

By: Johnson

S.B. No. 1753

A BILL TO BE ENTITLED

1 AN ACT
2 relating to low income housing tax credits administered by the
3 Texas Department of Housing and Community Affairs.

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

5 SECTION 1. Section 2306.256, Government Code, is amended by
6 amending Subsection (b) and adding Subsection (c) to read as
7 follows:

8 (b) Through the program, the department shall:

9 (1) maintain data on housing projected to lose its
10 affordable status;

11 (2) develop policies necessary to ensure the
12 preservation of affordable housing in this state;

13 (3) advise other program areas with respect to the
14 policies; ~~and~~

15 (4) assist those other program areas in implementing
16 the policies;

17 (5) create for developments that have received an
18 allocation of low income housing tax credits a comprehensive
19 preservation strategy that includes:

20 (A) the identification of developments at risk of
21 withdrawing from the low income housing tax credit program in the
22 next two years and five years;

23 (B) a system for prioritizing developments for
24 preservation; and

1 (C) policy and funding strategies for preserving
2 developments prioritized under the system described by Paragraph
3 (B); and

4 (6) with respect to developments described by
5 Subdivision (5), adopt and implement an affirmative marketing
6 strategy for identifying and securing commitments from qualified
7 entities who will maintain affordable housing options in
8 developments when the owner of the development applies for a
9 qualified contract or notifies the department under Section
10 2306.6726 of the owner's intent to sell the development.

11 (c) The department's marketing strategy under Subsection
12 (b)(6) must include a process for:

13 (1) affirmatively developing and maintaining a list of
14 qualified entities, as that term is defined in Section 2306.6726;
15 and

16 (2) contacting qualified entities, through a means
17 other than e-mail or general postings on the department's website,
18 to inform the entities of opportunities to purchase and preserve
19 affordable housing.

20 SECTION 2. Section 2306.6717(a), Government Code, is
21 amended to read as follows:

22 (a) Subject to Section 2306.67041, the department shall
23 make the following items available on the department's website:

24 (1) as soon as practicable, any proposed application
25 submitted through the preapplication process established by this
26 subchapter;

27 (2) before the 30th day preceding the date of the

1 relevant board allocation decision, except as provided by
2 Subdivision (3), the entire application, including all supporting
3 documents and exhibits, the application log, a scoring sheet
4 providing details of the application score, and any other document
5 relating to the processing of the application;

6 (3) not later than the third working day after the date
7 of the relevant determination, the results of each stage of the
8 application process, including the results of the application
9 scoring and underwriting phases and the allocation phase;

10 (4) before the 15th day preceding the date of board
11 action on the amendment, notice of an amendment under Section
12 [2306.6712](#) and the recommendation of the director and monitor
13 regarding the amendment; ~~and~~

14 (5) an appeal filed with the department or board under
15 Section [2306.0504](#) or [2306.6715](#) and any other document relating to
16 the processing of the appeal; and

17 (6) the land use restriction agreement, including any
18 amendments to the agreement, for each housing tax credit property
19 subject to such an agreement.

20 SECTION 3. Not later than January 15, 2022, the Texas
21 Department of Housing and Community Affairs shall adopt rules as
22 necessary to implement the changes in law made by this Act.

23 SECTION 4. The Texas Department of Housing and Community
24 Affairs is required to implement a provision of this Act only if the
25 legislature appropriates money specifically for that purpose. If
26 the legislature does not appropriate money specifically for that
27 purpose, the Texas Department of Housing and Community Affairs may,

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1 but is not required to, implement a provision of this Act using
2 other appropriations available for that purpose.

3 SECTION 5. This Act takes effect September 1, 2021.