

## **BILL ANALYSIS**

C.S.S.B. 1992  
By: Watson  
Urban Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that certain counties, such as Travis County, need more flexibility with regard to where a low income housing development may be located. C.S.S.B. 1992 seeks to address this need by revising the provision granting conditional authority to the governing board of the Texas Department of Housing and Community Affairs to allocate low income housing tax credits to more than one development in a single community in the same calendar year.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 1992 amends the Government Code to increase from one million to 1.5 million the population threshold that the county containing a community must exceed for the community to be subject to the provision authorizing the governing board of the Texas Department of Housing and Community Affairs (TDHCA) to allocate low income housing tax credits to more than one development in a single community in the same calendar year on the condition that the developments are or will be located more than two linear miles apart. The bill adds as an alternative to that condition the condition that the developments will serve different types of households, as defined by TDHCA rule. The bill establishes that the provision authorizing the board to allocate low income housing tax credits to more than one development in a single community in the same calendar year under either of these conditions does not prohibit the TDHCA from adopting rules under the low income housing tax credit program that are specific to other geographic areas of Texas. The bill applies only to an application for low income housing tax credits that is submitted to the TDHCA during an application cycle that is based on the 2018 qualified allocation plan or a subsequent plan adopted by the board.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 1992 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Section 2306.6711(f), Government Code, is amended to read as follows:

(f) The board may allocate housing tax credits to more than one development in a single community, as defined by department rule, in the same calendar year only if the developments are or will be located more than two linear miles apart.

This subsection applies only to communities contained within counties with populations exceeding 1.5 [one] million.

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 2018 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, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 2306.6711(f), Government Code, is amended to read as follows:

(f) The board may allocate housing tax credits to more than one development in a single community, as defined by department rule, in the same calendar year only if the developments are or will be located more than two linear miles apart or will serve different types of households, as defined by department rule.

This subsection applies only to communities contained within counties with populations exceeding 1.5 [one] million. This subsection does not prohibit the department from adopting rules under this chapter that are specific to other geographic areas of the state.

SECTION 2. Same as engrossed version.

SECTION 3. Same as engrossed version.