

BILL ANALYSIS

Senate Research Center

S.B. 1878
By: Nelson
Health & Human Services
8/20/2009
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Federal and state housing services programs operate independently, resulting in different eligibility requirements, funding mechanisms, and regulations. There is no single entity that exists to coordinate and reduce barriers created as a result of the number of entities involved in developing service-enriched housing. S.B. 1878 is intended to enable people to "age in place" instead of receiving long-term care service in a nursing facility by providing them with housing and access to health and social services.

S.B. 1878 relates to the creation and operation of a housing and health services coordination council to develop and implement policies to increase state efforts to offer service-enriched housing through increased coordination of housing and health services.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Housing and Community Affairs in SECTION 1 (Section 2306.1091, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 2306, Government Code, by adding Subchapter NN, as follows:

SUBCHAPTER NN. HOUSING AND HEALTH SERVICES COORDINATION COUNCIL

Sec. 2306.1091. DEFINITIONS. (a) Defines "council."

(b) Requires the Texas Department of Housing and Community Affairs (TDHCA) by rule, with the advice and assistance of the housing and health services coordination council (council), to define "service-enriched housing" for the purposes of this subchapter.

Sec. 2306.1092. COMPOSITION. (a) Requires TDHCA to establish a council.

(b) Sets forth the composition of the 16-member council.

(c) Requires a member of the council appointed under Subsection (b)(2) (regarding one representative from each of certain agencies, appointed by the head of that agency) to have, subject to the approval of the head of the agency, authority to make decisions for and commit resources of the agency that the member represents and to have certain administrative responsibilities; knowledge or experience related to implementation of projects that coordinate integrated housing and health services; or services used by older adults or persons with disabilities.

(d) Provides that the executive director of TDHCA (director) serves as the presiding officer of the council.

Sec. 2306.1093. TERMS. (a) Provides that a member of the council who represents a state agency serves at the pleasure of the head of that agency.

(b) Provides that members of the council who are appointed by the governor serve staggered six-year terms, with the terms of two or three members expiring on September 1 of each odd-numbered year.

Sec. 2306.1094. OPERATION OF COUNCIL. (a) Requires the council to meet at least quarterly.

(b) Requires TDHCA to provide clerical and advisory support staff to the council.

(c) Provides that Chapter 2110 (State Agency Advisory Committees) does not apply to the size, composition, or duration of the council, except as provided by Section 2306.1095.

Sec. 2306.1095. COMPENSATION AND REIMBURSEMENT. (a) Prohibits a member of the council who is appointed by the governor from receiving compensation for service on the council. Authorizes the member to receive reimbursement from TDHCA for actual and necessary expenses incurred in performing council functions as provided by Section 2110.004 (Reimbursement of Members' Expenses; Appropriations Process).

(b) Prohibits a member of the council who is not appointed by the governor from receiving compensation for service on the council or reimbursement for expenses incurred in performing council functions.

Sec. 2306.1096. DUTIES; BIENNIAL REPORT. (a) Requires the council to develop and implement policies to coordinate and increase state efforts to offer service-enriched housing; identify barriers preventing or slowing service-enriched housing efforts, including barriers attributable to certain factors; develop a system to cross-educate selected staff in state housing and health services agencies to increase the number of staff with expertise in both areas and to coordinate relevant staff activities of those agencies; identify opportunities for state housing and health services agencies to provide technical assistance and training to local housing and health services entities about cross-education of staff, coordination among those entities, and certain opportunities; and develop suggested performance measures to track progress in certain areas.

(b) Requires the council to develop a biennial plan to implement the goals described by Subsection (a).

(c) Requires the council, not later than August 1 of each even-numbered year, to deliver a report of the council's findings and recommendations to the governor and the Legislative Budget Board (LBB).

Sec. 2306.1097. GIFTS AND GRANTS. Authorizes the council to solicit and accept gifts, grants, and donations for the purposes of this subchapter.

Sec. 2306.1098. DUTIES OF EMPLOYEES PROVIDING ADVISORY SUPPORT TO COUNCIL. Requires TDHCA employees assigned to provide advisory support to the council to:

(1) identify sources of funding from this state and the federal government that may be used to provide integrated housing and health services;

(2) determine the requirements and application guidelines to obtain those funds;

(3) provide training materials that assist the development and financing of a service-enriched housing project;

(4) provide information regarding effective methods to collaborate with governmental entities service providers, and financial institutions; and the use of layered financing to provide and finance service-enriched housing;

- (5) create a financial feasibility model that assists in making a preliminary determination of the financial viability of proposed service-enriched housing projects, including models that allow a person to analyze multiuse projects that facilitate the development of projects that will address the needs of communities with different populations and achieve economies of scale required to make the projects financially viable;
- (6) facilitate communication between state agencies, sources of funding, service providers, and other entities to reduce or eliminate barriers to service-enriched housing projects;
- (7) provide training about local, state, and federal funding sources and the requirements for those sources;
- (8) develop a database to identify, describe, monitor, and track the progress of all service-enriched housing projects developed in this state with state or federal financial assistance;
- (9) conduct a biennial evaluation and include in the council's report to the governor and LBB under Section 2306.1096 information regarding the capacity of statewide long-term care providers; and interest by housing developers in investing in service-enriched housing;
- (10) to increase the consistency in housing regulations, recommend changes to home and community-based Medicaid waivers that are up for renewal;
- (11) research best practices with respect to service-enriched housing projects subsidized by other states; and
- (12) create and maintain a clearinghouse of information that contains tools and resources for entities seeking to create or finance service-enriched housing projects.

SECTION 2. (a) Requires the governor and the heads of the applicable state agencies, as soon as possible after the effective date of this Act, to appoint members to the council in accordance with Subchapter NN, Chapter 2306, Government Code, as added by this Act.

(b) Requires the governor, in making initial appointments to the council, to appoint two members to serve a term expiring September 1, 2011; three members to serve a term expiring September 1, 2013; and three members to serve a term expiring September 1, 2015.

SECTION 3. Requires the council, not later than September 1, 2010, to submit the first report of the council's findings and recommendations as required by Subchapter NN, Chapter 2306, Government Code, as added by this Act.

SECTION 4. Provides that this Act does not make an appropriation. Provides that a provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

SECTION 5. Effective date: September 1, 2009.