

1 AN ACT

2 relating to financial assistance administered by the Texas
3 Department of Housing and Community Affairs.

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

5 SECTION 1. Chapter 2306, Government Code, is amended by
6 adding Subchapter NN to read as follows:

7 SUBCHAPTER NN. VOLUNTEER INCOME TAX ASSISTANCE (VITA) GRANT
8 PROGRAM

9 Sec. 2306.1091. DEFINITION. In this subchapter, "volunteer
10 income tax assistance program" means a program operated through a
11 collaboration of the Internal Revenue Service and another entity
12 under which taxpayers eligible for the Free File program receive
13 free assistance in preparing federal income tax returns.

14 Sec. 2306.1092. ESTABLISHMENT OF VOLUNTEER INCOME TAX
15 ASSISTANCE (VITA) GRANT PROGRAM. The department shall establish a
16 volunteer income tax assistance grant program through which the
17 department will award grants each year to support the
18 implementation and operation of volunteer income tax assistance
19 programs.

20 Sec. 2306.1093. ADMINISTRATION OF GRANT PROGRAM. In the
21 year preceding the federal income tax filing season in which grant
22 recipients will operate volunteer income tax assistance programs,
23 the department shall issue a request for proposals to participate
24 in the grant program, select and notify grant recipients, and, on or

1 before November 1, distribute grant program money.

2 Sec. 2306.1094. ELIGIBILITY. To be eligible for a grant, an
3 applicant must be located in this state and be:

4 (1) a nonprofit educational institution, a nonprofit
5 faith-based or community-based organization, or any other
6 nonprofit organization;

7 (2) a political subdivision of this state, including a
8 county or municipality; or

9 (3) a regional or local coalition that has at least one
10 lead organization that meets the criteria specified by Subdivision
11 (1) or (2).

12 Sec. 2306.1095. PERFORMANCE AGREEMENT AND REPORT. Each
13 grant recipient shall enter into an agreement with the department
14 with respect to the use of the grant program money and submit a
15 performance report to the department.

16 Sec. 2306.1096. GRANT PROGRAM FUNDING. (a) To the extent
17 authorized by federal law and subject to the availability of money
18 for this purpose, the department may distribute as grants
19 authorized by this subchapter not more than 0.25 percent of the
20 money received by this state during each state fiscal biennium
21 under the federal Temporary Assistance for Needy Families block
22 grant.

23 (b) The comptroller may transfer money received under the
24 federal Temporary Assistance for Needy Families block grant from
25 the Health and Human Services Commission and the Texas Workforce
26 Commission to the department as necessary to implement this
27 section.

1 (c) In addition to money described by Subsection (a), the
2 department may distribute as grants authorized by this subchapter
3 money received under the community services block grant program and
4 other money that is appropriated for that purpose or designated by
5 the department and otherwise available for that purpose.

6 Sec. 2306.1097. RULES. The board shall adopt rules as
7 necessary to implement this subchapter, including rules providing
8 for a grant application process and for appropriate restrictions on
9 how the grant program money may be used.

10 SECTION 2. Section 2306.111, Government Code, is amended by
11 adding Subsection (k) to read as follows:

12 (k) The department by rule shall:

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

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

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

27 (2) establish enforcement mechanisms with respect to

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

3 SECTION 3. If before implementing any provision of this Act
4 a state agency determines that a waiver or authorization from a
5 federal agency is necessary for implementation of that provision,
6 the agency affected by the provision shall request the waiver or
7 authorization and may delay implementing that provision until the
8 waiver or authorization is granted.

9 SECTION 4. (a) The change in law made by this Act in adding
10 Section 2306.111(k), Government Code, applies only to an
11 application for financial assistance that is submitted by a housing
12 development to the Texas Department of Housing and Community
13 Affairs on or after January 1, 2010. An application for financial
14 assistance that is submitted by a housing development to the
15 department before January 1, 2010, is governed by the law in effect
16 when the application was submitted, and the former law is continued
17 in effect for that purpose.

18 (b) Not later than December 1, 2009, the Texas Department of
19 Housing and Community Affairs shall adopt the rules required by
20 Section 2306.111(k), Government Code, as added by this Act.

21 SECTION 5. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 2888 was passed by the House on May 7, 2009, by the following vote: Yeas 143, Nays 3, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2888 on May 29, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2888 on May 31, 2009, by the following vote: Yeas 83, Nays 60, 1 present, not voting.

Chief Clerk of the House

H.B. No. 2888

I certify that H.B. No. 2888 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2888 on May 31, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor