

ENGROSSED HOUSE  
JOINT  
RESOLUTION NO. 1060

By: Gray of the House

and

Horner of the Senate

A Joint Resolution relating to promulgated rules and amendments to rules of the Oklahoma Housing Finance Agency; disapproving in part promulgated permanent rule OAC 330:36-3-2(b)(1), relating to selection of applications for award of tax credit allocation; directing promulgation of an emergency rule; providing language consistent with legislative intent; providing for 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 designate the method for rule promulgation, establish policy, determine that a rule is not consistent with legislative intent and disapprove any rule or any portion thereof at any time; and

WHEREAS, on May 15, 2000, the Oklahoma Housing Finance Agency promulgated permanent rule OAC 330:36-3-2(b)(1), which relates to prohibition of phased developments when applying for award of tax credit allocation; and

WHEREAS, the Legislature recognizes that the promulgated permanent rule is not consistent with legislative intent and violates public policy.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 47TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves the following language of promulgated permanent rule OAC 330:36-3-2(b)(1):

**Prohibition of Phased Developments.** Phased Developments are permitted in MSAs only if they are described and contemplated in the

original Application, and if all phases contain 50% or more market rate units.

SECTION 2. The Legislature hereby directs the Oklahoma Housing Finance Agency to immediately promulgate an emergency rule, pursuant to the Administrative Procedures Act, and advises the Oklahoma Housing Finance Agency that the following language is consistent with legislative intent: **Prohibition of Phased Developments.**

Phased Developments are permitted in MSAs only if they are described and contemplated in the original Application, and if all phases contain 50% or more market rate units, or the development is to be part of a HUD approved revitalization plan and the financing includes HUD HOPE VI Program funding.

SECTION 3. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the members of the Board of Trustees of the Oklahoma Housing Finance Agency, and the Editor of "The Oklahoma Register".

SECTION 4. 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 resolution shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 22nd day of May, 2000.

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Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2000.

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President of the Senate