

WORKING DRAFT

HOUSE BILL NO. _____

Wyoming workforce housing infrastructure program.

Sponsored by: Joint Minerals, Business and Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to economic development; establishing a
2 program to provide funding for cities, towns, counties,
3 special improvement districts and joint powers boards for
4 workforce housing infrastructure and community land trusts;
5 establishing an account; providing for administration of
6 the program and account; providing rulemaking authority;
7 requiring reports; authorizing a position; providing for a
8 continuous appropriation and making other appropriations;
9 and providing for effective dates.

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11 *Be It Enacted by the Legislature of the State of Wyoming:*

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13 **Section 1.** W.S. 9-12-901 through 9-12-905 are created
14 to read:

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ARTICLE 9

WORKFORCE HOUSING INFRASTRUCTURE PROGRAM

ARTICLE 9 - COMMUNITY WORKFORCE HOUSING PROGRAM

9-12-901. Wyoming workforce housing infrastructure program; purpose; definitions.

(a) It is declared that:

(i) There is in this state by reason of the location and expansion of mineral extractive industries and other economic developments, a critical shortage of adequate housing;

(ii) It is in the public interest of the citizens of this state to facilitate the provision of adequate housing in order to promote the economic welfare of the state and its residents by increasing employment, stimulating economic activity, augmenting sources of tax revenue, fostering economic stability, furthering health care and improving the balance of the state's economy;

(iii) It is the purpose of this article to

1 promote and continue economic development by providing
2 adequate housing necessary to create additional economic
3 health and a stronger state economy;

4

5 (iv) This article constitutes a valid public
6 purpose, of primary benefit to all citizens of the state of
7 Wyoming.

8

9 (b) As used in this article:

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11 (i) "Community land trust" means land held in
12 trust as a public investment for the long-term benefit of a
13 community to provide secure, affordable access to land and
14 workforce housing for community residents;

15

16 (ii) "Community development organization" means
17 as defined by W.S. 9-12-301(a)(ii);

18

19 (iii) "State development organization" means as
20 defined by W.S. 9-12-301(a)(iv);

21

22 (iv) "Workforce housing" means single-family,
23 owner-occupied, residential dwellings;

1

2 (v) "Workforce housing infrastructure" means
3 publicly owned infrastructure to a workforce housing
4 subdivision or development, and if determined by the
5 council to be consistent with the purposes of this article,
6 through a workforce housing subdivision or development. To
7 be considered "workforce housing infrastructure" under this
8 article, the infrastructure shall be for a workforce
9 housing subdivision or development for which the political
10 subdivision making application under this article has
11 required, through zoning or otherwise, the inclusion of a
12 specified percentage or number of housing units at
13 specified maximum initial sale prices or to have a
14 specified initially finished, maximum square footage:

15

16 (A) "Workforce housing infrastructure" includes:

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18 (I) Rights of way;

19

20 (II) Sewer and water distribution projects;

21

22 (III) Storm water control and drainage
23 facilities;

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1 (IV) Streets, roads and bridges;

2

3 (V) Curbs, gutters and sidewalks;

4

5 (VI) Lift stations;

6

7 (VII) Traffic signals;

8

9 (VIII) Street lighting;

10

11 (IX) Payment for the additional costs of
12 over-sizing water and sewer distribution lines through or
13 to a subdivision to accommodate future expansion;

14

15 (X) The purchase of land as necessary to
16 accommodate infrastructure projects;

17

18 (XI) Other infrastructure determined by the
19 council to be consistent with the purposes of this article.

20

21 (B) "Workforce housing infrastructure" shall not
22 include:

23

1 (I) Projects, the primary purpose of which
2 is to bring public infrastructure to existing housing which
3 is supplied by a well or uses a septic system. Nothing in
4 this subdivision prohibits the use of funding under this
5 article to provide such infrastructure as incidental to an
6 approved project;

7

8 (II) Refinancing of existing projects that
9 have been financed previously with other resources;

10

11 (III) Financing any project eligible under
12 the Wyoming water development program established by W.S.
13 41-2-112 through 41-2-124;

14

15 (IV) Financing any project that does not
16 provide for the construction of additional housing units or
17 that involves rehabilitation or expansion of existing
18 infrastructure unless the council determines the
19 rehabilitation or expansion is necessary to meet the
20 purposes of this article;

21

22 (V) Financing any infrastructure project
23 which is not under public ownership.

24

1 **9-12-902. Wyoming workforce housing infrastructure**
2 **program; creation; rulemaking.**

3

4 (a) The council shall establish and administer a
5 Wyoming workforce housing infrastructure program as
6 provided by this article. Any city, town, county or
7 special improvement district may submit an application to
8 the council for a grant or loan under the program on forms
9 prescribed by and subject to rules promulgated by the
10 council. Grants or loans may be applied for by a joint
11 powers board with the approval of all participating
12 agencies to the joint powers agreement. Grants and loans
13 may be made by the council for workforce housing
14 infrastructure projects and community land trust projects.
15 In adopting rules and making grants and loans under this
16 article the council shall require all projects to be
17 related to workforce housing infrastructure or community
18 land trusts.

19

20 (b) Grants may be matching grants as determined by
21 the council. Loans may be made at no or low interest rates.
22 The council shall establish criteria for determining the
23 maximum grant and loan amounts and for determining grant,
24 loan or grant and loan combinations, subject to final

1 approval by the state loan and investment board.

2

3 (c) Grants or loans shall be made under this article,
4 only if the applicant demonstrates that upon receipt of the
5 grant or loan, all projected project costs will be funded.
6 Grants or loans for one (1) project may not exceed a
7 maximum annual amount established by rule of the council.
8 Multi-year projects may be awarded up to the maximum annual
9 amount each year, for a period not to exceed three (3)
10 years, as approved by the state loan and investment board.
11 The application shall identify the source of all funds to
12 be used for the project.

13

14 (d) Grants or loans may be used to fund project costs
15 in accordance with approved applications and rules of the
16 council. Grant or loan funds may be used to contract with
17 community development organizations, state development
18 organizations and nonprofit organizations in accordance
19 with the purposes of this article and approved
20 applications.

21

22 (e) Loans provided under this article shall be
23 adequately collateralized as determined by the council. The
24 council shall establish interest rates to be charged for

1 loans under the program. Interest rates shall be
2 established in recognition of the repayment abilities and
3 needs of the local governmental entity eligible for loans
4 under the program. The council shall establish loan
5 amortization schedules, terms and conditions for each loan
6 approved.

7

8 (f) No loans shall be made without the written opinion
9 of the attorney general certifying the legality of the
10 transaction and all documents connected therewith. An
11 election approving the project and borrowing for the
12 project by the qualified electors of the borrowing entity
13 shall be required only if the attorney general determines
14 such an election is otherwise required by law.

15

16 (g) Grants, loans, loan commitments or any
17 combination thereof shall be made under this article only:

18

19 (i) If there are sufficient funds in the
20 workforce housing infrastructure program account to fully
21 fund it and all other outstanding commitments and loans;

22

23 (ii) If repayment of any loan provided by the
24 state is adequately collateralized. The adequacy of the

1 collateral shall be determined by the council, subject to
2 final approval by the state loan and investment board.

3

4 (h) Repayments of loans under this section shall be
5 credited to the Wyoming workforce housing infrastructure
6 program account.

7

8 (j) The council may charge applicants a fee to cover
9 administrative costs of the program.

10

11 (k) The council may also enter into cooperative
12 agreements with the Eastern Shoshone Tribe and the Northern
13 Arapaho Tribe in order to promote the purposes of this
14 article.

15

16 (m) After approval of grants and loans, the
17 applicants shall report to the council, as required by the
18 approved application. The report shall:

19

20 (i) Include the progress of the project until
21 the project is completed;

22

23 (ii) Include any additional information required
24 by the council to ensure compliance with grant or loan

1 requirements or compliance with this article.

2

3 **9-12-903. Council duties; actions on grant and loan**
4 **applications.**

5

6 (a) All complete applications to participate in the
7 program established under this article, which conform with
8 the criteria established by law and rules promulgated under
9 this article, which are submitted to the council shall be
10 considered by the council. The council shall approve or
11 disapprove each application considered in accordance with
12 this article and rules promulgated by the council. All
13 grants, loans or cooperative agreements made under this
14 article shall be referred by the council to the state loan
15 and investment board for final approval or disapproval. The
16 state loan and investment board may adopt rules as
17 necessary to implement its duties under this article.

18

19 (b) In adopting rules and making funds available
20 under this article, the council shall provide a competitive
21 application and scoring system adequate to measure the
22 benefits of each application. The application scoring
23 system shall target the projects based on ranking criteria
24 which addresses:

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(i) The need for the proposed housing;

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(ii) The affordability of the proposed housing;

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(iii) The number of additional housing units to be developed, with consideration of the percentage of critical workforce housing needs in the community to be served;

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(iv) The extent to which the project is part of an overall community and economic development plan;

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(v) The extent to which the project demonstrates readiness;

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(vi) Any other criteria determined by the council to be consistent with the purposes of this article.

19

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(c) The council may negotiate and enter into appropriate contracts or memoranda of understanding with Wyoming state agencies, authorities or instrumentalities as necessary or convenient to facilitate the council's duties under this article.

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2 **9-12-904. Community land trusts; eligibility;**
3 **requirements.**

4

5 (a) Grants or loans made under this article for
6 community land trusts shall require in addition to meeting
7 other requirements of this article:

8

9 (i) The land subject of the trust be owned or
10 leased by a political subdivision of the state, including a
11 city, town, county, special improvement district or a
12 housing authority authorized under W.S. 15-10-116;

13

14 (ii) The land be used for workforce housing with
15 lots for housing leased and with the political subdivision
16 remaining the owner of the land or the primary lessee;

17

18 (iii) The leases of lots be upon such terms as
19 to allow commercial lenders to lend funds for housing
20 construction on terms comparable to housing built on fee
21 owned lands;

22

23 (iv) The housing development on lands subject to
24 the trust include a specified percentage or number of

1 housing units at specified maximum initial sale prices or
2 be required to have a specified maximum square footage as
3 required by the political subdivision making application
4 under this article, through zoning or otherwise;

5

6 (v) That the lease terms for housing constructed
7 on the land subject to the trust provide for continuation
8 of the initial long term community benefit through
9 subsequent sales of the housing.

10

11 (b) The political subdivision owning or leasing the
12 land subject to the community land trust may fulfill the
13 requirements of this section directly, through a housing
14 authority created pursuant to W.S. 15-10-116, or by
15 agreement with private nonprofit entities.

16

17 **9-12-905. Wyoming workforce housing infrastructure**
18 **program account.**

19

20 (a) There is created the workforce housing
21 infrastructure program account. Funds shall be credited to
22 the account as provided by law. Funds in the account are
23 continuously appropriated to the council to be used only
24 for cooperative agreements, grants or loans authorized to

1 be made under this article.

2

3 (b) Interest and repayments of principal on loans
4 under this article shall be redeposited into the workforce
5 housing infrastructure program account.

6

7 (c) Funds and accrued interest on unexpended funds
8 within the account shall be credited to the workforce
9 housing infrastructure program account.

10

11 **Section 2.** W.S. 9-12-102(a)(viii), 9-12-112(a) by
12 creating a new paragraph (v) and 9-12-307 are amended to
13 read:

14

15 **9-12-102. Definitions.**

16

17 (a) As used in this act, the following terms have the
18 following meanings, except where the context clearly
19 indicates otherwise:

20

21 (viii) "This act" means W.S. 9-12-101 through
22 ~~9-12-804~~ 9-12-905.

23

24 **9-12-112. Annual report and budget.**

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2 (a) The council shall submit an annual report in the
3 manner provided by W.S. 9-2-1014 and using the benchmarks
4 prescribed in this act. In addition to the requirements of
5 W.S. 9-2-1014, included within the annual report shall be:

6

7 (v) A summary of the total investments made by
8 the council under the workforce housing infrastructure
9 program under W.S. 9-12-901 through 9-12-905, including:

10

11 (A) The name of each grantee or borrower
12 and the amount of each grant or loan;

13

14 (B) An evaluation of the grant or loan
15 success in providing workforce housing infrastructure;

16

17 (C) The cost of the program to the people
18 of Wyoming in terms of administrative and other costs
19 associated with the program.

20

21 **9-12-307. Penalty.**

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23 Any person who knowingly makes a false statement to the
24 council in connection with an application under this

1 article or article 9 of this chapter or who violates W.S.
2 9-12-302(c) is guilty of a felony punishable by
3 imprisonment for not more than two (2) years, a fine of not
4 more than two thousand dollars (\$2,000.00), or both.

5

6 **Section 3.**

7

8 (a) There is appropriated from the budget reserve
9 account to the Wyoming workforce housing infrastructure
10 program account created by W.S. 9-12-904, thirty million
11 dollars (\$30,000,000.00).

12

13 (b) To develop, operate and oversee the program
14 created by this act the Wyoming business council is
15 appropriated from the budget reserve account nine hundred
16 nine thousand thirty dollars (\$909,030.00) for personnel
17 and program administration for the fiscal biennium ending
18 June 30, 2008. Personnel shall include:

19

20 (i) One (1) full-time employee to serve as a
21 workforce housing infrastructure manager;

22

23 (ii) One (1) full-time employee to oversee the
24 implementation of workforce housing grants and loans;

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(iii) Five (5) full-time employees to serve as assistants to regional directors of the business council.

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5

(c) A request of one million six hundred sixty thousand sixty dollars (\$1,666,060.00) dollars from the general fund shall be included in the business council's 2009-2010 biennium standard budget request for purposes of continuing funding of personnel and program administration under this act.

11

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Section 4. The Wyoming business council and the state land and investment board may commence rulemaking authorized under section 1 of this act immediately upon the effective date of this section.

16

17

Section 5.

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(a) Section 4 of this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

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24

(b) Except as provided in subsection (a) of this

1 section, this act is effective July 1, 2007.

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3

(END)