieve the goals of the Texas
7 Housing Independence Campaign under Subchapter NN, Chapter 2306,
8 Government Code.

9 SECTION 7. Chapter 2306, Government Code, is amended by
10 adding Section 2306.5549, to read as follows:

11 Sec. 2306.5549. COMPLIANCE WITH TEXAS HOUSING INDEPENDENCE
12 CAMPAIGN. The corporation shall designate a representative to the
13 Texas Housing Independence Campaign Task Force under Section
14 2306.1115, Government Code, shall implement the plan enacted, and
15 take all other actions required to achieve the goals of the Texas
16 Housing Independence Campaign under Subchapter NN, Chapter 2306,
17 Government Code.

18 SECTION 8. Chapter 117, Human Resources Code, is amended by
19 adding Section 117.0711, to read as follows:

20 Sec. 117.0711. COMPLIANCE WITH TEXAS HOUSING INDEPENDENCE
21 CAMPAIGN. The department shall designate a representative to the
22 Texas Housing Independence Campaign Task Force under Section
23 2306.1115, Government Code, shall implement the plan enacted, and
24 take all other actions required to achieve the goals of the Texas
25 Housing Independence Campaign under Subchapter NN, Chapter 2306,
26 Government Code.

27 SECTION 9. Chapter 533, Health and Safety Code, is amended

1 by adding Section 533.0021, to read as follows:

2 Sec. 533.0021. COMPLIANCE WITH TEXAS HOUSING INDEPENDENCE
3 CAMPAIGN. The department shall designate a representative to the
4 Texas Housing Independence Campaign Task Force under Section
5 2306.1115, Government Code, shall implement the plan enacted, and
6 take all other actions required to achieve the goals of the Texas
7 Housing Independence Campaign under Subchapter NN, Chapter 2306,
8 Government Code.

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