

1-1 By: Menendez, Kent, Leibowitz H.B. No. 4275
1-2 (Senate Sponsor - West)
1-3 (In the Senate - Received from the House May 6, 2009;
1-4 May 7, 2009, read first time and referred to Committee on
1-5 Intergovernmental Relations; May 18, 2009, reported favorably by
1-6 the following vote: Yeas 5, Nays 0; May 18, 2009, sent to
1-7 printer.)

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the application process and scoring for the low income
1-11 housing tax credit program.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter DD, Chapter 2306, Government Code, is
1-14 amended by adding Section 2306.6736 to read as follows:

1-15 Sec. 2306.6736. LOW INCOME HOUSING TAX CREDITS FINANCED
1-16 UNDER AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009. (a) To the
1-17 extent the department receives federal funds under the American
1-18 Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) or any
1-19 subsequent law (including any extension or renewal thereof) that
1-20 requires the department to award the federal funds in the same
1-21 manner and subject to the same limitations as awards of housing tax
1-22 credits, the following provisions shall apply.

1-23 (b) Any reference in this chapter to the administration of
1-24 the housing tax credit program shall apply equally to the
1-25 administration of such federal funds, except:

1-26 (1) the department may establish a separate
1-27 application procedure for such funds, outside of the uniform
1-28 application cycle referred to in Section 2306.1111 and the
1-29 deadlines established in Section 2306.6724, and any reference
1-30 herein to the application period shall refer to the period
1-31 beginning on the date the department begins accepting applications
1-32 for such funds and continuing until all such available funds are
1-33 awarded;

1-34 (2) unless reauthorized, this section is repealed on
1-35 August 31, 2011.

1-36 SECTION 2. Subchapter DD, Chapter 2306, Government Code, is
1-37 amended by adding Section 2306.6737 to read as follows:

1-38 Sec. 2306.6737. ASSISTANCE FROM AMERICAN RECOVERY AND
1-39 REINVESTMENT ACT OF 2009. If allowed by federal law, the department
1-40 shall, under any federally funded program resulting from the
1-41 American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5),
1-42 secure the interests of the state through bonds, an ownership
1-43 interest in property, restrictive covenants filed in the real
1-44 property records, and/or liens filed on a property for which the
1-45 applicant has accepted funds until such a time as the department and
1-46 the State of Texas do not have liability to repay or recapture such
1-47 funds.

1-48 SECTION 3. It is the intent of the legislature that the
1-49 passage by the 81st Legislature, Regular Session, 2009, of another
1-50 bill that amends Chapter 2306, Government Code, and the amendments
1-51 made by this Act shall be harmonized, if possible, as provided by
1-52 Section 311.025(b), Government Code, so that effect may be given to
1-53 each. If the amendments made by this Act to Chapter 2306,
1-54 Government Code, and the amendments made to Chapter 2306,
1-55 Government Code, by any other bill are irreconcilable, it is the
1-56 intent of the legislature that this Act prevail, regardless of the
1-57 relative dates of enactment of this Act and the other bill or bills,
1-58 but only to the extent that any differences are irreconcilable.

1-59 SECTION 4. The changes in law made by this Act relating to
1-60 the evaluation of applications for financial assistance
1-61 administered by the Texas Department of Housing and Community
1-62 Affairs apply only to an application submitted on or after the
1-63 effective date of this Act. An application submitted before the
1-64 effective date of this Act is governed by the law in effect when the

2-1 application was submitted, and the former law is continued in
2-2 effect for that purpose.

2-3 SECTION 5. This Act takes effect immediately if it receives
2-4 a vote of two-thirds of all the members elected to each house, as
2-5 provided by Section 39, Article III, Texas Constitution. If this
2-6 Act does not receive the vote necessary for immediate effect, this
2-7 Act takes effect September 1, 2009.

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