

SB0169S05 compared with SB0169S03

~~text~~ shows text that was in SB0169S03 but was deleted in SB0169S05.

text shows text that was not in SB0169S03 but was inserted into SB0169S05.

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Representative Steve Eliason proposes the following substitute bill:

OLENE WALKER HOUSING LOAN FUND AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Francis D. Gibson

LONG TITLE

General Description:

This bill modifies provisions relating to the Olene Walker Housing Loan Fund and other housing issues.

Highlighted Provisions:

This bill:

- ▶ prohibits a municipality from adopting an ordinance that prohibits a homeless shelter from operating year-round;
- ▶ prioritizes certain applications for grants or loans from the Olene Walker Housing Loan Fund;
- ▶ addresses how the executive director of the Department of Workforce Services distributes fund money;
- ▶ modifies the activities for which the executive director of the Department of

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Workforce Services may distribute money from the Olene Walker Housing Loan Fund;

- ▶ provides a sunset date for certain provisions related to homeless shelters; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~{ None }~~ This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

35A-8-504, as last amended by Laws of Utah 2012, Chapter 347 and renumbered and amended by Laws of Utah 2012, Chapter 212

35A-8-505, as renumbered and amended by Laws of Utah 2012, Chapter 212

35A-8-507, as renumbered and amended by Laws of Utah 2012, Chapter 212

63I-1-210, as renumbered and amended by Laws of Utah 2008, Chapter 382

ENACTS:

10-9a-526, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-9a-526** is enacted to read:

10-9a-526. Homeless shelters.

(1) As used in this section, "homeless shelter" means a facility that:

(a) is located within a municipality;

(b) provides temporary shelter to homeless families with children;

(c) has capacity to provide temporary shelter to at least 200 individuals per night; and

(d) began operation on or before January 1, 2016.

(2) A municipality may not adopt or enforce an ordinance or other regulation that prohibits a homeless shelter from operating year-round.

Section 2. Section **35A-8-504** is amended to read:

35A-8-504. Distribution of fund money.

(1) The executive director shall:

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(a) make grants and loans from the fund for any of the activities authorized by Section 35A-8-505, as directed by the board;

(b) establish the criteria with the approval of the board by which loans and grants will be made; and

(c) determine with the approval of the board the order in which projects will be funded.

(2) The executive director shall distribute, as directed by the board, any federal money contained in the fund according to the procedures, conditions, and restrictions placed upon the use of the money by the federal government.

(3) (a) The executive director shall distribute, as directed by the board, any funds received under Section 17C-1-412 to pay the costs of providing income targeted housing within the community that created the community development and renewal agency under Title 17C, Limited Purpose Local Government Entities - Community Development and Renewal Agencies Act.

(b) As used in Subsection (3)(a):

(i) "Community" [~~has the meaning as~~] means the same as that term is defined in Section 17C-1-102.

(ii) "Income targeted housing" [~~has the meaning as~~] means the same as that term is defined in Section 17C-1-102.

(4) Except for federal money and money received under Section 17C-1-412, the executive director shall distribute, as directed by the board, money [~~from~~] in the fund according to the following requirements:

~~[(a) Not less than 30% of all fund money shall be distributed to rural areas of the state.]~~

~~[(b) At least 50% of the money in the fund shall be distributed as loans to be repaid to the fund by the entity receiving them.]~~

~~[(i) (A) Of the fund money distributed as loans, at least 50% shall be distributed to benefit persons whose annual income is at or below 50% of the median family income for the state.]~~

~~[(B) The remaining loan money shall be distributed to benefit persons whose annual income is at or below 80% of the median family income for the state.]~~

~~[(ii) The executive director or the executive director's designee shall lend money in~~

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~~accordance with this Subsection (4) at a rate based upon the borrower's ability to pay.]~~

~~[(c) Any fund money not distributed as loans shall be distributed as grants.]~~

~~[(i) At least 90% of the fund money distributed as grants shall be distributed to benefit persons whose annual income is at or below 50% of the median family income for the state.]~~

~~[(ii) The remaining fund money distributed as grants may be used by the executive director to obtain federal matching funds or for other uses consistent with the intent of this part, including the payment of reasonable loan servicing costs, but no more than 3% of the revenues of the fund may be used to offset other department or board administrative expenses.]~~

(a) the executive director shall distribute at least 30% of the money in the fund to rural areas of the state;

(b) the executive director shall distribute at least 70% of the money in the fund to benefit persons whose annual income is at or below 50% of the median family income for the state;

(c) the executive director may not use more than 3% of the revenues of the fund to offset department or board administrative expenses;

(d) the executive director shall distribute any remaining money in the fund to benefit persons whose annual income is at or below 80% of the median family income for the state;
and

(e) if the executive director or the executive director's designee makes a loan in accordance with this section, the interest rate of the loan shall be based on the borrower's ability to pay.

(5) The executive director may, with the approval of the board:

(a) enact rules to establish procedures for the grant and loan process by following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(b) service or contract, under Title 63G, Chapter 6a, Utah Procurement Code, for the servicing of loans made by the fund.

Section 3. Section **35A-8-505** is amended to read:

35A-8-505. Activities authorized to receive fund money -- Powers of the executive director.

At the direction of the board, the executive director may:

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- (1) provide fund money to any of the following activities:
 - (a) the acquisition, rehabilitation, or new construction of low-income housing units;
 - (b) matching funds for social services projects directly related to providing housing for special-need renters in assisted projects;
 - (c) the development and construction of accessible housing designed for low-income persons;
 - ~~[(d) shelters and transitional housing for the homeless; and]~~
 - (d) the construction or improvement of a shelter or transitional housing facility that provides services intended to prevent or minimize homelessness among members of a specific homeless subpopulation; and
 - (e) other activities that will assist in minimizing homelessness or improving the availability or quality of housing in the state for low-income persons;
- (2) do any act necessary or convenient to the exercise of the powers granted by this part or reasonably implied from those granted powers, including:
 - (a) making or executing contracts and other instruments necessary or convenient for the performance of the executive director and board's duties and the exercise of the executive director and board's powers and functions under this part, including contracts or agreements for the servicing and originating of mortgage loans;
 - (b) procuring insurance against a loss in connection with property or other assets held by the fund, including mortgage loans, in amounts and from insurers it considers desirable;
 - (c) entering into agreements with a department, agency, or instrumentality of the United States or this state and with mortgagors and mortgage lenders for the purpose of planning and regulating and providing for the financing and refinancing, purchase, construction, reconstruction, rehabilitation, leasing, management, maintenance, operation, sale, or other disposition of residential housing undertaken with the assistance of the department under this part;
 - (d) proceeding with a foreclosure action, to own, lease, clear, reconstruct, rehabilitate, repair, maintain, manage, operate, assign, encumber, sell, or otherwise dispose of real or personal property obtained by the fund due to the default on a mortgage loan held by the fund in preparation for disposition of the property, taking assignments of leases and rentals, proceeding with foreclosure actions, and taking other actions necessary or incidental to the

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performance of its duties; and

(e) selling, at a public or private sale, with public bidding, a mortgage or other obligation held by the fund.

Section 4. Section **35A-8-507** is amended to read:

35A-8-507. Application process and priorities.

(1) (a) In each calendar year that money is available from the fund for distribution by the executive director under the direction of the board, the executive director shall, at least once in that year, announce a grant and loan application period by sending notice to interested persons.

(b) The executive director shall accept applications that are received in a timely manner.

(2) The executive director shall give [~~first~~] priority to applications for projects and activities in the following order:

(a) first, to applications for projects and activities intended to minimize homelessness;

(b) second, to applications for projects and activities that use existing privately owned housing stock, including privately owned housing stock purchased by a nonprofit public development [~~authorities.~~] authority; and

(c) third, to all other applications.

(3) [~~The~~] Within each level of priority described in Subsection (2), the executive director shall give preference to applications that demonstrate the following:

(a) a high degree of leverage with other sources of financing;

(b) high recipient contributions to total project costs, including allied contributions from other sources such as professional, craft, and trade services and lender interest rate subsidies;

(c) high local government project contributions in the form of infrastructure improvements, or other assistance;

(d) projects that encourage ownership, management, and other project-related responsibility opportunities;

(e) projects that demonstrate a strong probability of serving the original target group or income level for a period of at least 15 years;

(f) projects where the applicant has demonstrated the ability, stability, and resources to

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complete the project;

- (g) projects that appear to serve the greatest need;
- (h) projects that provide housing for persons and families with the lowest income;
- (i) projects that promote economic development benefits;
- (j) projects that [~~allow integration into a local government housing plan~~] align with a

local government plan to address housing and homeless services; and

- (k) projects that would mitigate or correct existing health, safety, or welfare problems.

(4) The executive director may give consideration to projects that increase the supply of accessible housing.

Section 5. Section **63I-1-210** is amended to read:

63I-1-210. Repeal dates, Title 10.

Section 10-9a-526 is repealed December 31, 2020.

Section 6. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.