

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3394

By: Goodwin

AS INTRODUCED

An Act relating to the housing standards; prohibiting municipalities from issuing certificates of occupancy with respect to certain property without proof of compliance with certain federal housing requirements; requiring municipal employees to receive training and certification; prohibiting counties from issuing certificates of occupancy with respect to certain property without proof of compliance with certain federal housing requirements; imposing requirements on certain developers; imposing requirements upon general contractor or architect with respect to certain multifamily housing projects for which certain tax credits allocable by the Oklahoma Housing Finance Agency; prescribing procedures for proof of compliance; prohibiting allocation of tax credits without compliance with certain requirements; requiring clearance letter; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 43-109.3 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. No city or town shall issue either a building permit prior to construction or a certificate of occupancy after completed construction for a multifamily dwelling unit which is subject to the

1 requirements of the Fair Housing Act, 42 U.S.C., Section 3601 et
2 seq., constructed on or after the effective date of this act unless
3 the general contractor or an architect having the required training
4 in design and construction compliance with accessibility standards
5 imposed pursuant to the Fair Housing Act provides a written
6 certification that the multifamily dwelling unit will be, prior to
7 issuance of a building permit, and has been, after construction is
8 complete, constructed according to such applicable design and
9 construction accessibility standards.

10 B. Municipalities shall provide for training and certification
11 procedures to ensure that municipal employees are qualified to make
12 determinations for compliance with design and construction
13 accessibility standards as part of the process for issuing building
14 permits and certificates of occupancy.

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 865.70 of Title 19, unless there
17 is created a duplication in numbering, reads as follows:

18 No county shall issue either a building permit prior to
19 construction or a certificate of occupancy after completed
20 construction for a multifamily dwelling unit which is subject to the
21 requirements of the Fair Housing Act, 42 U.S.C., Section 3601 et
22 seq., constructed on or after the effective date of this act unless
23 the general contractor or an architect having the required training
24 in design and construction compliance with accessibility standards

1 imposed pursuant to the Fair Housing Act provides a written
2 certification that the multifamily dwelling unit will be, prior to
3 issuance of a building permit, and has been, after construction is
4 complete, constructed according to such applicable design and
5 construction accessibility standards.

6 SECTION 3. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 5501 of Title 62, unless there
8 is created a duplication in numbering, reads as follows:

9 A. For any developer to which the Oklahoma Housing Finance
10 Agency is requested to allocate federal income tax credits pursuant
11 to the provisions of Section 42 of the Internal Revenue Code of
12 1986, as amended, the developer shall be required to ensure that the
13 completed project is compliant with design and construction
14 accessibility standards imposed pursuant to the Fair Housing Act, 42
15 U.S.C., Section 3601 et seq. No developer shall be eligible to
16 receive an allocation of tax credits by the Oklahoma Housing Finance
17 Agency unless the developer as part of the application for the tax
18 credit allocation provides proof that the person or persons
19 responsible for the project have received training in design and
20 construction accessibility standards imposed pursuant to the federal
21 Fair Housing Act.

22 B. Prior to completion of any project subject to the
23 requirements of this section, the Oklahoma Housing Finance Agency
24 shall require either the general contractor for the project or an

1 architect having certifications or specialized training in
2 compliance with federal housing design and construction
3 accessibility standards to provide certificates of compliance based
4 on the extent of project completion as follows:

- 5 1. Twenty-five percent (25%);
- 6 2. Fifty percent (50%);
- 7 3. Seventy-five percent (75%); and
- 8 4. One hundred percent (100%).

9 C. The Oklahoma Housing Finance Agency shall not make any
10 allocation of tax credits pursuant to 26 U.S.C., Section 42 or
11 pursuant to any of the provisions of the Oklahoma Administrative
12 Code governing the allocation of such federal tax credits unless the
13 general contractor or an architect engaged by the general contractor
14 provides written certifications required by this section.

15 D. When project construction is complete, the general
16 contractor or an architect engaged by the general contractor shall
17 provide a clearance letter to the Oklahoma Housing Finance Agency
18 certifying that as of the date of the letter, the property is in
19 compliance with all applicable federal, state and local design and
20 construction accessibility standards and regulations.

21 SECTION 4. This act shall become effective November 1, 2018.

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