88R3900 JG-F

By:  Cortez H.B. No. 1757

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for applications for low income housing tax credits for certain developments financed through the private activity bond program.

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

SECTION 1.  Section 2306.67071, Government Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (e) to read as follows:

(b)  A county with a population of 1.2 million or more or a municipality with a population of 600,000 or more, as applicable, shall hold a hearing at which public comment may be made on the application.

(c)  Except as provided by Subsection (e), the [~~The~~] board may not approve an application for housing tax credits for developments financed through the private activity bond program unless the applicant has submitted to the department a certified copy of a resolution from each applicable governing body described by Subsection (a). The resolution must certify that:

(1)  notice has been provided to each governing body as required by Subsection (a);

(2)  each governing body has had sufficient opportunity to obtain a response from the applicant regarding any questions or concerns about the proposed development;

(3)  for a county or municipality described by Subsection (b), the [~~each~~] governing body of the county or municipality has held a hearing under that subsection [~~Subsection (b)~~]; and

(4)  after due consideration of the information provided by the applicant and public comment, the governing body does not object to the proposed application.

(d)  Except as provided by Subsection (e), the [~~The~~] department by rule may provide for the time and manner of the submission to the department of a resolution required by Subsection (c).

(e)  The board may approve an application for housing tax credits for developments financed through the private activity bond program that will be located in a county or municipality described by Subsection (b) if, before the 90th day after the date on which all applicable governing bodies received notice of the application under Subsection (a), the governing body does not:

(1)  hold a hearing as required by Subsection (b); and

(2)  pass a resolution described by Subsection (c) or otherwise object to the application through an official decree.

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 2024 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 3.  This Act takes effect September 1, 2023.