

mea
ee JZ

Chapter 1423

S.B. No. 1717

AN ACT

relating to regulation of owners of developments supported with low income housing tax credit allocations and of housing sponsors of certain multifamily housing developments.

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

SECTION 1. Subchapter L, Chapter 2306, Government Code, is amended by adding Section 2306.2631 to read as follows:

Sec. 2306.2631. REPORTS BY SPONSORS OF CERTAIN MULTIFAMILY HOUSING DEVELOPMENTS. (a) This section applies only to a housing sponsor of a multifamily housing development that:

(1) receives financial assistance from the state;

(2) receives financial assistance from the federal government, including an allocation of low income housing tax credits; or

(3) is subject to a land use restriction agreement.

(b) The department by rule shall require the housing sponsor of a multifamily housing development to submit a quarterly report to the department. The report must include information that identifies:

(1) the number of vacant units in the development at the time of the report; and

(2) the number of days that each unit has been vacant.

(c) The department shall provide to each member of the legislature, on request of that member, a report that disaggregates

el 9/6

the information collected under Subsection (b) by zip code in the member's district.

SECTION 2. Subchapter DD, Chapter 2306, Government Code, is amended by adding Section 2306.6736 to read as follows:

Sec. 2306.6736. PROHIBITED PRACTICES.

(a) Notwithstanding any other law, a development owner of a development supported with a housing tax credit allocation may not:

(1) lock out or threaten to lock out any person residing in the development except by judicial process unless the exclusion results from:

(A) a necessity to perform bona fide repairs or construction work; or

(B) an emergency; or

(2) seize or threaten to seize the personal property of any person residing in the development except by judicial process unless the resident has abandoned the premises.

(b) Each development owner shall:

(1) include a conspicuous provision in the lease agreement prohibiting the owner from engaging in a practice described by Subsection (a); and

(2) remove in the manner specified by department rule any provisions in the lease agreement that are contrary to Subsection (a).

SECTION 3. The Texas Department of Housing and Community Affairs shall adopt rules as necessary to implement and enforce Section 2306.6736, Government Code, as added by this Act, not later than November 1, 2009.

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK

JUN 19 2009

Colby Hunter, III

S.B. No. 1717

1 SECTION 4. This Act takes effect September 1, 2009. _____

David Newkirk
President of the Senate

Jon Straus
Speaker of the House

I hereby certify that S.B. No. 1717 passed the Senate on April 27, 2009, by the following vote: Yeas 28, Nays 3; and that the Senate concurred in House amendment on May 29, 2009, by the following vote: Yeas 28, Nays 3. _____

Daisy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 1717 passed the House, with amendment, on May 18, 2009, by the following vote: Yeas 89, Nays 52, one present not voting. _____

Robert Haney
Chief Clerk of the House

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 18, 2009

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB1717 by West (Relating to prohibition of certain practices by owners of developments supported with low income housing tax credit allocations.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would require the Department of Housing and Community Affairs, by rule, to require the housing sponsor of a multifamily housing development to submit a quarterly report to the department on the number of vacant units in the development at the time of the report and the number of days that each unit has been vacant. Upon request of a member of the legislature, the department shall provide to that member a report that disaggregates the information collected by zip code in the member's district.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 332 Department of Housing and Community Affairs

LBB Staff: JOB, SD

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 11, 2009

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB1717 by West (Relating to prohibition of certain practices by owners of developments supported with low income housing tax credit allocations.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 332 Department of Housing and Community Affairs

LBB Staff: JOB, DB, NV

Enrolled May 29, 2009
Mandi Elkins
Enrolling Clerk

3220
dec

S.B. No. 1717

AN ACT

relating to regulation of owners of developments supported with low income housing tax credit allocations and of housing sponsors of certain multifamily housing developments.

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

SECTION 1. Subchapter L, Chapter 2306, Government Code, is amended by adding Section 2306.2631 to read as follows:

Sec. 2306.2631. REPORTS BY SPONSORS OF CERTAIN MULTIFAMILY HOUSING DEVELOPMENTS. (a) This section applies only to a housing sponsor of a multifamily housing development that:

(1) receives financial assistance from the state;

(2) receives financial assistance from the federal government, including an allocation of low income housing tax credits; or

(3) is subject to a land use restriction agreement.

(b) The department by rule shall require the housing sponsor of a multifamily housing development to submit a quarterly report to the department. The report must include information that identifies:

(1) the number of vacant units in the development at the time of the report; and

(2) the number of days that each unit has been vacant.

(c) The department shall provide to each member of the legislature, on request of that member, a report that disaggregates

S.B. No. 1717

1 the information collected under Subsection (b) by zip code in the
2 member's district.

3 SECTION 2. Subchapter DD, Chapter 2306, Government Code, is
4 amended by adding Section 2306.6736 to read as follows:

5 Sec. 2306.6736. PROHIBITED PRACTICES.

6 (a) Notwithstanding any other law, a development owner of a
7 development supported with a housing tax credit allocation may not:

8 (1) lock out or threaten to lock out any person
9 residing in the development except by judicial process unless the
10 exclusion results from:

11 (A) a necessity to perform bona fide repairs or
12 construction work; or

13 (B) an emergency; or

14 (2) seize or threaten to seize the personal property
15 of any person residing in the development except by judicial
16 process unless the resident has abandoned the premises.

17 (b) Each development owner shall:

18 (1) include a conspicuous provision in the lease
19 agreement prohibiting the owner from engaging in a practice
20 described by Subsection (a); and

21 (2) remove in the manner specified by department rule
22 any provisions in the lease agreement that are contrary to
23 Subsection (a).

24 SECTION 3. The Texas Department of Housing and Community
25 Affairs shall adopt rules as necessary to implement and enforce
26 Section 2306.6736, Government Code, as added by this Act, not later
27 than November 1, 2009.

Bill
date

S.B. No. 1717

1 SECTION 4. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1717 passed the Senate on April 27, 2009, by the following vote: Yeas 28, Nays 3; and that the Senate concurred in House amendment on May 29, 2009, by the following vote: Yeas 28, Nays 3.

Secretary of the Senate

I hereby certify that S.B. No. 1717 passed the House, with amendment, on May 18, 2009, by the following vote: Yeas 89, Nays 52, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor