

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**March 26, 2013**

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Urban Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3361** by Dutton (Relating to the continuation and functions of the Texas Department of Housing and Community Affairs; authorizing and otherwise affecting the application of certain fees.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Government Code and the Occupations Code relating to the continuation and functions of the Texas Department of Housing and Community Affairs (TDHCA). The bill would continue TDHCA for 12 years. The bill would also establish changes for the tax credit program related to scoring, letters of support and creating new allocation cycles related to nonstandard federal assistance opportunities. The bill would clarify the TDHCA's ability to refer penalty appeals hearings to the State Office of Administrative Hearings (SOAH). The bill would authorize TDHCA to use debarment as a sanction and protection in all its programs and would require judicial review of appeals of the TDHCA's decisions to be based on the substantial evidence rule.

Regarding the Manufactured Housing Division, the bill would require the Division to conduct a fingerprint-based criminal background check of all manufactured housing licensees; grant cease-and-desist authority to the Division for unlicensed construction, sale, and installation of manufactured homes; authorize the Division to order direct refunds as part of the manufactured housing complaint settlement process; authorize Division staff to administratively dismiss baseless and non-jurisdictional complaints and report these actions to the Division's Board; eliminate the manufactured housing branch and rebuilder licenses from statute; and authorize the Division to collect a fee for reprinted manufactured housing licenses. The bill would also apply the standard Sunset across-the-board requirement for the Manufactured Housing Division to develop a policy regarding negotiated rulemaking and alternative dispute resolution.

The bill would abolish TDHCA's reports relating to energy and peak demand savings, the statutory Contract for Deed Conversion Guarantee Program, and transfers of funds, personnel, or in-kind services to the Texas State Affordable Housing Corporation.

Based on information provided by the TDHCA, the Sunset Advisory Commission, SOAH, and the Department of Public Safety, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 116 Sunset Advisory Commission, 332 Department of Housing and Community Affairs, 360 State Office of Administrative Hearings, 405 Department of Public Safety

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