

By: Ellis

S.B. No. 1861

Substitute the following for S.B. No. 1861:

By: Alvarado

C.S.S.B. No. 1861

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the transfer of powers, duties, and programs to, and the
3 continuation of, the Texas Department of Housing and Community
4 Affairs, to the establishment and administration of certain other
5 programs and divisions within the department, and to other
6 provisions relating to fair or affordable housing.

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

8 SECTION 1. Section 2306.001, Government Code, is amended to
9 read as follows:

10 Sec. 2306.001. PURPOSES. The purposes of the department
11 are to:

12 (1) assist local governments in:

13 (A) providing essential public services for
14 their residents; and

15 (B) overcoming financial, social, and
16 environmental problems;

17 (2) provide for the housing needs of individuals and
18 families of low, very low, and extremely low income and families of
19 moderate income;

20 (3) contribute to the preservation, development, and
21 redevelopment of neighborhoods and communities, including
22 cooperation in the preservation of government-assisted housing
23 occupied by individuals and families of very low and extremely low
24 income;

1 (4) assist the governor and the legislature in
2 coordinating federal and state programs affecting local
3 government;

4 (5) inform state officials and the public of the needs
5 of local government;

6 (6) serve as the lead agency for:

7 (A) addressing at the state level the problem of
8 homelessness in this state;

9 (B) coordinating interagency efforts to address
10 homelessness; and

11 (C) addressing at the state level and
12 coordinating interagency efforts to address any problem associated
13 with homelessness, including hunger; ~~and~~

14 (7) serve as a source of information to the public
15 regarding all affordable housing resources and community support
16 services in the state; and

17 (8) administer programs to achieve the purposes
18 described by this section and implement procedures to improve the
19 efficiency of those programs and to maximize federal funding.

20 SECTION 2. Section 2306.022, Government Code, is amended to
21 read as follows:

22 Sec. 2306.022. APPLICATION OF SUNSET ACT. The Texas
23 Department of Housing and Community Affairs is subject to Chapter
24 325 (Texas Sunset Act). Unless continued in existence as provided
25 by that chapter, the department is abolished and this chapter
26 expires September 1, 2013 [~~2011~~].

27 SECTION 3. Section 2306.041, Government Code, is amended to

1 read as follows:

2 Sec. 2306.041. IMPOSITION OF PENALTY. The board shall
3 ~~[may]~~ impose an administrative penalty on a person who violates
4 this chapter or a rule or order adopted under this chapter.

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

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

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

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

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

24 (c) Notwithstanding Subsection (b), the director may not
25 consolidate or eliminate the programs administered under Sections
26 2306.562 and 2306.5621.

27 SECTION 5. Subchapter D, Chapter 2306, Government Code, is

1 amended by adding Sections 2306.0725 and 2306.084 to read as
2 follows:

3 Sec. 2306.0725. LONG-RANGE LOW INCOME HOUSING PLAN.

4 (a) The director shall prepare and submit to the board an
5 integrated long-range state low income housing plan covering at
6 least six years.

7 (b) Not later than the 30th day after the date the board
8 receives and approves the plan, the board shall submit the plan to
9 the governor, the lieutenant governor, and the speaker of the house
10 of representatives.

11 (c) The plan must establish policy goals for meeting low
12 income housing needs on a statewide and regional basis and
13 prescribe strategies to meet those goals. The plan must include:

14 (1) an estimate and analysis of the housing needs of
15 the following populations in each uniform state service region:

16 (A) individuals and families of moderate, low,
17 very low, and extremely low income;

18 (B) individuals with special needs, with
19 specific emphasis on the needs of elderly individuals and
20 individuals with disabilities; and

21 (C) homeless individuals;

22 (2) a proposal to use all available housing resources
23 to address the housing needs of the populations described by
24 Subdivision (1) by establishing funding levels for all
25 housing-related programs;

26 (3) an estimate of the number of federally assisted
27 housing units available for individuals and families of low and

1 very low income and individuals with special needs in each uniform
2 state service region;

3 (4) a description of state programs that govern the
4 use of all available housing resources;

5 (5) a resource allocation plan that targets all
6 available housing resources to individuals and families of low and
7 very low income and individuals with special needs in each uniform
8 state service region;

9 (6) a description of the department's efforts to
10 monitor and analyze the unused or underused federal resources of
11 other state agencies for housing-related services and services for
12 homeless individuals and the department's recommendations to
13 ensure the full use by the state of all available federal resources
14 for those services in each uniform state service region;

15 (7) strategies to provide housing for individuals and
16 families with special needs in each uniform state service region;

17 (8) a description of the department's efforts to
18 encourage in each uniform state service region the construction of
19 housing units that incorporate energy efficient construction and
20 appliances;

21 (9) an estimate and analysis of the housing supply in
22 each uniform state service region;

23 (10) an inventory of all publicly and, where possible,
24 privately funded housing resources, including public housing
25 authorities, housing finance corporations, community housing
26 development organizations, and community action agencies;

27 (11) strategies for meeting rural housing needs;

1 (12) an action plan for colonias that addresses
2 current policy goals for colonia programs, strategies to meet the
3 policy goals, and the projected outcomes with respect to the policy
4 goals; and

5 (13) strategies for eliminating redundant and
6 inefficient practices.

7 (d) The priorities and policies in each housing plan adopted
8 by the department must be consistent to the extent practical with
9 the priorities and policies established in the long-range state low
10 income housing plan.

11 (e) The director may subdivide the uniform state service
12 regions as necessary for purposes of the long-range state low
13 income housing plan.

14 Sec. 2306.084. GENERAL ENFORCEMENT AUTHORITY; STUDY. (a)
15 The department shall develop and implement procedures to ensure
16 that all programs administered by the department comply with the
17 requirements of this chapter and applicable federal laws.

18 (b) The department shall conduct a study to determine
19 whether the creation of new programs or expansion of existing
20 services would improve the department's ability to perform the
21 duties assigned by this chapter.

22 SECTION 6. Subchapter E, Chapter 2306, Government Code, is
23 amended by adding Sections 2306.095, 2306.096, 2306.0971, and
24 2306.0972 to read as follows:

25 Sec. 2306.095. FINANCIAL ASSISTANCE FOR LOCAL INITIATIVES
26 REGARDING THE HOMELESS. (a) The department shall provide
27 financial assistance to political subdivisions, housing finance

1 corporations, for-profit corporations, and nonprofit organizations
2 that provide services for individuals and families who are
3 homeless.

4 (b) Assistance provided under this section must be used only
5 to support local initiatives regarding homeless individuals and
6 families.

7 (c) The department shall seek any federal funding available
8 for the purposes of the program.

9 (d) The department may adopt rules to administer this
10 section.

11 Sec. 2306.096. HOMELESS GRANT PROGRAM. (a) The department
12 shall provide grants, supportive housing services, and housing
13 retention services to support services offered to homeless persons
14 by political subdivisions, housing finance corporations,
15 for-profit corporations, and nonprofit organizations.

16 (b) Grants made under this section must be used only for
17 support services for homeless persons, including:

- 18 (1) case management;
19 (2) job training, placement, and retention;
20 (3) housing placement and retention; and
21 (4) mental health services.

22 (c) The department may adopt rules to administer this
23 section.

24 Sec. 2306.0971. SUPPLEMENTAL ASSISTANCE PROGRAM FOR
25 CERTAIN WEATHERIZATION-RELATED MEASURES. (a) In addition to the
26 Energy Services Program for Low-Income Individuals established
27 under Section 2306.097, the department shall establish a program

1 that provides financial assistance for residential
2 weatherization-related measures that do not qualify for federal
3 funds under the weatherization assistance program for low-income
4 persons but that, if performed, would allow a person to receive that
5 federal assistance.

6 (b) The department by rule shall establish eligibility
7 criteria for a person to receive financial assistance for
8 residential weatherization-related measures described by
9 Subsection (a). The criteria must ensure that any
10 weatherization-related measures performed will allow a person to
11 receive federal assistance under the weatherization assistance
12 program. The income criteria must be equivalent to the income
13 criteria for a person to receive federal assistance under the
14 weatherization assistance program.

15 Sec. 2306.0972. WEATHERIZATION PILOT PROGRAM. (a) The
16 department may establish a pilot program to study the effectiveness
17 of weatherization measures in increasing residential energy
18 efficiency for individuals and families of low income.

19 (b) If the department establishes a pilot program under this
20 section, not later than December 1, 2010, the department shall
21 submit a report to the legislature regarding its findings and
22 recommendations under the pilot program.

23 (c) This section expires September 1, 2011.

24 SECTION 7. Section 2306.111(d-1), Government Code, is
25 amended to read as follows:

26 (d-1) In allocating low income housing tax credit
27 commitments under Subchapter DD, the department shall, before

1 applying the regional allocation formula prescribed by Section
2 2306.1115, set aside for at-risk developments, as defined by
3 Section 2306.6702, not less than the minimum amount of housing tax
4 credits required under Section 2306.6714. Funds or credits are
5 also not required to be allocated according to the regional
6 allocation formula under Subsection (d) if:

7 (1) the funds or credits are reserved for
8 contract-for-deed conversions or for set-asides mandated by state
9 or federal law, including the nonprofit set-aside mandated by
10 Section 42(h)(5), Internal Revenue Code of 1986 (26 U.S.C. Section
11 42(h)(5)), and each contract-for-deed allocation or set-aside
12 allocation equals not more than 10 percent of the total allocation
13 of funds or credits for the applicable program;

14 (2) the funds or credits are allocated by the
15 department primarily to serve persons with disabilities; or

16 (3) the funds are housing trust funds administered by
17 the department under Sections 2306.201-2306.206 that are not
18 otherwise required to be set aside under state or federal law and do
19 not exceed \$3 million during each application cycle.

20 SECTION 8. Section 2306.1114(a), Government Code, is
21 amended to read as follows:

22 (a) Not later than the 14th day after the date an
23 application or a proposed application for housing funds described
24 by Section 2306.111 has been filed, the department shall provide
25 written notice of the filing of the application or proposed
26 application to the following persons:

27 (1) the United States representative who represents

1 the community containing the development described in the
2 application;

3 (2) members of the legislature who represent the
4 community containing the development described in the application;

5 (3) the presiding officer of the governing body of the
6 political subdivision containing the development described in the
7 application;

8 (4) any member of the governing body of a political
9 subdivision who represents the area containing the development
10 described in the application;

11 (5) the superintendent and the presiding officer of
12 the board of trustees of the school district containing the
13 development described in the application; and

14 (6) any neighborhood organizations on record with the
15 state, municipality, or county in which the development described
16 in the application is to be located and whose boundaries contain the
17 proposed development site.

18 SECTION 9. Subchapter F, Chapter 2306, Government Code, is
19 amended by adding Section 2306.122 to read as follows:

20 Sec. 2306.122. ASSISTANCE FROM AMERICAN RECOVERY AND
21 REINVESTMENT ACT OF 2009. (a) To the extent permitted by federal
22 law, in administering money provided to the department under the
23 American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5),
24 the department shall secure the interests of the state through
25 bonds, retention of ownership interests in the affected properties,
26 or restrictive covenants or liens filed in real property records
27 for the affected properties.

1 (b) The interests of the state must be secured with respect
2 to the use of federal money described by Subsection (a) until the
3 department and the state do not have any specified liability to
4 repay or recapture that money.

5 SECTION 10. Subchapter K, Chapter 2306, Government Code, is
6 amended by adding Section 2306.260 to read as follows:

7 Sec. 2306.260. USE OF CERTAIN FEDERAL ASSISTANCE TO FUND
8 PILOT PROGRAMS. The department may fund existing pilot programs or
9 create new pilot programs as appropriate using federal supplemental
10 appropriations under the American Recovery and Reinvestment Act of
11 2009 (Pub. L. No. 111-5) or any other similar federal legislation
12 that is enacted on or after January 1, 2009. This section expires
13 December 31, 2011.

14 SECTION 11. Subchapter Y, Chapter 2306, Government Code, is
15 amended by amending Section 2306.551 and adding Section 2306.5511
16 to read as follows:

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

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

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

26 (2) all records related to the operation of any home
27 loan programs under this chapter; and

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

4 (c) The board of the corporation shall:

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

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

9 Sec. 2306.5511. DEFINITION; CONSTRUCTION OF OTHER LAW. (a)

10 In this subchapter, "corporation" means the Texas State Affordable
11 Housing Corporation.

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

14 SECTION 12. Section 2306.557, Government Code, is amended
15 to read as follows:

16 Sec. 2306.557. DISTRIBUTION OF EARNINGS. (a) Any part of
17 earnings remaining after payment of expenses and any establishment
18 of reserves by the corporation's board of directors may not inure to
19 any person except that the corporation shall use these excess
20 earnings to further the corporation's new or existing affordable
21 housing initiatives if the corporation's board of directors
22 determines that sufficient provision has been made for the full
23 payment of the expenses, bonds, and other obligations of the
24 corporation and for any establishment of reserves by the
25 corporation's board of directors.

26 (b) Notwithstanding any provision to the contrary, all
27 earnings from bonds issued under Section 2306.5551, 2306.562,

1 2306.5621, or 2306.565 shall be allocated to the homeless grant
2 program under Section 2306.095.

3 SECTION 13. Section 2306.6703(a), Government Code, is
4 amended to read as follows:

5 (a) An application is ineligible for consideration under
6 the low income housing tax credit program if:

7 (1) at the time of application or at any time during
8 the two-year period preceding the date the application round
9 begins, the applicant or a related party is or has been:

10 (A) a member of the board; or

11 (B) the director, a deputy director, the director
12 of housing programs, the director of compliance, the director of
13 underwriting, or the low income housing tax credit program manager
14 employed by the department;

15 (2) the applicant proposes to replace in less than 15
16 years any private activity bond financing of the development
17 described by the application, unless:

18 (A) at least one-third of all the units in the
19 development are public housing units or Section 8 project-based
20 units and the applicant proposes to maintain for a period of 30
21 years or more 100 percent of the [~~development~~] units supported by
22 housing tax credits as rent-restricted and exclusively for
23 occupancy by individuals and families earning not more than 50
24 percent of the area median income, adjusted for family size[~~, and~~

25 [~~(B) at least one-third of all the units in the~~
26 ~~development are public housing units or Section 8 project-based~~
27 ~~units];~~

1 (B) the applicable private activity bonds will be
2 redeemed only in an amount consistent with their proportionate
3 amortization; or

4 (C) if the redemption of the applicable private
5 activity bonds will occur in the first five years of the operation
6 of the development and will reduce the amount of bonds outstanding
7 to less than 50 percent of the cost of the real property plus
8 depreciable basis:

9 (i) the Bond Review Board determines that
10 there will be money available to fund all other multifamily
11 developments financed by the bonds without requiring any reduction
12 in the financing for those developments;

13 (ii) the applicable private activity bonds
14 will be redeemed according to underwriting criteria established by
15 the department; and

16 (iii) the applicable private activity bonds
17 will be redeemed only in an amount necessary to ensure the financial
18 feasibility of the development described by the application;

19 (3) the applicant proposes to construct a new
20 development that is located one linear mile or less from a
21 development that:

22 (A) serves the same type of household as the new
23 development, regardless of whether the developments serve
24 families, elderly individuals, or another type of household;

25 (B) has received an allocation of housing tax
26 credits for new construction at any time during the three-year
27 period preceding the date the application round begins; and

1 (C) has not been withdrawn or terminated from the
2 low income housing tax credit program; or

3 (4) the development is located in a municipality or,
4 if located outside a municipality, a county that has more than twice
5 the state average of units per capita supported by housing tax
6 credits or private activity bonds, unless the applicant:

7 (A) has obtained prior approval of the
8 development from the governing body of the appropriate municipality
9 or county containing the development; and

10 (B) has included in the application a written
11 statement of support from that governing body referencing this
12 section and authorizing an allocation of housing tax credits for
13 the development.

14 SECTION 14. Section 2306.6704(b-1), Government Code, is
15 amended to read as follows:

16 (b-1) The preapplication process must require the applicant
17 to provide the department with evidence that the applicant has
18 notified the following entities with respect to the filing of the
19 application:

20 (1) any neighborhood organizations on record with the
21 state, municipality, or county in which the development is to be
22 located and whose boundaries contain the proposed development site;

23 (2) the superintendent and the presiding officer of
24 the board of trustees of the school district containing the
25 development;

26 (3) the presiding officer of the governing body of any
27 municipality containing the development and all elected members of

1 that body;

2 (4) the presiding officer of the governing body of the
3 county containing the development and all elected members of that
4 body; and

5 (5) the state senator and state representative of the
6 district containing the development.

7 SECTION 15. Section 2306.6705, Government Code, is amended
8 to read as follows:

9 Sec. 2306.6705. GENERAL APPLICATION REQUIREMENTS. An
10 application must contain at a minimum the following written,
11 detailed information in a form prescribed by the board:

12 (1) a description of:

13 (A) the financing plan for the development,
14 including any nontraditional financing arrangements;

15 (B) the use of funds with respect to the
16 development;

17 (C) the funding sources for the development,
18 including:

19 (i) construction, permanent, and bridge
20 loans; and

21 (ii) rents, operating subsidies, and
22 replacement reserves; and

23 (D) the commitment status of the funding sources
24 for the development;

25 (2) if syndication costs are included in the eligible
26 basis, a justification of the syndication costs for each cost
27 category by an attorney or accountant specializing in tax matters;

1 (3) from a syndicator or a financial consultant of the
2 applicant, an estimate of the amount of equity dollars expected to
3 be raised for the development in conjunction with the amount of
4 housing tax credits requested for allocation to the applicant,
5 including:

6 (A) pay-in schedules; and

7 (B) syndicator consulting fees and other
8 syndication costs;

9 (4) if rental assistance, an operating subsidy, or an
10 annuity is proposed for the development, any related contract or
11 other agreement securing those funds and an identification of:

12 (A) the source and annual amount of the funds;

13 (B) the number of units receiving the funds; and

14 (C) the term and expiration date of the contract
15 or other agreement;

16 (5) if the development is located within the
17 boundaries of a political subdivision with a zoning ordinance,
18 evidence in the form of a letter from the chief executive officer of
19 the political subdivision or from another local official with
20 jurisdiction over zoning matters that states that:

21 (A) the development is permitted under the
22 provisions of the ordinance that apply to the location of the
23 development; or

24 (B) the applicant is in the process of seeking
25 the appropriate zoning and has signed and provided to the political
26 subdivision a release agreeing to hold the political subdivision
27 and all other parties harmless in the event that the appropriate

1 zoning is denied;

2 (6) if an occupied development is proposed for
3 rehabilitation:

4 (A) an explanation of the process used to notify
5 and consult with the tenants in preparing the application;

6 (B) a relocation plan outlining:

7 (i) relocation requirements; and

8 (ii) a budget with an identified funding
9 source; and

10 (C) if applicable, evidence that the relocation
11 plan has been submitted to the appropriate local agency;

12 (7) a certification of the applicant's compliance with
13 appropriate state and federal laws, as required by other state law
14 or by the board;

15 (8) any other information required by the board in the
16 qualified allocation plan; and

17 (9) evidence that the applicant has notified the
18 following entities with respect to the filing of the application:

19 (A) any neighborhood organizations on record
20 with the state, municipality, or county in which the development is
21 to be located and whose boundaries contain the proposed development
22 site;

23 (B) the superintendent and the presiding officer
24 of the board of trustees of the school district containing the
25 development;

26 (C) the presiding officer of the governing body
27 of any municipality containing the development and all elected

1 members of that body;

2 (D) the presiding officer of the governing body
3 of the county containing the development and all elected members of
4 that body; and

5 (E) the state senator and state representative of
6 the district containing the development.

7 SECTION 16. Sections 2306.6710(b) and (f), Government Code,
8 are amended to read as follows:

9 (b) If an application satisfies the threshold criteria, the
10 department shall score and rank the application using a point
11 system that:

12 (1) prioritizes in descending order criteria
13 regarding:

14 (A) financial feasibility of the development
15 based on the supporting financial data required in the application
16 that will include a project underwriting pro forma from the
17 permanent or construction lender;

18 (B) quantifiable community participation with
19 respect to the development, evaluated on the basis of written
20 statements from any neighborhood organizations on record with the
21 state, municipality, or county in which the development is to be
22 located and whose boundaries contain the proposed development site;

23 (C) the income levels of tenants of the
24 development;

25 (D) the size and quality of the units;

26 (E) the commitment of development funding by
27 local political subdivisions;

1 (F) the level of community support in connection
2 with [~~for~~] the application, evaluated on the basis of written
3 statements from the state representative or the state senator that
4 represents the district containing the proposed development site;

5 (G) the rent levels of the units;

6 (H) the cost of the development by square foot;

7 (I) the services to be provided to tenants of the
8 development; and

9 (J) whether, at the time the complete application
10 is submitted or at any time within the two-year period preceding the
11 date of submission, the proposed development site is located in an
12 area declared to be a disaster under Section 418.014;

13 (2) uses criteria imposing penalties on applicants or
14 affiliates who have requested extensions of department deadlines
15 relating to developments supported by housing tax credit
16 allocations made in the application round preceding the current
17 round or a developer or principal of the applicant that has been
18 removed by the lender, equity provider, or limited partners for its
19 failure to perform its obligations under the loan documents or
20 limited partnership agreement; and

21 (3) encourages applicants to provide free notary
22 public service to the residents of the developments for which the
23 allocation of housing tax credits is requested.

24 (f) In evaluating the level of community support in
25 connection with [~~for~~] an application under Subsection (b)(1)(F),
26 the department shall award:

27 (1) positive points for positive written statements

1 received in support of the application;

2 (2) negative points for negative written statements
3 received in opposition to the application; ~~and~~

4 (3) one-half of one positive point for each written
5 statement received that generally supports affordable housing in
6 the district containing the proposed development site, except that
7 the total number of positive points awarded under this subdivision
8 may not exceed the total number of positive points awarded under
9 Subdivision (1); and

10 (4) one-half of one negative point for each written
11 statement received that expresses no additional need for affordable
12 housing in the district containing the proposed development site,
13 except that the total number of negative points awarded under this
14 subdivision may not exceed the total number of negative points
15 awarded under Subdivision (2) ~~[zero points for neutral statements~~
16 ~~received]~~.

17 SECTION 17. Section 2306.6711, Government Code, is amended
18 by amending Subsection (b) and adding Subsection (g) to read as
19 follows:

20 (b) Not later than the deadline specified in the qualified
21 allocation plan, the board shall issue commitments for available
22 housing tax credits based on the application evaluation process
23 provided by Section 2306.6710. The board may not allocate to an
24 applicant housing tax credits in any unnecessary amount, as
25 determined by the department's underwriting policy and by federal
26 law, and in any event may not, except as permitted by Subsection
27 (g), allocate to the applicant housing tax credits in an amount

1 greater than \$3 [~~\$2~~] million in a single application round.

2 (g) Beginning in 2012, on January 1 of each even-numbered
3 year, the department may adjust the maximum amount of the
4 allocation prescribed by Subsection (b) by an amount equal to the
5 amount prescribed by that subsection multiplied by the percentage
6 change during the preceding state fiscal biennium in the Consumer
7 Price Index for All Urban Consumers (CPI-U), U.S. City Average,
8 published monthly by the United States Bureau of Labor Statistics,
9 or its successor in function. The department shall publish the new
10 amount in the qualified allocation plan.

11 SECTION 18. Subchapter DD, Chapter 2306, Government Code,
12 is amended by adding Sections 2306.6736 and 2306.6737 to read as
13 follows:

14 Sec. 2306.6736. LOW INCOME HOUSING TAX CREDITS FINANCED
15 UNDER AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009. (a) Except
16 as provided by Subsection (b), a reference in this chapter to the
17 administration of the low income housing tax credit program applies
18 to federally administered money:

19 (1) received by the department under the American
20 Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5), or any
21 similar federal legislation that is enacted on or after January 1,
22 2009; and

23 (2) that is required to be allocated by the department
24 in the same manner and subject to the same limitations as
25 allocations of housing tax credits.

26 (b) Notwithstanding any other provision of this chapter,
27 including Sections 2306.1111 and 2306.6724, the department may

1 establish a separate application procedure for money described by
2 Subsection (a), the application period of which must begin on the
3 date the department begins accepting applications for the money and
4 must continue until all the available money is allocated.

5 (c) This section expires August 31, 2011.

6 Sec. 2306.6737. PROHIBITED PRACTICES. (a) Notwithstanding
7 any other law, a development owner of a development supported with a
8 housing tax credit allocation may not:

9 (1) lock out or threaten to lock out any person
10 residing in the development except by judicial process unless the
11 exclusion results from:

12 (A) a necessity to perform bona fide repairs or
13 construction work; or

14 (B) an emergency; or

15 (2) seize or threaten to seize the personal property
16 of any person residing in the development except by judicial
17 process unless the resident has abandoned the premises.

18 (b) Each development owner shall:

19 (1) include a conspicuous provision in the lease
20 agreement prohibiting the owner from engaging in a practice
21 described by Subsection (a); and

22 (2) remove in the manner specified by department rule
23 any provisions in the lease agreement that are contrary to
24 Subsection (a).

25 SECTION 19. Chapter 2306, Government Code, is amended by
26 adding Subchapter NN to read as follows:

1 SUBCHAPTER NN. TEXAS AFFORDABLE HOUSING INITIATIVE

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

6 Sec. 2306.1082. DEFINITIONS. In this subchapter:

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

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

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

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

17 (5) "Participating agency" means the Texas Department
18 of Housing and Community Affairs, the Health and Human Services
19 Commission, the Department of State Health Services, the Department
20 of Aging and Disability Services, the Public Utility Commission of
21 Texas, the Department of Assistive and Rehabilitative Services, or
22 the Office of Rural Community Affairs.

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

26 (7) "Task force" means the Texas Affordable Housing
27 Initiative Task Force.

1 Sec. 2306.1083. ADMINISTRATIVE AND RULEMAKING AUTHORITY.

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

4 (b) A rulemaking authority has broad authority to adopt
5 rules to implement this subchapter to carry out the legislature's
6 intent.

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

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

11 (A) the Health and Human Services Commission;

12 (B) the Department of State Health Services;

13 (C) the Department of Aging and Disability
14 Services;

15 (D) the Department of Assistive and
16 Rehabilitative Services;

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

18 (F) the Office of Rural Community Affairs;

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

21 (3) one member representing advocacy organizations
22 and service providers to homeless persons, appointed by the
23 governor;

24 (4) one member representing advocacy organizations
25 and service providers to elderly persons, appointed by the
26 governor; and

27 (5) one member representing advocacy organizations

1 and service providers to persons with disabilities, appointed by
2 the governor.

3 (b) A member of the task force serves at the pleasure of the
4 appointing official or until termination of the member's employment
5 or association, as applicable, with the entity the member
6 represents.

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

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

12 (2) authority to make decisions for and commit
13 resources of the agency, subject to the approval of the head of the
14 agency or the board of directors of the agency.

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

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

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

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

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

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

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

26 Sec. 2306.1086. GIFTS AND GRANTS. The task force may
27 solicit and accept gifts, grants, and donations from a public or

1 private source for use in carrying out the task force's duties under
2 this subchapter.

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

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

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

13 (B) ensure that the numbers of persons and
14 households assisted under programs under this subchapter in each
15 uniform state service region are in approximate proportion to the
16 numbers of eligible persons and households residing in that uniform
17 state service region;

18 (C) develop new, more cost-effective programs
19 and strategies to use existing public and private resources to
20 provide housing and reduce the residential energy cost burden on
21 extremely low income homeless or elderly persons or persons with
22 disabilities;

23 (D) affirmatively further fair housing
24 opportunities by making available noninstitutionalized housing
25 opportunities to extremely low income homeless or elderly persons
26 or persons with disabilities; and

27 (E) coordinate housing and health services to

1 meet the demands of extremely low income homeless or elderly
2 persons or persons with disabilities by promoting service-enriched
3 housing opportunities within a wide range of noninstitutionalized
4 housing, including homes currently owned and rented by those
5 persons to the extent possible;

6 (2) determine the programmatic approaches, levels of
7 funding, and funding sources necessary to carry out the initiative
8 plan;

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

11 (4) aggregate, analyze, and report the program
12 initiatives and resource commitments of each participating agency
13 with respect to activities under the Texas Affordable Housing
14 Initiative and certify whether sufficient programs have been
15 initiated and sufficient resources have been committed to meet the
16 goals of the initiative plan.

17 Sec. 2306.1088. REPORT. (a) Not later than September 1,
18 2010, the task force shall submit a copy of the initiative plan,
19 including an accounting of the funds allocated or expended and the
20 number and geographic, demographic, and economic characteristics
21 of persons served by each participating agency through the
22 initiative plan, to:

23 (1) the governor;

24 (2) the lieutenant governor;

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

26 (4) the Legislative Budget Board;

27 (5) the legislative oversight committees for the

1 department; and

2 (6) the legislative oversight committees for the
3 Office of Rural Community Affairs.

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

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

6 The task force shall plan and take necessary actions to improve
7 coordination between housing and health services programs to
8 increase state efforts to offer service-enriched housing,
9 including:

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

12 (A) regulatory, administrative, or funding
13 barriers; or

14 (B) ineffective or limited coordination among
15 state agencies;

16 (2) developing a system and plan to cross-educate
17 selected staff in agencies represented on the task force and other
18 state and local agencies to increase the number of staff with
19 expertise in both housing and health services programs;

20 (3) identifying opportunities for state housing and
21 health services agencies to provide technical assistance and
22 training to local housing and health services entities regarding
23 the cross-education of staff, agency and entity coordination, and
24 opportunities to increase local efforts to create service-enriched
25 housing;

26 (4) developing suggested performance measures to
27 track progress in:

1 (A) reducing or eliminating barriers in creating
2 service-enriched housing;

3 (B) increasing the coordination among housing
4 and health services agencies;

5 (C) increasing the number of state housing and
6 health services staff who have expertise in both housing and health
7 services programs; and

8 (D) increasing the instances of state housing and
9 health services staff providing technical assistance to local
10 communities to increase the number of service-enriched housing
11 projects; and

12 (5) implementing the related portions of the
13 initiative plan and tracking the progress of implementation.

14 (b) In implementing program activities described by this
15 section, the task force shall ensure that the provision of
16 service-enriched housing is available to eligible persons on an
17 equal basis whether they choose to move from their existing homes to
18 noninstitutionalized housing developments with enriched services
19 or whether they elect to receive the services in other
20 noninstitutionalized housing. The task force shall act to ensure
21 that no state action or policy forces an elderly person or a person
22 with a disability to choose between living independently and
23 obtaining services similar to those provided in an institutional
24 setting.

25 SECTION 20. Chapter 301, Property Code, is amended by
26 adding Subchapter J to read as follows:

1 SUBCHAPTER J. STATE AND MUNICIPAL ACTIONS FOR

2 FAIR HOUSING

3 Sec. 301.201. ADMINISTRATION OF STATE PROGRAMS AND
4 ACTIVITIES RELATING TO HOUSING AND URBAN DEVELOPMENT. Each state
5 agency shall administer state programs and activities relating to
6 housing and urban development in a manner that affirmatively
7 furtheres the goals of fair housing under this chapter.

8 Sec. 301.202. ADMINISTRATION OF MUNICIPAL PROGRAMS AND
9 ACTIVITIES RELATING TO HOUSING AND URBAN DEVELOPMENT. Each
10 municipality shall administer municipal programs and activities
11 relating to housing and urban development in a manner that
12 affirmatively furtheres the goals of fair housing under this
13 chapter.

14 SECTION 21. Section 11.182, Tax Code, is amended by
15 amending Subsections (b), (e), (h), (j), and (k) and adding
16 Subsections (b-1) and (b-2) to read as follows:

17 (b) An organization is entitled to an exemption from
18 taxation of improved or unimproved real property it owns if the
19 organization:

20 (1) is organized as a community housing development
21 organization;

22 (2) meets the requirements of a charitable
23 organization provided by Sections 11.18(e) and (f);

24 (3) owns the property for the purpose of building or
25 repairing housing on the property to sell without profit to a
26 low-income or moderate-income individual or family satisfying the
27 organization's eligibility requirements or to rent without profit

1 to such an individual or family; and

2 (4) engages [~~exclusively~~] in the building, repair, and
3 sale or rental of housing as described by Subdivision (3) and
4 related activities.

5 (b-1) Notwithstanding Subsections (b)(1) and (2), an owner
6 of improved or unimproved real property that is not an organization
7 described by Subsections (b)(1) and (2) is entitled to an exemption
8 from taxation of the property under Subsection (b) if the owner
9 otherwise qualifies for the exemption and the owner is:

10 (1) a limited partnership of which 100 percent of the
11 interest of the general partner is owned or controlled by an
12 organization described by Subsections (b)(1) and (2); or

13 (2) an entity 100 percent of the interest in which is
14 owned or controlled by an organization described by Subsections
15 (b)(1) and (2).

16 (b-2) A reference in this section to an organization
17 includes a limited partnership or other entity described by
18 Subsection (b-1).

19 (e) In addition to meeting the applicable requirements of
20 Subsections (b) and (c), to receive an exemption under Subsection
21 (b) for improved real property that is [~~includes a housing project~~
22 ~~constructed after December 31, 2001, and~~] financed with qualified
23 501(c)(3) bonds issued under Section 145 of the Internal Revenue
24 Code of 1986, tax-exempt private activity bonds subject to volume
25 cap, or low-income housing tax credits, the organization must:

26 (1) [~~control 100 percent of the interest in the~~
27 ~~general partner if the project is owned by a limited partnership,~~

1 ~~(2)~~ comply with all rules of and laws administered
2 by the Texas Department of Housing and Community Affairs applicable
3 to community housing development organizations; and

4 (2) ~~(3)~~ submit annually to the Texas Department of
5 Housing and Community Affairs and to the governing body of each
6 taxing unit for which the project receives an exemption for the
7 housing project evidence demonstrating that the organization spent
8 an amount equal to at least 90 percent of the project's cash flow in
9 the preceding fiscal year as determined by the audit required by
10 Subsection (g), for eligible persons in the county in which the
11 property is located, on social, educational, or economic
12 development services, capital improvement projects, or rent
13 reduction.

14 (h) Subsections (d) and (e)(2) ~~(e)(3)~~ do not apply to
15 property owned by an organization if:

16 (1) the entity that provided the financing for the
17 acquisition or construction of the property:

18 (A) requires the organization to make payments in
19 lieu of taxes to the school district in which the property is
20 located; or

21 (B) restricts the amount of rent the organization
22 may charge for dwelling units on the property; or

23 (2) the organization has entered into an agreement
24 with each taxing unit for which the property receives an exemption
25 to spend in each tax year for the purposes provided by Subsection
26 (d) or (e)(2) ~~(e)(3)~~ an amount equal to the total amount of taxes
27 imposed on the property in the tax year preceding the year in which

1 the organization acquired the property.

2 (j) An organization may not receive an exemption under
3 Subsection (b) or (f) for property for a tax year unless the
4 organization applied for or received an exemption under that
5 subsection for the property for any part of the 2003 tax year.

6 (k) Notwithstanding Subsection (j) of this section and
7 Sections 11.43(a) and (c), an exemption under Subsection (b) or (f)
8 does not terminate because of a change in the ownership of the
9 property if the property is sold at a foreclosure sale and, not
10 later than the 30th day after the date of the sale, the owner of the
11 property submits to the chief appraiser evidence that the property
12 is owned by an organization that meets the requirements of
13 Subsections (b)(1), (2), and (4) or is owned by a limited
14 partnership described by Subsection (b-1)(1) or an entity described
15 by Subsection (b-1)(2) that meets the requirements of Subsection
16 (b)(4). If the owner of the property submits the evidence required
17 by this subsection, the exemption continues to apply to the
18 property for the remainder of the current tax year and for
19 subsequent tax years until the owner ceases to qualify the property
20 for the exemption. This subsection does not prohibit the chief
21 appraiser from requiring the owner to file a new application to
22 confirm the owner's current qualification for the exemption as
23 provided by Section 11.43(c).

24 SECTION 22. Sections 11.1825(c) and (t), Tax Code, are
25 amended to read as follows:

26 (c) Notwithstanding Subsection (b), an owner of real
27 property that is not an organization described by that subsection

1 is entitled to an exemption from taxation of property under this
2 section if the property otherwise qualifies for the exemption and
3 the owner is:

4 (1) a limited partnership of which an organization
5 that meets the requirements of Subsection (b) controls 100 percent
6 of the general partner interest; ~~or~~

7 (2) an entity the parent of which is an organization
8 that meets the requirements of Subsection (b); or

9 (3) an entity the parent of which is controlled by an
10 organization that meets the requirements of Subsection (b).

11 (t) Notwithstanding Section 11.43(c), an exemption under
12 this section does not terminate because of a change in ownership of
13 the property if:

14 (1) the property is foreclosed on for any reason and,
15 not later than the 30th day after the date of the foreclosure sale,
16 the owner of the property submits to the chief appraiser evidence
17 that the property is owned by:

18 (A) an organization that meets the requirements
19 of Subsection (b); or

20 (B) an entity that meets the requirements of
21 Subsections (c) and (d); or

22 (2) in the case of property owned by an entity
23 described by Subsections (c) and (d), the organization meeting the
24 requirements of Subsection (b) that controls the general partner
25 interest of, ~~or~~ is the parent of, or controls the parent of the
26 entity as described by Subsection (c) ceases to serve in that
27 capacity and, not later than the 30th day after the date the

1 cessation occurs, the owner of the property submits evidence to the
2 chief appraiser that the organization has been succeeded in that
3 capacity by another organization that meets the requirements of
4 Subsection (b).

5 SECTION 23. Subchapter C, Chapter 487, Government Code, is
6 amended by adding Section 487.062 to read as follows:

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

13 SECTION 24. Subchapter B, Chapter 531, Government Code, is
14 amended by adding Section 531.0973 to read as follows:

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

21 SECTION 25. Subchapter C, Chapter 2306, Government Code, is
22 amended by adding Section 2306.059 to read as follows:

23 Sec. 2306.059. COMPLIANCE WITH TEXAS AFFORDABLE HOUSING
24 INITIATIVE. The department shall designate a representative to the
25 Texas Affordable Housing Initiative Task Force under Section
26 2306.1084, shall implement the plan enacted, and shall take all
27 other actions required to achieve the goals of the Texas Affordable

1 Housing Initiative under Subchapter NN.

2 SECTION 26. Subchapter D, Chapter 1001, Health and Safety
3 Code, is amended by adding Section 1001.076 to read as follows:

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

11 SECTION 27. Subchapter D, Chapter 117, Human Resources
12 Code, is amended by adding Section 117.075 to read as follows:

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

20 SECTION 28. Subchapter D, Chapter 161, Human Resources
21 Code, is amended by adding Section 161.076 to read as follows:

22 Sec. 161.076. COMPLIANCE WITH TEXAS AFFORDABLE HOUSING
23 INITIATIVE. The department shall designate a representative to the
24 Texas Affordable Housing Initiative Task Force under Section
25 2306.1084, Government Code, shall implement the plan enacted, and
26 shall take all other actions required to achieve the goals of the
27 Texas Affordable Housing Initiative under Subchapter NN, Chapter

1 2306, Government Code.

2 SECTION 29. Subchapter A, Chapter 12, Utilities Code, is
3 amended by adding Section 12.006 to read as follows:

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

11 SECTION 30. Sections 2306.255(g) and 2306.552, Government
12 Code, are repealed.

13 SECTION 31. (a) The Texas State Affordable Housing
14 Corporation is abolished on January 1, 2010.

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

20 (c) A policy, procedure, or decision of the Texas State
21 Affordable Housing Corporation relating to a duty of that
22 corporation that is transferred to the authority of the Texas
23 Department of Housing and Community Affairs under Section 2306.551,
24 Government Code, as amended by this Act, continues in effect as a
25 policy, procedure, or decision of the Texas Department of Housing
26 and Community Affairs until superseded by an act of the director of
27 the Texas Department of Housing and Community Affairs.

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

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

13 SECTION 32. The executive director of the Texas Department
14 of Housing and Community Affairs shall submit to the governing
15 board of the department the first long-range state low income
16 housing plan, as required by Section 2306.0725, Government Code, as
17 added by this Act, not later than March 18, 2010.

18 SECTION 33. The Texas Department of Housing and Community
19 Affairs shall adopt the rules required by Section 2306.0971,
20 Government Code, as added by this Act, not later than December 1,
21 2009.

22 SECTION 34. The changes in law made by this Act relating to
23 applications and evaluations of applications for financial
24 assistance administered by the Texas Department of Housing and
25 Community Affairs apply only to an application filed on or after the
26 effective date of this Act. An application filed before the
27 effective date of this Act is governed by the law in effect on the

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

3 SECTION 35. The Texas Department of Housing and Community
4 Affairs shall adopt rules as necessary to implement and enforce
5 Section 2306.6737, Government Code, as added by this Act, not later
6 than November 1, 2009.

7 SECTION 36. As soon as possible after the effective date of
8 this Act, the governor and the heads of the applicable state
9 agencies shall appoint members to the Texas Affordable Housing
10 Initiative Task Force in accordance with Subchapter NN, Chapter
11 2306, Government Code, as added by this Act.

12 SECTION 37. Sections 11.182 and 11.1825, Tax Code, as
13 amended by this Act, apply only to ad valorem taxes imposed for a
14 tax year beginning on or after the effective date of this Act.

15 SECTION 38. This Act does not make an appropriation. A
16 provision in this Act that creates a new governmental program,
17 creates a new entitlement, or imposes a new duty on a governmental
18 entity is not mandatory during a fiscal period for which the
19 legislature has not made a specific appropriation to implement the
20 provision.

21 SECTION 39. (a) Except as provided by Subsections (b) and
22 (c) of this section, this Act takes effect September 1, 2009.

23 (b) Sections 2306.122 and 2306.6736, Government Code, as
24 added by this Act, take effect immediately if this Act receives a
25 vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect,

C.S.S.B. No. 1861

1 Sections 2306.122 and 2306.6736, Government Code, as added by this
2 Act, take effect September 1, 2009.

3 (c) Sections 11.182 and 11.1825, Tax Code, as amended by
4 this Act, take effect January 1, 2010.