

ENROLLED HOUSE
JOINT
RESOLUTION NO. 1102

By: Webb, Dank, Gray,
Hastings, Morgan, Paulk,
Sullivan (Leonard) and
Weese of the House

and

Leftwich, Wright, Ford
and Campbell of the
Senate

A Joint Resolution relating to certain rules adopted by the Oklahoma Housing Finance Agency regarding the Low-Income Housing Tax Credit Program; approving proposed amendments, additions and revocations of proposed permanent rules OAC 330:36-1-1, OAC 330:36-1-2, OAC 330:36-1-2.1, OAC 330:36-1-3, OAC 330:36-1-3.1, OAC 330:36-1-4, OAC 330:36-1-5, OAC 330:36-3-1, OAC 330:36-3-2, OAC 330:36-3-3, OAC 330:36-3-4, OAC 330:36-3-5, OAC 330:36-3-6, OAC 330:36-3-7, OAC 330:36-3-8, OAC 330:36-3-9, OAC 330:36-3-10, OAC 330:36-5-1, OAC 330:36-5-1.1, OAC 330:36-5-2, OAC 330:36-5-3, OAC 330:36-5-3.1, OAC 330:36-5-4, OAC 330:36-5-4.1, OAC 330:36-5-5, OAC 330:36-5-5.1, OAC 330:36-5-6, OAC 330:36-5-6.1, OAC 330:36-5-7, OAC 330:36-5-7.1, OAC 330:36-5-8, OAC 330:36-5-9, OAC 330:36-5-10, OAC 330:36-5-11, OAC 330:36-5-12, OAC 330:36-5-13, OAC 330:36-7-1, OAC 330:36-7-2, OAC 330:36-9-1, OAC 330:36-9-2, OAC 330:36-9-3, OAC 330:36-9-4, OAC 330:36-9-5, and OAC 330:36-9-6; expressing legislative intent; directing adoption of emergency rules; directing distribution; and declaring an emergency.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to approve any rule, establish policy, determine that a rule is not consistent with legislative intent and designate the method for rule promulgation; and

WHEREAS, the Oklahoma Housing Finance Agency (OHFA) is the entity of state government designated to administer the state's qualified allocation plan in accordance with Section 42 of the Internal Revenue Code of 1986, as amended; and

WHEREAS, on or about March 28, 1996, pursuant to Article I of the Oklahoma Administrative Procedures Act, OHFA submitted proposed permanent rules amending Title 330, Chapter 36 of the Oklahoma Administrative Code regarding the Low-Income Housing Tax Credit Program to the Legislature for its review; and

WHEREAS, certain proposed rules of OHFA create conditions for developers, the public, or other parties which do not reflect the intent of the Legislature and which the Legislature deems in need of further revision.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 45TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby approves proposed permanent rules of the Oklahoma Housing Finance Agency which amend Title 330, Chapter 36 of the Oklahoma Administrative Code regarding the Low-Income Housing Tax Credit Program, submitted to the Legislature on or about March 28, 1996.

SECTION 2. The Legislature hereby directs the Oklahoma Housing Finance Agency to adopt and promulgate emergency rules to be effective no later than August 1, 1996, which amend OAC 330:36-1-4, relating to the definition of "elderly", OAC 330:36-5-1.1(b), relating to reservation and allocation, OAC 330:36-5-3.1(c), relating to Local Chief Executive Officer notice, OAC 330:36-5-4.1(c), relating to allocation procedures, and OAC 330:36-5-5.1(a)(6), relating to threshold requirements.

SECTION 3. The Legislature hereby finds that desirable language for OAC 330:36-1-4, relating to the definition for "elderly", would read as follows:

"Elderly" means ~~55~~ 62 years of age or older (~~55~~ 62 years old age limit does not apply to spouses or immediate family members).

SECTION 4. The Legislature hereby finds that desirable language for OAC 330:36-5-1.1(b), relating to reservation and allocation, would read as follows:

(b) No binding forward commitments from a future year's allocation. No advance commitments for tax credits from a future year's allocation shall ~~issue~~ be issued.

SECTION 5. The Legislature hereby finds that desirable language for OAC 330:36-5-3.1(c), relating to Local Chief Executive Officer notice, would read as follows:

(c) Form of OHFA's notice to Local Chief Executive Officer.

The notice to the Local Chief Executive Officer shall be in such form as may be approved from time to time by the Trustees, but shall at a minimum contain the name and the legal description or street address of the Development, the name and address of the Contact Person, whether the Development is new construction or substantial rehabilitation, the total number of Units (and their characteristics, i.e., one-bedroom, two-bedroom, single room occupancy, etc.) and, when appropriate, the date the Application for a specified Development may be considered by the Trustees. The Local Chief Executive Officer of any city, town or municipality located within one-half mile of the proposed Development shall also receive a copy of the notice provided by this subparagraph. One (1) copy of the Application and all attachments shall also be provided to the Local Governing Body of the city, town or municipality and the state legislators within the district (and any other state legislators whose district is within a thirty-six-square-mile grid surrounding the proposed Development, with the proposed Development centered therein) where the proposed Development is to be located.

SECTION 6. The Legislature hereby finds that desirable language for OAC 330:36-5-4.1(c), relating to allocation procedures, would read as follows:

(c) Appointment of Administrative Hearing Officer. ~~At the option of the Trustees, an~~ An administrative hearing officer ~~may~~ shall be appointed by the Trustees in the case of a contested matter, all in accordance with 75 O.S. 311.

SECTION 7. The Legislature hereby finds that desirable language for OAC 330:36-5-5.1(a)(6), relating to threshold requirements, would read as follows:

(6) Documented readiness to proceed, ~~as demonstrated by which~~ shall include the following:

- (A) evidence of Site Control in the form of a deed, or contract for sale, or option to purchase agreement;
- (B) evidence of compliance with all applicable local land use and zoning ordinances and, if conditional use permits or

variances are necessary, proof to OHFA's satisfaction (i.e., a letter from the applicable local authority) that a conditional use permit or variance can be obtained before an Allocation is made;

(C) evidence of all necessary utilities extended to the site; and

(D) site plan approval from the local jurisdiction where the proposed Development is proposed to be located. If the applicant seeks to compete for elderly set-aside Credits, the site plan approval must contemplate elderly/older person housing.

SECTION 8. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Executive Director of the Oklahoma Housing Finance Agency and the Editor of "The Oklahoma Register".

SECTION 9. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 23rd day of May, 1996.

Speaker of the House of
Representatives

Passed the Senate the 29th day of May, 1996.

President of the Senate