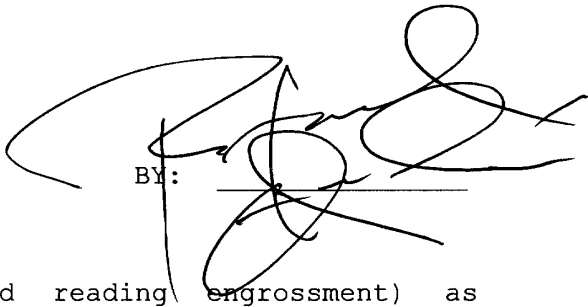




BY: 

FLOOR AMENDMENT NO. _____

1 Amend H.B. No. 3361 (second reading engrossment) as
2 follows:

3 (1) Strike SECTION 1.08 in ARTICLE 1 of the bill and
4 renumber subsequent SECTIONS of the ARTICLE accordingly.

5 (2) Strike SECTION 2.01 in ARTICLE 2 of the bill and
6 substitute the following:

7 SECTION 2.01. Section 2306.6710, Government Code, is
8 amended by amending Subsections (b) and (f) and adding
9 Subsection (g) to read as follows:

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

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

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

19 (B) quantifiable community support
20 [~~participation~~] with respect to the development, evaluated on
21 the basis of:

22 (i) a written statement from the state
23 representative or the state senator who represents the district
24 containing the proposed development site; or

25 (ii) only if neither a state representative
26 nor a state senator provides a written statement expressing
27 either support or opposition under Subparagraph (i) before the
28 date specified by the department under Subsection (g)(1), a
29 resolution concerning the development that is voted on and

1 adopted by:

2 (a) the governing body of the
3 municipality in which any part of [~~written statements from any~~
4 ~~neighborhood organizations on record with the state or county in~~
5 ~~which the development is to be located and whose boundaries~~
6 ~~contain~~] the proposed development site is to be located;

7 (b) the commissioners court of the
8 county in which the proposed development site is to be located,
9 if any part of the proposed site is to be located in an area of
10 a county that is not part of a municipality; or

11 (c) the governing bodies of the
12 municipality and county in which the proposed development site
13 is to be located, if any part of the proposed site is to be
14 located in the extraterritorial jurisdiction of a municipality;

15 (C) the income levels of tenants of the
16 development;

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

18 (E) the commitment of development funding by
19 local political subdivisions;

20 (F) [~~the level of community support for the~~
21 ~~application, evaluated on the basis of written statements from~~
22 ~~the state representative or the state senator that represents~~
23 ~~the district containing the proposed development site;~~

24 ~~[-G-]~~ the rent levels of the units;

25 [G] ~~[-H-]~~ the cost of the development by square
26 foot;

27 [H] ~~[-I-]~~ the services to be provided to tenants
28 of the development; ~~[and]~~

29 [I] ~~[-J-]~~ whether, at the time the complete
30 application is submitted or at any time within the two-year
31 period preceding the date of submission, the proposed

1 development site is located in an area declared to be a disaster
2 under Section 418.014; and

3 (J) quantifiable community participation with
4 respect to the development, evaluated on the basis of written
5 statements from any neighborhood organizations on record with
6 the state or county in which the development is to be located
7 and whose boundaries contain the proposed development site;

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

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

19 (f) In evaluating the level of community support for an
20 application under Subsection (b) (1) (B) (i) [~~(b) (1) (F)~~], the
21 department shall award:

22 (1) positive points for positive written statements
23 received;

24 (2) negative points for negative written statements
25 received; and

26 (3) zero points for neutral statements received.

27 (g) The department by rule shall specify the dates by
28 which:

29 (1) a state representative or state senator must
30 provide a written statement for consideration under Subsection

31 (b) (1) (B) (i); and

1 (2) the governing body of a municipality or the
2 commissioners court of a county must adopt a resolution for
3 consideration under Subsection (b) (1) (B) (ii).

4 (3) Add the appropriately numbered SECTIONS to ARTICLE 2
5 of the bill and renumber subsequent SECTIONS of the ARTICLE
6 accordingly:

7 SECTION 2.____. Section 2306.67021, Government Code, is
8 amended to read as follows:

9 Sec. 2306.67021. APPLICABILITY OF SUBCHAPTER. Except as
10 provided by Sections [~~Section~~] 2306.6703 and 2306.67071, this
11 subchapter does not apply to the allocation of housing tax
12 credits to developments financed through the private activity
13 bond program.

14 SECTION 2.____. Subchapter DD, Chapter 2306, Government
15 Code, is amended by adding Section 2306.67071 to read as
16 follows:

17 Sec. 2306.67071. ADDITIONAL APPLICATION REQUIREMENT:
18 NOTICE, HEARING, AND RESOLUTION BY CERTAIN GOVERNING BODIES.

19 (a) Not later than the 60th day before submitting to the
20 department an application for housing tax credits, an applicant
21 must provide notice of the intent to file the application to:

22 (1) the municipality in which any part of the
23 proposed development is to be located;

24 (2) the county in which the proposed development is
25 to be located if any part of the development is to be located in
26 an area of a county that is not part of a municipality; and

27 (3) the municipality and county in which the proposed
28 development is to be located if any part of the development is
29 to be located in the extraterritorial jurisdiction of a
30 municipality.

31 (b) Not later than the 30th day after receiving notice

1 under Subsection (a), a county or municipality, as applicable,
2 shall provide for public comment on the application at a hearing
3 held in compliance with Chapter 551.

4 (c) In addition to the application information otherwise
5 required under this subchapter, an application for housing tax
6 credits must be accompanied by a certified copy of a resolution
7 from each applicable governing body described by Subsection (a).
8 The resolution must certify that:

9 (1) notice has been provided to each governing body
10 as required by Subsection (a);

11 (2) each governing body has had sufficient
12 opportunity to obtain a response from the applicant regarding
13 any questions or concerns about the proposed development;

14 (3) each governing body has held a hearing under
15 Subsection (b); and

16 (4) after due consideration of the information
17 provided by the applicant and public comment, the governing body
18 does not object to the filing of the proposed application.

19 (d) A preapplication submitted under Section 2306.6704 is
20 not considered an application for purposes of this section.

21 (4) In SECTION 5.01 of the bill, strike the list of
22 repealed provisions and substitute the following:

23 (1) Section 2306.255(h); and

24 (2) Section 2306.560(d).