

By: Bernal

H.B. No. 3586

A BILL TO BE ENTITLED

AN ACT

relating to funding for new and existing migrant labor housing facilities; establishing an interagency task force to provide support for migrant agricultural workers.

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

SECTION 1. Section 12.0271, Agriculture Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Financial assistance under Subsection (a) may be used only for a project relating to:

(1) the acquisition or development of land, easements, or rights-of-way;

(2) attracting new private enterprises to the county or municipality, including:

(A) manufacturing facilities;

(B) freight storage facilities;

(C) distribution warehouse centers; and

(D) other nonretail private enterprises;

(3) the construction, extension, or other improvement of:

(A) water or waste disposal facilities; ~~or~~

(B) transportation infrastructure; or

(C) migrant labor housing facilities as defined by Section 2306.921, Government Code; or

1 (4) any other activity relating to private economic
2 development that the commissioner determines will encourage
3 economic and infrastructure development in a rural area.

4 (b-1) Financial assistance for projects described by
5 Subsection (b)(3)(C) may only be awarded if the commissioner
6 determines that the construction, extension, or improvement of
7 migrant labor housing facilities will result in the creation and
8 retention of jobs for migrant agricultural workers on a recurring
9 basis or will otherwise encourage economic development in the area.
10 In this subsection, "migrant agricultural worker" has the meaning
11 assigned by Section 2306.921, Government Code.

12 SECTION 2. Section 12.046, Agriculture Code, is amended by
13 amending Subsection (c) and adding Subsection (c-1) to read as
14 follows:

15 (c) The fund may be used by the department only to:

16 (1) pay for grants or loans to public or private
17 entities for projects in rural communities that have strong local
18 support, provide positive return on the state's investment, and
19 stimulate one or more of the following:

20 (A) local entrepreneurship;

21 (B) job creation or retention;

22 (C) new capital investment;

23 (D) strategic economic development planning;

24 (E) individual economic and community
25 development leadership training;

26 (F) housing development, including the
27 development of migrant labor housing facilities as defined by

1 Section 2306.921, Government Code; or

2 (G) innovative workforce education; and

3 (2) administer the grant and loan program under this
4 section.

5 (c-1) Grants or loans for projects related to migrant labor
6 housing facilities described by Subsection (c)(1)(F) may only be
7 awarded for the purpose of establishing, maintaining, or operating
8 a migrant labor housing facility if the recipient of the grant or
9 loan commits to creating and retaining jobs for migrant
10 agricultural workers on a recurring basis. In this subsection,
11 "migrant agricultural worker" has the meaning assigned by Section
12 2306.921, Government Code.

13 SECTION 3. Section 481.078, Government Code, is amended by
14 amending Subsection (c) and adding Subsection (d-2) to read as
15 follows:

16 (c) Except as provided by Subsections (d), ~~and~~ (d-1), and
17 (d-2), the fund may be used only for economic development,
18 infrastructure development, community development, job training
19 programs, and business incentives.

20 (d-2) Money from the fund may be used by a farmer to
21 establish, maintain, or operate a migrant labor housing facility.
22 The governor may transfer appropriations from the fund to the Texas
23 Department of Housing and Community Affairs to award grants for a
24 purpose specified by this subsection. Subsections (e-1), (f),
25 (f-1), (f-2), (g), (h), (h-1), (i), and (j) and Section 481.080 do
26 not apply to a grant awarded for a purpose specified by this
27 subsection. In this subsection, "farmer" means the owner or

1 operator of an agricultural facility that is licensed as a migrant
2 labor housing facility under Subchapter LL, Chapter 2306, or the
3 owner or operator of an agricultural facility who seeks to
4 establish a new migrant labor housing facility requiring licensure
5 under that subchapter.

6 SECTION 4. Subchapter DD, Chapter 2306, Government Code, is
7 amended by adding Section 2306.67141 to read as follows:

8 Sec. 2306.67141. MIGRANT LABOR HOUSING FACILITY SET-ASIDE.

9 (a) In this section:

10 (1) "Migrant labor housing facility" has the meaning
11 assigned by Section 2306.921.

12 (2) "Person" has the meaning assigned by Section
13 2306.921.

14 (b) The department shall set aside for eligible persons a
15 portion, as determined by department rule, of the housing tax
16 credits available for allocation in the calendar year.

17 (c) A person is eligible to be awarded the housing tax
18 credits set aside under Subsection (b) if the person:

19 (1) has applied to receive federal financial
20 assistance under Section 514 or 516, Housing Act of 1949 (42 U.S.C.
21 Section 1484 or 1486); or

22 (2) has received federal financial assistance
23 provided under Section 514 or 516, Housing Act of 1949 (42 U.S.C.
24 Section 1484 or 1486).

25 (d) The department shall develop threshold, scoring, and
26 underwriting criteria for applications from persons eligible to be
27 awarded the set-aside.

1 (e) An allocation of housing tax credits under Subsection
2 (c)(1) is conditional on the actual receipt of federal financial
3 assistance provided under Section 514 or 516, Housing Act of 1949
4 (42 U.S.C. Section 1484 or 1486). If an eligible person does not
5 receive the assistance required by this subsection, the department
6 shall rescind the allocation of housing tax credits and award those
7 credits to another eligible person described by Subsection (c).

8 (f) Any amount of housing tax credits set aside under this
9 section that remains after the initial allocation of housing tax
10 credits is available for allocation to any eligible applicant as
11 provided by the qualified allocation plan.

12 SECTION 5. Subchapter LL, Chapter 2306, Government Code, is
13 amended by adding Sections 2306.934, 2306.935, and 2306.936 to read
14 as follows:

15 Sec. 2306.934. FARMER INCENTIVE PROGRAM. (a) In this
16 section, "farmer" means the owner or operator of an agricultural
17 facility who seeks to establish, maintain, or operate a migrant
18 labor housing facility under this subchapter.

19 (b) The department shall develop and administer an
20 incentive program for farmers who have applied to receive federal
21 financial assistance provided under Section 514 of the Housing Act
22 of 1949 (42 U.S.C. Section 1484).

23 Sec. 2306.935. CONDITIONAL FORWARD COMMITMENT OF FUNDS.

24 (a) The department shall establish a fund in the department for the
25 conditional forward commitment of funds to establish migrant labor
26 housing facilities. The department may contribute money to the
27 fund from any available source of revenue that the department

1 considers appropriate, including money allocated to the department
2 under the federal HOME Investment Partnerships program established
3 under Title II of the Cranston-Gonzalez National Affordable Housing
4 Act (42 U.S.C. Section 12701 et seq.), money allocated to the
5 department under the community development block grant program
6 authorized by Title I of the Housing and Community Development Act
7 of 1974 (42 U.S.C. Section 5301 et seq.), and money from the housing
8 trust fund under Section 2306.201.

9 (b) A person licensed under this subchapter and who has
10 applied to receive federal financial assistance provided under
11 Section 514 or 516, Housing Act of 1949 (42 U.S.C. Section 1484 or
12 1486), is eligible to be awarded a conditional forward commitment
13 of funds.

14 (c) An award of a forward commitment of funds under this
15 section is conditional on the actual receipt of federal financial
16 assistance provided under Section 514 or 516, Housing Act of 1949
17 (42 U.S.C. Section 1484 or 1486). If a person licensed under this
18 subchapter does not receive the assistance required by this
19 subsection, the department shall rescind the award.

20 (d) The department shall develop threshold, scoring, and
21 underwriting criteria for applications from persons who are
22 licensed under this subchapter.

23 Sec. 2306.936. INTERAGENCY TASK FORCE. (a) The department
24 shall establish an interagency task force to coordinate efforts to
25 improve housing conditions and housing options for migrant
26 agricultural workers.

27 (b) The interagency task force shall:

1 (1) help coordinate interagency efforts to improve
2 housing conditions and housing options for migrant agricultural
3 workers;

4 (2) provide migrant agricultural workers with
5 information regarding available support services;

6 (3) establish a complaint system for migrant
7 agricultural workers to report poor housing conditions or poor
8 treatment;

9 (4) investigate complaints made by migrant
10 agricultural workers using the complaint system established under
11 Subdivision (3); and

12 (5) create strategies to increase the number of
13 migrant labor housing facilities.

14 (c) The interagency task force shall be composed of the
15 following nine members:

16 (1) one representative of the department who is
17 designated by the director of the department;

18 (2) one representative of the Texas Department of
19 Agriculture who is designated by the commissioner of the Texas
20 Department of Agriculture;

21 (3) one representative of the Health and Human
22 Services Commission who is designated by the executive commissioner
23 of the Health and Human Services Commission;

24 (4) one representative of a local workforce
25 development board who is designated by the executive director of
26 the Texas Workforce Commission;

27 (5) one representative from a nonprofit provider of

1 affordable housing who is designated by the governor;

2 (6) one representative from a nonprofit representing
3 migrant agricultural workers who is designated by the governor; and

4 (7) three migrant agricultural worker advocates who
5 are designated by the governor.

6 (d) The governor shall designate a member of the interagency
7 task force to serve as presiding officer.

8 (e) A vacancy on the interagency task force shall be filled
9 in the same manner as the initial appointment.

10 (f) A member on the interagency task force may not receive
11 compensation for service on the task force, but is entitled to
12 reimbursement for actual and necessary expenses incurred in
13 performing task force duties.

14 (g) The interagency task force may accept gifts and grants
15 from any source to be used to carry out a function of the task force.

16 (h) The interagency task force shall meet at least quarterly
17 at the call of the presiding officer and at other times as
18 determined by the presiding officer.

19 (i) Not later than December 1 of each even-numbered year,
20 the interagency task force shall prepare and submit to the
21 governor, the lieutenant governor, and the speaker of the house of
22 representatives a report with recommendations on improving housing
23 conditions and housing options for migrant agricultural workers.

24 SECTION 6. This Act takes effect September 1, 2017.