

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

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

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

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

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

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

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

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

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

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