

1-1 By: Martinez (Senate Sponsor - West) H.B. No. 2888
1-2 (In the Senate - Received from the House May 8, 2009;
1-3 May 8, 2009, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 22, 2009, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 4,
1-6 Nays 0; May 22, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2888 By: West

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to financial assistance administered by the Texas
1-11 Department of Housing and Community Affairs.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 2306, Government Code, is amended by
1-14 adding Subchapter NN to read as follows:

1-15 SUBCHAPTER NN. VOLUNTEER INCOME TAX ASSISTANCE (VITA) GRANT
1-16 PROGRAM

1-17 Sec. 2306.1091. DEFINITION. In this subchapter, "volunteer
1-18 income tax assistance program" means a program operated through a
1-19 collaboration of the Internal Revenue Service and another entity
1-20 under which taxpayers eligible for the Free File program receive
1-21 free assistance in preparing federal income tax returns.

1-22 Sec. 2306.1092. ESTABLISHMENT OF VOLUNTEER INCOME TAX
1-23 ASSISTANCE (VITA) GRANT PROGRAM. The department shall establish a
1-24 volunteer income tax assistance grant program through which the
1-25 department will award grants each year to support the
1-26 implementation and operation of volunteer income tax assistance
1-27 programs.

1-28 Sec. 2306.1093. ADMINISTRATION OF GRANT PROGRAM. In the
1-29 year preceding the federal income tax filing season in which grant
1-30 recipients will operate volunteer income tax assistance programs,
1-31 the department shall issue a request for proposals to participate
1-32 in the grant program, select and notify grant recipients, and, on or
1-33 before November 1, distribute grant program money.

1-34 Sec. 2306.1094. ELIGIBILITY. To be eligible for a grant, an
1-35 applicant must be located in this state and be:

1-36 (1) a nonprofit educational institution, a nonprofit
1-37 faith-based or community-based organization, or any other
1-38 nonprofit organization;

1-39 (2) a political subdivision of this state, including a
1-40 county or municipality; or

1-41 (3) a regional or local coalition that has at least one
1-42 lead organization that meets the criteria specified by Subdivision
1-43 (1) or (2).

1-44 Sec. 2306.1095. PERFORMANCE AGREEMENT AND REPORT. Each
1-45 grant recipient shall enter into an agreement with the department
1-46 with respect to the use of the grant program money and submit a
1-47 performance report to the department.

1-48 Sec. 2306.1096. GRANT PROGRAM FUNDING. (a) To the extent
1-49 authorized by federal law and subject to appropriation for this
1-50 purpose, the department shall distribute as grants authorized by
1-51 this subchapter at least 0.25 percent of the funds received by this
1-52 state during each state fiscal biennium under the federal Temporary
1-53 Assistance for Needy Families block grant.

1-54 (b) The comptroller shall transfer funds received under the
1-55 federal Temporary Assistance for Needy Families block grant from
1-56 the Health and Human Services Commission to the department as
1-57 necessary to implement this section.

1-58 (c) In addition to funds described by Subsection (a), the
1-59 department shall distribute as grants authorized by this subchapter
1-60 other money that is appropriated for that purpose or designated by
1-61 the department and otherwise available for that purpose.

1-62 Sec. 2306.1097. RULES. The board shall adopt rules as
1-63 necessary to implement this subchapter, including rules providing

2-1 for a grant application process and for appropriate restrictions on
2-2 how the grant program money may be used.

2-3 SECTION 2. Section 2306.111, Government Code, is amended by
2-4 adding Subsection (k) to read as follows:

2-5 (k) The department by rule shall:

2-6 (1) adopt policies to ensure that each housing
2-7 development that receives financial assistance administered by the
2-8 department, including financial assistance from the proceeds of
2-9 bonds issued by the department:

2-10 (A) reserves a certain number of units in the
2-11 development for individuals and families of very low income, to the
2-12 extent that the reservation does not conflict with any requirements
2-13 for the development under 26 U.S.C. Section 42; and

2-14 (B) except as otherwise permitted by law, accepts
2-15 as tenants individuals and families receiving rental assistance
2-16 under Section 8, United States Housing Act of 1937 (42 U.S.C.
2-17 Section 1437f), or some other form of rental assistance from a
2-18 political subdivision of this state or from the state or federal
2-19 government; and

2-20 (2) establish enforcement mechanisms with respect to
2-21 those housing developments that refuse to admit individuals and
2-22 families as described by Subdivision (1)(B).

2-23 SECTION 3. If before implementing any provision of this Act
2-24 a state agency determines that a waiver or authorization from a
2-25 federal agency is necessary for implementation of that provision,
2-26 the agency affected by the provision shall request the waiver or
2-27 authorization and may delay implementing that provision until the
2-28 waiver or authorization is granted.

2-29 SECTION 4. (a) The change in law made by this Act in adding
2-30 Section 2306.111(k), Government Code, applies only to an
2-31 application for financial assistance that is submitted by a housing
2-32 development to the Texas Department of Housing and Community
2-33 Affairs on or after January 1, 2010. An application for financial
2-34 assistance that is submitted by a housing development to the
2-35 department before January 1, 2010, is governed by the law in effect
2-36 when the application was submitted, and the former law is continued
2-37 in effect for that purpose.

2-38 (b) Not later than December 1, 2009, the Texas Department of
2-39 Housing and Community Affairs shall adopt the rules required by
2-40 Section 2306.111(k), Government Code, as added by this Act.

2-41 SECTION 5. This Act takes effect September 1, 2009.

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