

By: West

S.B. No. 659

A BILL TO BE ENTITLED

AN ACT

1
2 relating to debarment of certain persons from participating in
3 programs administered by the Texas Department of Housing and
4 Community Affairs.

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

6 SECTION 1. Section 2306.6721, Government Code, is
7 transferred to Subchapter B, Chapter 2306, Government Code,
8 redesignated as Section 2306.0504, Government Code, and amended to
9 read as follows:

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

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

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

22 (1) materially or repeatedly violates any condition
23 imposed by the department in connection with the administration of
24 a department program, including a material or repeated violation of

1 a land use restriction agreement regarding a development supported
2 with a [allocation of] housing tax credit allocation [credits]; or

3 (2) is debarred from participation in federal housing
4 programs by the United States Department of Housing and Urban
5 Development [~~or~~

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

9 (d) A person debarred by the department from participation
10 in a department [the] program may appeal the person's debarment to
11 the board.

12 SECTION 2. Section 2306.6717(a), Government Code, is
13 amended to read as follows:

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

16 (1) as soon as practicable, any proposed application
17 submitted through the preapplication process established by this
18 subchapter;

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

25 (3) not later than the third working day after the date
26 of the relevant determination, the results of each stage of the
27 application process, including the results of the application

1 scoring and underwriting phases and the allocation phase;

2 (4) before the 15th day preceding the date of board
3 action on the amendment, notice of an amendment under Section
4 2306.6712 and the recommendation of the director and monitor
5 regarding the amendment; and

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

9 SECTION 3. This Act takes effect September 1, 2013.