

All Prefiled Amendments for: HB 3361

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**The following 8 amendments were
published on 4/23/13 12:25 PM**



13 APR 23 AM 8:10

HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT: _____

BY:

Rafael Anucha

Amend H.B. 3361 (house committee report) as follows:

(1) Add the appropriately numbered SECTIONS to the bill:

SECTION . Section 2306.6721, Government Code, is transferred to Subchapter B, Chapter 2306, Government Code, redesignated as Section 2306.0504, Government Code, and amended to read as follows:

Sec. 2306.0504 [~~2306.6721~~]. DEBARMENT FROM PROGRAM PARTICIPATION. (a) The department shall develop, and the board by rule shall adopt, a policy providing for the debarment of a person from participation in programs administered by the department [~~the low income housing tax credit program as described by this section~~].

(b) The department may debar a person from participation in a department [~~the~~] program on the basis of the person's past failure to comply with any condition imposed by the department in the administration of its programs [~~connection with the allocation of housing tax credits~~].

(c) The department shall debar a person from participation in a department [~~the~~] program if the person:

(1) materially or repeatedly violates any condition imposed by the department in connection with the administration of a department program, including a material or repeated violation of a land use restriction agreement regarding a development supported with a [~~allocation of~~] housing tax credit allocation [~~credits~~]; or

(2) is debarred from participation in federal housing programs by the United States Department of Housing and Urban Development [~~for~~]

1 ~~(3) is in material noncompliance with or has~~
2 ~~repeatedly violated a land use restriction agreement regarding~~
3 ~~a development supported with a housing tax credit allocation].~~

4 (d) A person debarred by the department from
5 participation in a department ~~[the]~~ program may appeal the
6 person's debarment to the board.

7 SECTION . Section 2306.6717(a), Government Code, is
8 amended to read as follows:

9 (a) Subject to Section 2306.67041, the department shall
10 make the following items available on the department's
11 website:

12 (1) as soon as practicable, any proposed
13 application submitted through the preapplication process
14 established by this subchapter;

15 (2) before the 30th day preceding the date of the
16 relevant board allocation decision, except as provided by
17 Subdivision (3), the entire application, including all
18 supporting documents and exhibits, the application log, a
19 scoring sheet providing details of the application score, and
20 any other document relating to the processing of the
21 application;

22 (3) not later than the third working day after the
23 date of the relevant determination, the results of each stage
24 of the application process, including the results of the
25 application scoring and underwriting phases and the allocation
26 phase;

27 (4) before the 15th day preceding the date of board
28 action on the amendment, notice of an amendment under Section
29 2306.6712 and the recommendation of the director and monitor
30 regarding the amendment; and

1 (5) an appeal filed with the department or board
2 under Section 2306.0504 or 2306.6715 [~~or 2306.6721~~] and any
3 other document relating to the processing of the appeal.

4 (2) Add the appropriately numbered SECTION to the bill:

5 SECTION . Section 2306.6719, Government Code, is
6 amended by adding Subsections (c), (d), (e), and (f) to read
7 as follows:

8 (c) For a violation other than a violation that poses an
9 imminent hazard or threat to health and safety, the department
10 must provide the owner of a development with the following
11 periods to correct a failure to comply with a condition or law
12 described by Subsection (a)(1) or (2):

13 (1) 30 days for a failure to file the annual owner's
14 compliance report; and

15 (2) 90 days for any other failure to comply under
16 this section.

17 (d) For good cause shown, the executive director may
18 extend the periods provided under Subsection (c).

19 (e) For purposes of determining eligibility to apply for
20 and receive financial assistance from the department, a
21 development may not be considered to be in noncompliance with
22 an applicable condition or law if the owner of the development
23 takes appropriate corrective action during the period provided
24 under Subsection (c).

25 (f) Notwithstanding Subsection (e), the department
26 shall:

27 (1) submit to the applicable federal agency any
28 report required by federal law regarding an owner's
29 noncompliance with a condition or law described by Subsection
30 (a)(1) or (2); and

31 (2) for purposes of developing and administering
32 the policy relating to debarment under Section 2306.0504,

1 consider recurring violations of a condition or law described
2 by Subsection (a)(1) or (2), including violations that are
3 corrected during applicable period provided under Subsection
4 (c).



FLOOR AMENDMENT NO. _____

13 APR 23 PM 9:00
HOUSE OF REPRESENTATIVES

BY: *Rafael Sanchez*

1 Amend H.B. No. 3361 (house committee report) by adding the
2 following appropriately numbered SECTIONS to ARTICLE 2 of the
3 bill and renumbering subsequent SECTIONS of ARTICLE 2
4 accordingly:

5 SECTION __. Subchapter DD, Chapter 2306, Government Code,
6 is amended by adding Section 2306.67071 to read as follow:

7 Sec. 2306.67071. ADDITIONAL APPLICATION REQUIREMENT:
8 GOVERNING BODY RESOLUTION. (a) In addition to the application
9 information required under this subchapter, an applicant shall
10 provide a copy of a resolution signed by the governing body of
11 the municipality or county that contains the development. The
12 resolution must:

13 (1) be signed by the presiding officer of the
14 governing body; and

15 (2) include a statement that the governing body held a
16 hearing to provide the public with an opportunity to comment on
17 the application and was not presented with any objections to the
18 application.

19 (b) The governing body must hold a hearing on the
20 application and provide notice of the hearing at least 30 days
21 before the date set for the hearing.

22 (c) An application submitted under this subchapter may not
23 be considered by the department unless the applicant provides
24 the resolution required by this section.

25 SECTION __. Section 2306.67071, Government Code, as added
26 by this Act, applies only to an application submitted to the
27 Texas Department of Housing and Community Affairs on or after
28 the effective date of this Act.



FLOOR AMENDMENT NO. _____

13 APR 23 AM 9:56

BY:

Rafael Sanchez

HOUSE OF REPRESENTATIVES

Amend H.B. No. 3361 (house committee printing) by striking page 4, line 18, to page 6, line 19, and substituting the following:

SECTION 2.01. Section 2306.6710(b), Government Code, is amended to read as follows:

(b) If an application satisfies the threshold criteria, the department shall score and rank the application using a point system that:

(1) prioritizes in descending order criteria regarding:

(A) financial feasibility of the development based on the supporting financial data required in the application that will include a project underwriting pro forma from the permanent or construction lender;

(B) quantifiable community participation with respect to the development, evaluated on the basis of written statements from any neighborhood organizations on record with the state or county in which the development is to be located and whose boundaries contain the proposed development site;

(C) the income levels of tenants of the development;

(D) the size and quality of the units;

(E) the commitment of development funding by local political subdivisions;

~~(F) [the level of community support for the application, evaluated on the basis of written statements from the state representative or the state senator that represents the district containing the proposed development site;~~

[+G] the rent levels of the units;

1 (G) [~~(H)~~] the cost of the development by square
2 foot;

3 (H) [~~(I)~~] the services to be provided to tenants
4 of the development; and

5 (I) [~~(J)~~] whether, at the time the complete
6 application is submitted or at any time within the two-year
7 period preceding the date of submission, the proposed
8 development site is located in an area declared to be a disaster
9 under Section 418.014;

10 (2) uses criteria imposing penalties on applicants or
11 affiliates who have requested extensions of department deadlines
12 relating to developments supported by housing tax credit
13 allocations made in the application round preceding the current
14 round or a developer or principal of the applicant that has been
15 removed by the lender, equity provider, or limited partners for
16 its failure to perform its obligations under the loan documents
17 or limited partnership agreement; and

18 (3) encourages applicants to provide free notary
19 public service to the residents of the developments for which
20 the allocation of housing tax credits is requested.



13 APR 23 AM 9:57:

Rafael Sanchez

FLOOR AMENDMENT NO. _____

HOUSE OF REPRESENTATIVES

Amend H.B. No. 3361 (house committee printing) as follows:

(1) On page 19, line 22, strike "2306.6710 and 2306.6718" and substitute "2306.6702, 2306.6710, 2306.6714, and 2306.6718".

(2) Add the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 2.____. Section 2306.6702(a)(5), Government Code, is amended to read as follows:

(5) "At-risk development" means:

(A) a development that:

(i) ~~[(A)]~~ has received the benefit of a subsidy in the form of a below-market interest rate loan, interest rate reduction, rental subsidy, Section 8 housing assistance payment, rental supplement payment, rental assistance payment, or equity incentive under the following federal laws, as applicable:

(a) ~~[(i)]~~ Sections 221(d)(3) and (5), National Housing Act (12 U.S.C. Section 1715l);

(b) ~~[(ii)]~~ Section 236, National Housing Act (12 U.S.C. Section 1715z-1);

(c) ~~[(iii)]~~ Section 202, Housing Act of 1959 (12 U.S.C. Section 1701q);

(d) ~~[(iv)]~~ Section 101, Housing and Urban Development Act of 1965 (12 U.S.C. Section 1701s);

(e) ~~[(v)]~~ the Section 8 Additional Assistance Program for housing developments with HUD-Insured and HUD-Held Mortgages administered by the United States Department of Housing and Urban Development as specified by 24 C.F.R. Part 886, Subpart A;

(f) [~~vi~~] the Section 8 Housing Assistance Program for the Disposition of HUD-Owned Projects administered by the United States Department of Housing and Urban Development as specified by 24 C.F.R. Part 886, Subpart C;

(g) [~~vii~~] Sections 514, 515, and 516, Housing Act of 1949 (42 U.S.C. Sections 1484, 1485, and 1486); or

(h) [~~viii~~] Section 42, Internal Revenue Code of 1986 (26 U.S.C. Section 42); and

(ii) [~~B~~] is subject to the following conditions:

(a) [~~i~~] the stipulation to maintain affordability in the contract granting the subsidy is nearing expiration; or

(b) [~~ii~~] the federally insured mortgage on the development is eligible for prepayment or is nearing the end of its term; or

(B) a development that proposes to rehabilitate or reconstruct housing units that:

(i) are owned by a public housing authority and receive assistance under Section 9, United States Housing Act of 1937 (42 U.S.C. Section 1437g); or

(ii) received assistance under Section 9, United States Housing Act of 1937 (42 U.S.C. Section 1437g) and:

(a) are proposed to be disposed of or demolished by a public housing authority; or

(b) have been disposed of or demolished by a public housing authority in the two-year period preceding the application for housing tax credits.

SECTION 2.____. Section 2306.6714, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1)

1 to read as follows:

2 (a) The department shall set aside for eligible at-risk
3 developments not less than 15 percent of the housing tax credits
4 available for allocation in the calendar year.

5 (a-1) An at-risk development is eligible for housing tax
6 credits set aside under Subsection (a) if:

7 (1) a portion of the public housing operating subsidy
8 received from the department is retained for the development;
9 and

10 (2) a portion of the units of the development are
11 reserved for public housing as specified in the qualified
12 housing plan.



13 APR 23 AM 9:57
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: _____

- 1 Amend C.S.H.B. No. 3361 (house committee report) as follows:
- 2 (1) Strike SECTIONS 2.01 and 2.02 of ARTICLE 2 of the bill
- 3 (page 4, line 18, through page 6, line 26) and renumber subsequent
- 4 SECTIONS of the ARTICLE accordingly.
- 5 (2) On page 19, line 4, after the semicolon, insert "and".
- 6 (3) On page 19, line 5, strike "; and" and substitute a
- 7 period.
- 8 (4) On page 19, strike line 6.
- 9 (5) Strike SECTION 6.03 of ARTICLE 6 of the bill (page 19,
- 10 line 21, through page 20, line 2) and renumber subsequent SECTIONS
- 11 of the ARTICLE accordingly.



13 APR 23 AM 9:51
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: _____

- 1 Amend H.B. No. 3361 (house committee report) as follows:
- 2 (1) On page 19, line 4, after the semicolon, insert "and".
- 3 (2) On page 19, strike line 5.
- 4 (3) On page 19, line 6, strike "(3)" and substitute "(2)".

830903

BY:

9 (5) Strike SECTION 6.03 of ARTICLE 6 of the bill (page 19,
10 line 21, through page 20, line 2) and renumber subsequent SECTIONS
11 of the ARTICLE accordingly.

Robt Stoddard
 John Lawrence Lewis
 J. P. Stephens
 M. B.
 Senfonia Thompson
 Raymond
 Chas. J. [unclear]
 Dan Hunter
 Chas. "Doc" Anderson
 E. [unclear]

Barry
Hirschman
Bill Rude
John
H. Glick
Karl Parker
Seymour Lewis
Angela de Vries
Dorothy Turner
Yvonne Davis
83R22573 JAM-D
Jon Rose

83R22573 JAM-D



13 APR 23 AM 11:07
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: _____

- 1 Amend H.B. No. 3361 (house committee report) as follows:
- 2 (1) On page 5, line 8, strike "or".
- 3 (2) On page 5, line 11, between "municipality" and the
- 4 semicolon, insert the following:
- 5 ; or
- 6 (iii) the board of trustees of a school
- 7 district whose boundaries contain the proposed development site