

BILL ANALYSIS

Senate Research Center

H.B. 191
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Local Government
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

To avoid heat stress and its health risks, officials in many cities encourage residents to stay in air-conditioned spaces, but that's not an option for many Texans living in low-income housing that is not equipped with air conditioning units.

H.B. 191 seeks to increase the number of low-income housing units equipped with air conditioning by requiring the application for a low-income housing tax credit to include criteria for scoring on the basis that all units contain an air conditioning unit.

H.B. 191 amends current law relating to the evaluation of applications for certain financial assistance administered by the Texas Department of Housing and Community Affairs.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2306.359(a), Government Code, as follows:

(a) Requires the Texas Department of Housing and Community Affairs (TDHCA), in evaluating an application for an issuance of private activity bonds, to score and rank the application using a point system based on criteria that are adopted by TDHCA, including criteria regarding:

(1)-(6) makes no changes to these subdivisions;

(7) makes a nonsubstantive change to this subdivision;

(8) whether, at the time the complete application is submitted, all units that are:

(A) owned by the applicant are equipped with air conditioning; and

(B) owned or operated by a housing authority or other governmental entity, from which the applicant receives financial assistance or with which the applicant participates in projects for the development of affordable housing, are equipped with air conditioning; and

(9) creates this subdivision from existing text.

SECTION 2. Amends Section 2306.6710, Government Code, by amending Subsection (b) and adding Subsections (h) and (i), as follows:

(b) Requires TDHCA, if an application satisfies the threshold criteria, to score and rank the application using a point system that:

(1) prioritizes in descending order criteria regarding:

(A)-(H) makes no changes to these paragraphs;

(I)-(J) makes nonsubstantive changes to these paragraphs; and

(K) whether, at the time the complete application is submitted, all units that are:

(i) owned by the applicant are equipped with air conditioning; and

(ii) owned or operated by a housing authority or other governmental entity, from which the applicant receives financial assistance or with which the applicant participates in projects for the development of affordable housing, are equipped with air conditioning; and

(2)-(4) makes no changes to these subdivisions.

(h) Requires that a request from an applicant, if an applicant requests in writing a statement of support under Subsection (b)(1)(J) (relating to requiring TDHCA, if an application satisfies the threshold criteria, to score and rank the application using a point system that prioritizes certain criteria, including the level of community support for the application) from the state representative who represents the district containing the proposed development site, include information disclosing the percentage of units owned or operated as described by Subsection (b)(1)(K) that are equipped with air conditioning.

(i) Requires TDHCA, in assigning points to an application under Subsection (b)(1)(K), to award negative points if any of the units that are owned or operated as described by that paragraph are not equipped with air conditioning.

SECTION 3. Provides that the change in law made by this Act applies only to an application for low income housing tax credits that is submitted to TDHCA during an application cycle that is based on the 2024 qualified allocation plan or a subsequent plan adopted by the governing board of TDHCA under Section 2306.67022 (Qualified Allocation Plan; Manual), Government Code. Provides that 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 4. Effective date: September 1, 2023.