

BILL ANALYSIS

Senate Research Center
76R8462 KEL-D

C.S.S.B. 327
By: Ellis
Intergovernmental Relations
3/3/1999
Committee Report (Substituted)

DIGEST

Currently, Texas law does not require a fee to be charged on real property or personal property documents filed with the county clerk. Federal affordable housing programs have been cut in recent years; however, Texas needs affordable housing programs for low and moderate income families. This bill would create an affordable housing fee of \$1 for each real property or personal property document filed with the county clerk, and would require the comptroller to deposit the funds collected from the fee into the housing trust fund.

PURPOSE

As proposed, C.S.S.B. 327 requires a county clerk to collect an affordable housing fee of \$1 for each real property or personal property document filed for recording.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 118.011, Local Government Code, by adding Subsection (e), to require a county clerk to collect an affordable housing fee of \$1 for each document filed for recording for which a fee is charged as described by Section 118.012 or 118.013. Requires this fee to be in addition to any other fee charged for recording the document, and requires the clerk to collect the fee at the time the document is presented for recording.

SECTION 2. Amends Chapter 118B, Local Government Code, by adding Section 118.0115, as follows:

Sec. 118.0115. AFFORDABLE HOUSING FEE. Requires the county clerk to remit to the county treasurer the affordable housing fees collected under Section 118.011(e), no later than the deadline specified by Section 113.022. Requires the county treasurer to remit to the comptroller 90 cents of each affordable housing fee received under Subsection (a) for that quarter, no later than the 15th day after the last day of each quarter. Requires the county treasurer to retain 10 cents of each fee and any interest earned on the entire fee to reimburse the county for expenses associated with collecting and remitting the fee. Requires the comptroller to deposit amounts received under Subsection (b) to the credit of the housing trust fund established under Section 2306.201, Government Code, for use in accordance with the purposes of that fund.

SECTION 3. Amends Section 2306.201(b), Government Code, to provide that the housing trust fund consists of money deposited under Section 118.0115, Local Government Code, among other amounts. Makes conforming changes.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 1999.

SECTION 6. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 118.0115, Local Government Code, to require the county clerk to remit to the county treasurer the affordable housing fees collected under Section 118.011(e), no later than the deadline specified by Section 113.022, rather than the 10th day after the last day of each month. Requires the county treasurer to retain 10 cents of each fee and any interest earned on the entire fee to reimburse the county for expenses associated with collecting and remitting the fee. Requires the comptroller to deposit amounts received under Subsection (b) to the credit of the housing trust fund established under Section 2306.201, Government Code, for use in accordance with the purposes of that fund. Makes a conforming change.