

By: Jones of Harris

H.B. No. 1187

A BILL TO BE ENTITLED

AN ACT

relating to the inclusion of affordable housing as a qualifying project for public-private partnerships.

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

SECTION 1. Section 2267.001(10), Government Code, is amended to read as follows:

(10) "Qualifying project" means:

(A) any ferry, mass transit facility, vehicle parking facility, port facility, power generation facility, fuel supply facility, oil or gas pipeline, water supply facility, public work, waste treatment facility, hospital, school, medical or nursing care facility, recreational facility, affordable housing, public building, technology facility, or other similar facility currently available or to be made available to a governmental entity for public use, including any structure, parking area, appurtenance, and other property required to operate the structure or facility and any technology infrastructure installed in the structure or facility that is essential to the project's purpose; or

(B) any improvements necessary or desirable to real property owned by a governmental entity.

SECTION 2. Section 2267.002(a), Government Code, is amended to read as follows:

(a) The legislature finds that:

1           (1) there is a public need for timely acquisition,  
2 design, construction, improvement, renovation, expansion,  
3 equipping, maintenance, operation, implementation, and  
4 installation of education facilities, affordable housing,  
5 technology and other public infrastructure, and government  
6 facilities in this state that serve a public need and purpose;

7           (2) the public need may not be wholly satisfied by  
8 existing methods of procurement in which qualifying projects are  
9 acquired, designed, constructed, improved, renovated, expanded,  
10 equipped, maintained, operated, implemented, or installed;

11           (3) there are inadequate resources to develop new  
12 education facilities, affordable housing, technology and other  
13 public infrastructure, and government facilities for the benefit of  
14 the citizens of this state, and there is demonstrated evidence that  
15 partnerships between public entities and private entities or other  
16 persons can meet these needs by improving the schedule for  
17 delivery, lowering the cost, and providing other benefits to the  
18 public;

19           (4) financial incentives exist under state and federal  
20 tax provisions that encourage public entities to enter into  
21 partnerships with private entities or other persons to develop  
22 qualifying projects; and

23           (5) authorizing private entities or other persons to  
24 develop or operate one or more qualifying projects may serve the  
25 public safety, benefit, and welfare by making the projects  
26 available to the public in a more timely or less costly fashion.

27       SECTION 3. Section [2267.003](#), Government Code, is amended to

1 read as follows:

2           Sec. 2267.003. APPLICABILITY. (a) This chapter does not  
3 apply to:

4                   (1) the financing, design, construction, maintenance,  
5 or operation of a highway in the state highway system;

6                   (2) a transportation authority operating under  
7 Chapter 451, 452, 453, or 460, Transportation Code, other than a  
8 metropolitan rapid transit authority operating under Chapter 451,  
9 Transportation Code, in which the principal municipality has a  
10 population of 1.9 million or more;

11                   (3) any telecommunications, cable television, video  
12 service, or broadband infrastructure other than technology  
13 installed as part of a qualifying project that is essential to the  
14 project; or

15                   (4) except as provided by Section 2165.259, a  
16 qualifying project located in the Capitol Complex, as defined by  
17 Section 443.0071.

18           (b) A qualifying project for affordable housing may be  
19 developed or operated only in a county with a population of more  
20 than 3.3 million.

21           SECTION 4. Section 2267.001(10), Government Code, as  
22 amended by this Act, applies only to a qualifying project for which  
23 an agreement is entered into on or after the effective date of this  
24 Act.

25           SECTION 5. This Act takes effect September 1, 2023.