| **House Bill 1973**  Senate Amendments  Section-by-Section Analysis | | |
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| HOUSE VERSION | SENATE VERSION (IE) | CONFERENCE |
| No equivalent provision. | SECTION \_\_. Sections 2306.111(c), (c-1), and (c-2), Government Code, are amended to read as follows:  (c) In administering federal housing funds provided to the state under the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. Section 12701 et seq.), the department shall allocate [~~expend~~]:  (1) 95 percent of these funds for the benefit of non-participating small cities and rural areas that do not qualify to receive funds under the Cranston-Gonzalez National Affordable Housing Act directly from the United States Department of Housing and Urban Development, except that an amount not to exceed 15 percent of the funds allocated under this subdivision may be allocated to participating jurisdictions as necessary to meet the requirements of federal law; and  (2) at least five percent of these funds for the benefit of persons with disabilities who live in any area of this state.  (c-1) Eligibility to apply for set-aside funds under Subsection (c) is determined by federal law [~~The following entities are eligible to apply for set-aside funds under Subsection (c):~~  [~~(1) nonprofit providers of affordable housing, including community housing development organizations; and~~  [~~(2) for-profit providers of affordable housing~~].  (c-2) In allocating set-aside funds under Subsection (c), the department:  (1) may not give preference to nonprofit providers of affordable housing, except as necessary to meet the requirements of [~~required by~~] federal law; and  (2) shall allocate funds:  (A) in accordance with any applicable spending plan required under federal law; and  (B) in a manner that ensures that, to the greatest extent possible, an allocation required only under state law is made before an allocation is made solely to meet the requirements of federal law. [FA1(1)] |  |
| No equivalent provision. | SECTION \_\_. The change in law made by this Act in amending Section 2306.111, Government Code, applies only to an application for financial assistance that is submitted to the Texas Department of Housing and Community Affairs on or after January 1, 2020. An application for financial assistance that is submitted to the department before January 1, 2020, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose. [FA1(1)] |  |
| SECTION 1. Section 2306.6710, Government Code, is amended by adding Subsection (g) to read as follows:  (g) If no written statement is received for an application under Subsection (b)(1)(J), the department shall use the maximum number of points that could have been awarded under that paragraph to increase the maximum number of points that may be awarded for that application under Subsection (b)(1)(B). If awarding points under Subsection (b)(1)(B)(iii), the department shall reallocate the points from the scoring category provided by Subsection (b)(1)(J) equally between the political subdivisions described by Subsection (b)(1)(B)(iii). In awarding points transferred under this subsection from the scoring category provided by Subsection (b)(1)(J) to the scoring category provided by Subsection (b)(1)(B), the department shall award:  (1) positive points for positive resolutions adopted;  (2) negative points for negative resolutions adopted; and  (3) zero points for neutral resolutions adopted. | SECTION 1. Same as House version. |  |
| SECTION 2. The change in law made by this Act applies only to an application for low income housing tax credits that is submitted to the Texas Department of Housing and Community Affairs during an application cycle that is based on the 2020 qualified allocation plan or a subsequent plan adopted by the governing board of the department. An application that is submitted during an application cycle that is based on an earlier qualified allocation plan is governed by the law in effect on the date the application cycle began, and the former law is continued in effect for that purpose. | SECTION 2. The changes in law made by this Act in amending Section 2306.6710, Government Code, apply only to an application for low income housing tax credits that is submitted to the Texas Department of Housing and Community Affairs during an application cycle that is based on the 2020 qualified allocation plan or a subsequent plan adopted by the governing board of the department. An application that is submitted during an application cycle that is based on an earlier qualified allocation plan is governed by the law in effect on the date the application cycle began, and the former law is continued in effect for that purpose. [FA1(2);FA2(2)-(3)] |  |
| No equivalent provision. | SECTION 1. Section 2306.6711(f), Government Code, is amended to read as follows:  (f) The board may allocate housing tax credits to more than one development in a single community, as defined by department rule, in the same calendar year [~~only~~] if:  (1) the developments are or will be located more than two linear miles apart; or  (2) the following conditions are met:  (A) at least one of the developments will be located wholly within a census tract:  (i) that has a poverty rate above 15 percent; and  (ii) in which the median value of owner-occupied homes has increased by 15 percent or more within the five years preceding the date of the application; and  (B) the applicant for the development:  (i) has obtained prior approval of the development from the governing body of the appropriate municipality or county containing the development; and  (ii) has included in the application a written statement of support from that governing body referencing this section and authorizing an allocation of housing tax credits for the development. [~~This subsection applies only to communities contained within counties with populations exceeding one million.~~] [FA2(1)] |  |
| SECTION 3. This Act takes effect September 1, 2019. | SECTION 3. Same as House version. |  |