86R21051 SOS-F

By:  Hernandez, Guillen H.B. No. 730

Substitute the following for H.B. No. 730:

By:  Howard C.S.H.B. No. 730

A BILL TO BE ENTITLED

AN ACT

relating to exempting certain individuals who are homeless from the payment of tuition and fees at public institutions of higher education.

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

SECTION 1.  Subchapter D, Chapter 54, Education Code, is amended by adding Section 54.3671 to read as follows:

Sec. 54.3671.  EXEMPTIONS FOR INDIVIDUALS WHO ARE HOMELESS. (a) In this section, "individual who is homeless":

(1)  means an individual who:

(A)  lacks a fixed, regular, and adequate nighttime residence; or

(B)  has a primary nighttime residence that is:

(i)  a supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for the mentally ill;

(ii)  an institution that provides a temporary residence for individuals intended to be institutionalized; or

(iii)  a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; and

(2)  does not include an individual who is imprisoned or otherwise detained in a correctional facility.

(b)  Except as provided by Subsection (e), an institution of higher education may exempt from the payment of tuition and fees authorized in this chapter, including tuition and fees charged for a dual credit course or other course for which a high school student may earn joint high school and college credit, an individual who is homeless if the individual:

(1)  submits to the institution of higher education not later than June 30th of each year, as prescribed by Texas Higher Education Coordinating Board rule, a notarized affidavit:

(A)  confirming the individual's status as an individual who is homeless from:

(i)  a high school or school district homeless liaison or other employee of the school district in which the individual is enrolled;

(ii)  the director of an emergency shelter or transitional housing program funded by the United States Department of Housing and Urban Development;

(iii)  the director of:

(a)  a basic center for runaway and homeless youth; or

(b)  a transitional living program;

(iv)  a state homeless education counselor, if any;

(v)  an employee of the National Center for Homeless Education;

(vi)  a third party, including a private or publicly funded homeless shelter or service provider;

(vii)  a college financial aid administrator other than an administrator employed by the institution of higher education;

(viii)  an employee from a college access program;

(ix)  a counselor at a high school the individual attended or a college counselor; or

(x)  a mental health professional, social worker, mentor, physician, or a member of the clergy; and

(B)  demonstrating financial need as determined by Texas Higher Education Coordinating Board rule; and

(2)  enrolls in the institution of higher education as an undergraduate student or in a dual credit course or other course for which a high school student may earn joint high school and college credit not later than the individual's 25th birthday.

(c)  A person may not charge a fee for providing or notarizing the affidavit described by Subsection (b).

(d)  An affidavit described by Subsection (b) may not be used for an exemption under this section if the affidavit was signed more than 60 days before the date the affidavit is submitted to an institution of higher education under Subsection (b).

(e)  An individual is not eligible for an exemption under this section if the individual:

(1)  has previously received an exemption under this section for 10 semesters or summer sessions at any institution or institutions of higher education;

(2)  has received a baccalaureate degree; or

(3)  is subject to the registration requirements of Chapter 62, Code of Criminal Procedure.

SECTION 2.  (a) Section 54.3671, Education Code, as added by this Act, applies beginning with tuition and fees charged for the 2020 spring semester.

(b)  The Texas Higher Education Coordinating Board shall adopt rules to implement Section 54.3671, Education Code, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION 3.  This Act takes effect September 1, 2019.