

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 2888  
By: Martinez, "Mando" (West)  
Intergovernmental Relations  
5/21/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

C.S.H.B. 2888 amends current law relating to financial assistance administered by the Texas Department of Housing and Community Affairs.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Department of Housing and Community Affairs (TDHCA) in SECTION 1 (Section 2306.111, Government Code) of this bill.

Rulemaking authority is expressly granted to the governing board of TDHCA in SECTION 2 (Section 2306.1097, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2306.111, Government Code, by adding Subsection (k), to require the Texas Department of Housing and Community Affairs (TDHCA) by rule to:

(1) adopt policies to ensure that each housing development that receives financial assistance administered by TDHCA, including financial assistance from the proceeds of bonds issued by TDHCA:

(A) reserves a certain number of units in the development for individuals and families of very low income, to the extent that the reservation does not conflict with any requirements for the development under 26 U.S.C. Section 42; and

(B) except as otherwise permitted by law, accepts as tenants individuals and families receiving rental assistance under Section 8, United States Housing Act of 1937 (42 U.S.C. Section 1437f), or some other form of rental assistance from a political subdivision of this state or from the state or federal government; and

(2) establish enforcement mechanisms with respect to those housing developments that refuse to admit individuals and families as described by Subdivision (1)(B).

SECTION 2. Amends Chapter 2306, Government Code, by adding Subchapter NN, as follows:

#### **SUBCHAPTER NN. VOLUNTEER INCOME TAX ASSISTANCE (VITA) GRANT PROGRAM**

Sec. 2306.1091. DEFINITIONS. Defines "volunteer income tax assistance program."

Sec. 2306.1092. ESTABLISHMENT OF VOLUNTEER INCOME TAX ASSISTANCE (VITA) GRANT PROGRAM. Requires TDHCA to establish a volunteer income tax assistance grant program through which TDHCA will awards grants each year.

Sec. 2306.1093. ADMINISTRATION OF GRANT PROGRAM. Requires TDHCA, in the year preceding the federal income tax filing season in which grant receipts will operate volunteer income tax assistance programs, to issue a request for proposals, select and notify grant recipients and distribute grant program money on or before November 1.

Sec. 2306.1094. ELIGIBILITY. Requires that an applicant, to be eligible for a grant, be located in this state and be: (1) a nonprofit educational institution, a nonprofit faith-based or community-based organization, or any other nonprofit organization; (2) a political subdivision of this state, including a county or municipality; or (3) a regional or local coalition that has at least one lead organization that meets the criteria specified by Subdivision (1) or (2).

Sec. 2306.1095. PERFORMANCE AGREEMENT AND REPORT. Requires that each grant recipient enter into a performance agreement with TDHCA and submit a performance report.

Sec. 2306.1096. GRANT PROGRAM FUNDING. (a) Requires TDHCA, to the extent authorized by federal law and subject to appropriation for this purpose, to distribute as grants authorized by this subchapter at least 0.25 percent of the funds received by this state during each state fiscal biennium under the federal Temporary Assistance for Needy Families (TANF) block grant.

(b) Requires the comptroller of public accounts to transfer funds received under the TANF block grant from the Health and Human Services Commission to TDHCA as necessary to implement this section.

(c) Requires TDHCA, in addition to funds described by Subsection (a), to distribute as grants authorized by this subchapter other money that is appropriated for that purpose or designated by TDHCA and otherwise available for that purpose.

Sec. 2306.1097. RULES. Requires the governing board of TDHCA to adopt rules as necessary to implement this subchapter.

SECTION 3. (a) Makes application of this Act prospective to January 1, 2010.

(b) Requires TDHCA, not later than December 1, 2009, to adopt the rules required by Section 2306.111(k), Government Code, as added by this Act.

SECTION 4. Effective date: September 1, 2009.