

By: Hernandez

H.B. No. 403

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

1 or otherwise detained in a correctional facility.

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

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

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

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

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

19 (iii) the director of:

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

22 (b) a transitional living program;

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

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

27 (vi) a third party, including a private or

1 publicly funded homeless shelter or service provider;

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

5 (viii) an employee from a college access  
6 program;

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

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

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

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

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

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

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

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

1           (2) has received a baccalaureate degree; or

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

4           SECTION 2. (a) Section 54.3671, Education Code, as added by  
5 this Act, applies beginning with tuition and fees charged for the  
6 2022 spring semester.

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

11           SECTION 3. This Act takes effect September 1, 2021.