By:  Miles S.B. No. 732

A BILL TO BE ENTITLED

AN ACT

relating to required generators or other power sources for certain housing developments that receive an allocation of low income housing tax credits.

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

SECTION 1.  Subchapter DD, Chapter 2306, Government Code, is amended by adding Section 2306.6741 to read as follows:

Sec. 2306.6741.  GENERATOR OR OTHER POWER SOURCE REQUIRED. (a) This section applies only to a development that:

(1)  has received an allocation of low income housing tax credits under this subchapter; and

(2)  is a multifamily residential development whose residential units are reserved for individuals 55 years of age and older.

(b)  The department shall require each development to which this section applies to be equipped with a generator or other power source capable of:

(1)  operating each elevator in the development that provides the only point of access to an area of the development containing residential units; and

(2)  powering a system or device capable of maintaining the air temperature in at least one enclosed area of the development between 68 and 82 degrees Fahrenheit during a power outage.

(b-1)  The department by rule may establish a process through which a development owner may obtain a five-year waiver from compliance with the requirement imposed by Subsection (b) if compliance with that requirement would create an undue hardship on the owner, as determined by department rule. The department may not grant a development owner more than two consecutive waivers under this subsection.

(c)  The department may adopt rules to implement this section.

SECTION 2.  (a) In this section, "development" means a development to which Section 2306.6741, Government Code, as added by this Act, applies.

(b)  The Texas Department of Housing and Community Affairs shall ensure that each development whose construction is completed on or after January 1, 2026, complies with Section 2306.6741, Government Code, as added by this Act.

(c)  Notwithstanding Section 2306.6741, Government Code, as added by this Act, a development whose construction is completed on or before December 31, 2025, is not required to comply with that section until January 1, 2030.

(d)  Not later than March 1, 2030, the Texas Department of Housing and Community Affairs shall prepare and submit to the legislature a written report on:

(1)  the overall number of developments in compliance with Section 2306.6741, Government Code, as added by this Act; and

(2)  for any development that is not in compliance with that section, the reason for the noncompliance and any actions taken by the department to ensure compliance with that section.

SECTION 3.  This Act takes effect September 1, 2025.