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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT: \_\_\_\_\_

BY: Rafael Anucha

1 Amend H.B. 3361 (house committee report) as follows:

2 (1) Add the appropriately numbered SECTIONS to the bill:

3 SECTION . Section 2306.6721, Government Code, is  
4 transferred to Subchapter B, Chapter 2306, Government Code,  
5 redesignated as Section 2306.0504, Government Code, and  
6 amended to read as follows:

7 Sec. 2306.0504 [~~2306.6721~~]. DEBARMENT FROM PROGRAM  
8 PARTICIPATION. (a) The department shall develop, and the  
9 board by rule shall adopt, a policy providing for the  
10 debarment of a person from participation in programs  
11 administered by the department [~~the low income housing tax~~  
12 ~~credit program as described by this section~~].

13 (b) The department may debar a person from participation  
14 in a department [~~the~~] program on the basis of the person's  
15 past failure to comply with any condition imposed by the  
16 department in the administration of its programs [~~connection~~  
17 ~~with the allocation of housing tax credits~~].

18 (c) The department shall debar a person from  
19 participation in a department [~~the~~] program if the person:

20 (1) materially or repeatedly violates any condition  
21 imposed by the department in connection with the  
22 administration of a department program, including a material  
23 or repeated violation of a land use restriction agreement  
24 regarding a development supported with a [~~allocation of~~]  
25 housing tax credit allocation [~~credits~~]; or

26 (2) is debarred from participation in federal  
27 housing programs by the United States Department of Housing  
28 and Urban Development [~~;~~]

1           ~~(3) is in material noncompliance with or has~~  
2 ~~repeatedly violated a land use restriction agreement regarding~~  
3 ~~a development supported with a housing tax credit allocation].~~

4           (d) A person debarred by the department from  
5 participation in a department ~~[the]~~ program may appeal the  
6 person's debarment to the board.

7           SECTION     . Section 2306.6717(a), Government Code, is  
8 amended to read as follows:

9           (a) Subject to Section 2306.67041, the department shall  
10 make the following items available on the department's  
11 website:

12           (1) as soon as practicable, any proposed  
13 application submitted through the preapplication process  
14 established by this subchapter;

15           (2) before the 30<sup>th</sup> day preceding the date of the  
16 relevant board allocation decision, except as provided by  
17 Subdivision (3), the entire application, including all  
18 supporting documents and exhibits, the application log, a  
19 scoring sheet providing details of the application score, and  
20 any other document relating to the processing of the  
21 application;

22           (3) not later than the third working day after the  
23 date of the relevant determination, the results of each stage  
24 of the application process, including the results of the  
25 application scoring and underwriting phases and the allocation  
26 phase;

27           (4) before the 15<sup>th</sup> day preceding the date of board  
28 action on the amendment, notice of an amendment under Section  
29 2306.6712 and the recommendation of the director and monitor  
30 regarding the amendment; and

1 (5) an appeal filed with the department or board  
2 under Section 2306.0504 or 2306.6715 [~~or 2306.6721~~] and any  
3 other document relating to the processing of the appeal.

4 (2) Add the appropriately numbered SECTION to the bill:

5 SECTION . Section 2306.6719, Government Code, is  
6 amended by adding Subsections (c), (d), (e), and (f) to read  
7 as follows:

8 (c) For a violation other than a violation that poses an  
9 imminent hazard or threat to health and safety, the department  
10 must provide the owner of a development with the following  
11 periods to correct a failure to comply with a condition or law  
12 described by Subsection (a)(1) or (2):

13 (1) 30 days for a failure to file the annual owner's  
14 compliance report; and

15 (2) 90 days for any other failure to comply under  
16 this section.

17 (d) For good cause shown, the executive director may  
18 extend the periods provided under Subsection (c).

19 (e) For purposes of determining eligibility to apply for  
20 and receive financial assistance from the department, a  
21 development may not be considered to be in noncompliance with  
22 an applicable condition or law if the owner of the development  
23 takes appropriate corrective action during the period provided  
24 under Subsection (c).

25 (f) Notwithstanding Subsection (e), the department  
26 shall:

27 (1) submit to the applicable federal agency any  
28 report required by federal law regarding an owner's  
29 noncompliance with a condition or law described by Subsection  
30 (a)(1) or (2); and

31 (2) for purposes of developing and administering  
32 the policy relating to debarment under Section 2306.0504,

1 consider recurring violations of a condition or law described  
2 by Subsection (a)(1) or (2), including violations that are  
3 corrected during applicable period provided under Subsection  
4 (c).