

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

05-27-2023

Date


Honorable Dan Patrick  
President of the Senate


Honorable Dade Phelan  
Speaker of the House of Representatives

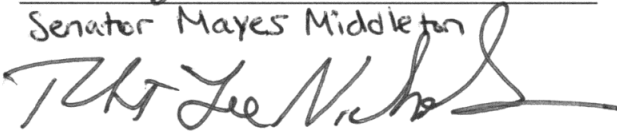
Sirs:

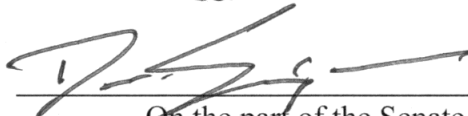
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. 4443 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.


  
\_\_\_\_\_  
Senator Lois Kolkhost, Chair

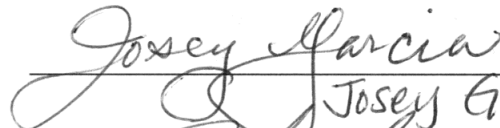
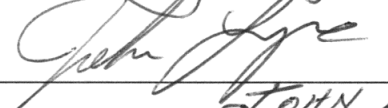
  
\_\_\_\_\_  
Senator Carol Alvarado


  
\_\_\_\_\_  
Senator Mayes Middleton

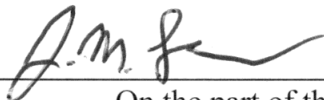
  
\_\_\_\_\_  
Senator Robert Nichols

  
\_\_\_\_\_  
On the part of the Senate  
Senator Drew Springer

  
\_\_\_\_\_  
Charles Cunningham

  
\_\_\_\_\_  
Josey Garcia  
  
\_\_\_\_\_  
JOHN LUJAN

  
\_\_\_\_\_  
Carl H. Tepper

  
\_\_\_\_\_  
On the part of the House  
LOZANO

## Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.



# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.B. No. 4443

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the allocation of certain federal money provided under  
3 the Cranston-Gonzalez National Affordable Housing Act.

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

5 SECTION 1. Section 2306.111, Government Code, is amended by  
6 adding Subsection (j) to read as follows:

7 (j) Notwithstanding any other law, money provided to this  
8 state under the Cranston-Gonzalez National Affordable Housing Act  
9 (42 U.S.C. Section 12701 et seq.) as a one-time lump sum for a  
10 specified use:

11 (1) is not subject to the allocation requirements  
12 under this section or the allocation formula developed by the  
13 department under Section 2306.1115; and

14 (2) may be allocated for the benefit of any area of  
15 this state in the manner specified under federal law.

16 SECTION 2. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2023.

**House Bill 4443**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 2306.111, Government Code, is amended by adding Subsection (j).

*No equivalent provision.*

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION \_\_. Section 2306.6703(a), Government Code, is amended to read as follows:

(a) An application is ineligible for consideration under the low income housing tax credit program if:

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

(A) a member of the board; or

(B) the director, a deputy director, the director of housing programs, the director of compliance, the director of underwriting, or the low income housing tax credit program manager employed by the department;

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

(A) at least one-third of all the units in the development are public housing units or Section 8 project-based units and the applicant proposes to maintain for a period of 30 years or more 100 percent of the units supported by housing tax credits as rent-restricted and exclusively for occupancy by individuals and families earning not more than 50 percent of the area median income, adjusted for family size;

(B) the applicable private activity bonds will be redeemed only in an amount consistent with their proportionate amortization; or

(C) if the redemption of the applicable private activity bonds will occur in the first five years of the operation of the development and complies with Section 42(h)(4), Internal

CONFERENCE

SECTION 1. Same as House version.

Same as House version.

**House Bill 4443**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Revenue Code of 1986:

- (i) on the date the certificate of reservation is issued, the Bond Review Board determines that there is not a waiting list for private activity bonds in the same priority level established under Section 1372.0321 or, if applicable, in the same uniform state service region, as referenced in Section 1372.0231, that is served by the proposed development; and
- (ii) the applicable private activity bonds will be redeemed according to underwriting criteria, if any, established by the department;
- (3) the applicant proposes to construct a new development that is located one linear mile or less from a development that:
  - (A) serves the same type of household as the new development, regardless of whether the developments serve families, elderly individuals, or another type of household;
  - (B) has received an allocation of housing tax credits for new construction at any time during the three-year period preceding the date the application round begins; and
  - (C) has not been withdrawn or terminated from the low income housing tax credit program; or
- (4) the development is located in a municipality or, if located outside a municipality, a county that has more than twice the state average of units per capita supported by housing tax credits or private activity bonds, unless the applicant:
  - (A) has obtained prior approval of the development from the governing body of:
    - (i) the appropriate municipality or county containing the development; or
    - (ii) both the municipality and county containing the development, if the development is located in a municipality with a population of more than 15,000 that represents more than 40 percent of the population of a county with a

**House Bill 4443**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

population of not more than 40,000; and  
(B) has included in the application a written statement of support from that governing body referencing this section and authorizing an allocation of housing tax credits for the development. [FA1]

SECTION 2. Effective date.

SECTION 2. Same as House version.

SECTION 2. Same as House version.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 27, 2023**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate  
Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB4443** by Cunningham (relating to the allocation of certain federal money provided under the Cranston-Gonzalez National Affordable Housing Act.), **Conference Committee Report**

**No significant fiscal implication to the State is anticipated.**

Based on the analysis of the Texas Department of Housing and Community Affairs, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 332 Department of Housing and Community Affairs

**LBB Staff:** JMc, SZ, AF, SLee

**Certification of Compliance with  
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order.

I certify that a copy of the conference committee report on A.B. 4443 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before paper copies of the report were submitted to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.

  
(Signature)

25-27-2023  
(Date)