

1 AN ACT

2 relating to the low income housing tax credit program.

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

4 SECTION 1. Section 2306.6703, Government Code, is amended
5 to read as follows:

6 Sec. 2306.6703. INELIGIBILITY FOR CONSIDERATION. (a) An
7 application is ineligible for consideration under the low income
8 housing tax credit program if:

9 (1) at the time of application or at any time during
10 the two-year period preceding the date the application round
11 begins, the applicant or a related party is or has been:

12 (A) a member of the board; or

13 (B) the director, a deputy director, the director
14 of housing programs, the director of compliance, the director of
15 underwriting, or the low income housing tax credit program manager
16 employed by the department; ~~[or]~~

17 (2) the applicant proposes to replace in less than 15
18 years any private activity bond financing of the development
19 described by the application, unless:

20 (A) the applicant proposes to maintain for a
21 period of 30 years or more 100 percent of the development units
22 supported by ~~[low-income]~~ housing tax credits as rent-restricted
23 and exclusively for occupancy by individuals and families earning
24 not more than 50 percent of the area median income, adjusted for

1 family size; and

2 (B) at least one-third of all the units in the
3 development are public housing units or Section 8 project-based
4 units; or

5 (3) the applicant proposes to construct a new
6 development that is located one linear mile or less from a
7 development that:

8 (A) serves the same type of household as the new
9 development;

10 (B) has received an allocation of housing tax
11 credits for new construction at any time during the three-year
12 period preceding the date the application round begins; and

13 (C) has not been withdrawn or terminated from the
14 low income housing tax credit program.

15 (b) Subsection (a)(3) does not apply to a development:

16 (1) that is using:

17 (A) federal HOPE VI funds received through the
18 United States Department of Housing and Urban Development;

19 (B) locally approved funds received from a public
20 improvement district or a tax increment financing district;

21 (C) funds provided to the state under the
22 Cranston-Gonzalez National Affordable Housing Act (42 U.S.C.
23 Section 12701 et seq.); or

24 (D) funds provided to the state and participating
25 jurisdictions under the Housing and Community Development Act of
26 1974 (42 U.S.C. Section 5301 et seq.);

27 (2) that is located outside of a metropolitan

1 statistical area; or

2 (3) that a local government where the project is to be
3 located has by vote specifically allowed the construction of a new
4 development located within one linear mile or less from a
5 development under Subsection (a).

6 SECTION 2. Section 2306.6711, Government Code, is amended
7 by adding Subsection (f) to read as follows:

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

12 SECTION 3. Subsection (b), Section 2306.6725, Government
13 Code, is amended to read as follows:

14 (b) The department shall provide appropriate incentives as
15 determined through the qualified allocation plan to reward
16 applicants who agree to:

17 (1) equip the property that is the basis of the
18 application with energy saving devices that meet the standards
19 established by the state energy conservation office or to provide
20 to a qualified nonprofit organization or tenant organization a
21 right of first refusal to purchase the property at the minimum price
22 provided in, and in accordance with the requirements of, Section
23 42(i)(7), Internal Revenue Code of 1986 (26 U.S.C. Section
24 42(i)(7)); and

25 (2) locate the development in a census tract in which
26 there are no other existing developments supported by housing tax
27 credits.

1 SECTION 4. The change in law made by this Act applies only
2 to a development for which an application for a low income housing
3 tax credit is submitted on or after the effective date of this Act.
4 A development for which an application for a low income housing tax
5 credit was submitted before the effective date of this Act is
6 governed by the law in effect on the date the application was
7 submitted, and the former law is continued in effect for that
8 purpose.

9 SECTION 5. This Act takes effect September 1, 2003.

David Newkumst

President of the Senate

Jim Cusick

Speaker of the House

I certify that H.B. No. 2308 was passed by the House on May 10, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2308 on May 30, 2003, by a non-record vote.

Robert Hamey
Chief Clerk of the House

I certify that H.B. No. 2308 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Patricia Spaw
Secretary of the Senate

APPROVED: 20 JUN 03

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8:30 P.M. O'CLOCK

JUN 20 2003
Ann Shea
Secretary of State