

HOUSE BILL NO. HB0112

Workforce housing program.

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

A BILL

for

1 AN ACT relating to economic development; modifying the  
2 community workforce housing program; amending definitions;  
3 providing for grants; providing for loans to be converted  
4 to grants; providing for administrative costs for servicing  
5 loans; providing for rentals; providing for a report; and  
6 providing for an effective date.

7

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

9

10 **Section 1.** W.S. 9-12-112(a)(vi)(A) and (B),  
11 9-12-901(b)(iv), (v)(intro), (A)(XI), (B)(IV) and by  
12 creating new paragraphs (vi) and (vii), 9-12-902(a) through  
13 (d), (g)(intro), (i) and (k), 9-12-903(a), (b) by creating  
14 a new paragraph (vi) and renumbering (vi) as (vii),  
15 9-12-904(a)(intro) and 9-12-905(a) and (b) are amended to  
16 read:

17

1           **9-12-112. Annual report and budget.**

2

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

7

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

11

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

14

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

17

18           **9-12-901. Wyoming workforce housing infrastructure**  
19 **program; purpose; definitions.**

20

21           (b) As used in this article:

22

1 (iv) "Workforce housing" means owner-occupied,  
2 residential dwellings, or rental units affordable to  
3 families that have a gross income:

4  
5 (A) At or below one hundred twenty percent  
6 (120%) of the area median income; or

7  
8 (B) At or below a maximum of one hundred  
9 fifty percent (150%) of the area median income if the  
10 council determines an increase in the maximum income is  
11 necessary to accommodate the needs of an applicant which  
12 has demonstrated that housing costs are high relative to  
13 the ability to pay based on a comparison of area median  
14 income to the cost of housing.

15  
16 (v) "Workforce housing infrastructure" means  
17 publicly owned infrastructure to a workforce housing  
18 subdivision or development, and if determined by the  
19 council to be consistent with the purposes of this article,  
20 through a workforce housing subdivision or development. ~~To~~  
21 ~~be considered "workforce housing infrastructure" under this~~  
22 ~~article, the infrastructure shall be for a workforce~~  
23 ~~housing subdivision or development for which the political~~  
24 ~~subdivision making application under this article has~~

1 ~~required, through zoning or otherwise, the inclusion of a~~  
2 ~~specified percentage or number of housing units at~~  
3 ~~specified maximum initial sale prices or to have a~~  
4 ~~specified initially finished, maximum square footage.~~ In  
5 addition, the following shall apply:

6  
7 (A) "Workforce housing infrastructure"  
8 includes:

9  
10 (XI) Other infrastructure determined  
11 by the council to be consistent with the purposes of this  
12 article and as required by the political subdivision making  
13 application under this article through zoning or otherwise.

14  
15 (B) "Workforce housing infrastructure"  
16 shall not include:

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

24

1           (vi) "Workforce subdivision" means a housing  
2 subdivision for which the developer has committed a  
3 specific number of workforce housing units;

4  
5           (vii) "Planned workforce subdivision" means a  
6 development which the political subdivision making  
7 application under this article has planned for or required,  
8 through zoning, or other regulatory means, a specified  
9 percentage or number of workforce housing units at  
10 specified maximum initial sale prices or to have a  
11 specified initially finished, maximum square footage.

12  
13           **9-12-902. Wyoming workforce housing infrastructure**  
14 **program; creation; rulemaking.**

15  
16           (a) The council shall establish and administer a  
17 Wyoming workforce housing infrastructure program as  
18 provided by this article. Any city, town, county or  
19 special improvement district may submit an application to  
20 the council for a grant or loan under the program on forms  
21 prescribed by and subject to rules promulgated by the  
22 council. Grants or loans may be applied for by a joint  
23 powers board with the approval of all participating  
24 agencies to the joint powers agreement. Grants or loans

1 may be made by the council for planning to develop or  
2 modify codes and ordinances in support of workforce  
3 housing, planning subdivision regulations that encourage  
4 workforce housing development, planning to enable a  
5 community to conduct a land reuse study of a parcel of land  
6 or real estate that is planned, at least in part, to  
7 provide for workforce housing, workforce housing  
8 infrastructure projects, planned workforce housing  
9 infrastructure projects and community land trust projects.  
10 In adopting rules and making grants and loans under this  
11 article the council shall require all projects to be  
12 related to workforce housing infrastructure, planned  
13 workforce housing infrastructure projects or community land  
14 trusts.

15

16 (b) Loans may be made at zero interest rate, up to an  
17 annual interest rate equal to the average prime interest  
18 rate as determined in accordance with subsection (e) of  
19 this section. The council shall establish criteria for  
20 determining the maximum grant and loan amounts subject to  
21 final approval by the state loan and investment board.  
22 Grants shall be matching grants as determined by rules and  
23 regulations. Grants shall be made only if the applicant  
24 demonstrates that upon receipt of the grant all projected

1 project costs the applicant is responsible for providing  
2 for the planned workforce housing neighborhood or area,  
3 through zoning, land use plans or other regulatory matters,  
4 will be funded.

5  
6 (c) Loans shall be made under this article, only if  
7 the applicant demonstrates that upon receipt of the loan,  
8 all projected project costs for the workforce subdivision  
9 will be funded. Portions of loans may be converted to a  
10 grant, as prescribed by the council in rule, if within a  
11 designated period of time, as established by the council,  
12 the development has generated workforce housing occupied by  
13 owners according to performance measures submitted by the  
14 applicant with the application and approved by the state  
15 loan and investment board. Loans or grants for one (1)  
16 project may not exceed a maximum annual amount established  
17 by rule of the council, unless the project is phased over  
18 more than one (1) year. ~~Multi year projects may be awarded~~  
19 ~~up to the maximum annual amount each year,~~ Successive  
20 grants or loans may be made to phased projects for a period  
21 not to exceed three (3) years, provided the council  
22 determines that previously funded phases have realized the  
23 performance measures as approved by the state loan and

1 investment board. The application shall identify the  
2 source of all funds to be used for the project.

3

4 (d) Grants and loans may be used to fund project  
5 costs in accordance with approved applications and rules of  
6 the council. Grants and loan funds may be used to contract  
7 with community development organizations, state development  
8 organizations and nonprofit organizations in accordance  
9 with the purposes of this article and approved  
10 applications.

11

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

14

15 (i) If there are sufficient funds in the  
16 workforce housing infrastructure program account to fully  
17 fund it and all other outstanding grants, commitments and  
18 loans;

19

20 (k) After approval of ~~loans~~ a grant or loan, the  
21 applicants shall report to the council, as required by the  
22 approved application. The report shall include:

23



1 (i) The progress of the project until the  
2 construction of the project is completed;

3  
4 (ii) The progress realizing performance  
5 measures, including, but not limited to, the number of lots  
6 developed for workforce housing, the number of workforce  
7 housing or rental units to be developed with consideration  
8 of the percentage of critical workforce housing needs in  
9 the community to be served, the number of families  
10 occupying workforce housing, or other performance measures  
11 as identified by the applicant and approved by the state  
12 loan and investment board;

13  
14 ~~(ii)~~ (iii) Any additional information required by  
15 the council to ensure compliance with loan requirements or  
16 compliance with this article.

17  
18 **9-12-903. Council duties; actions on grant and loan**  
19 **applications.**

20  
21 (a) All complete applications to participate in the  
22 program established under this article, which conform with  
23 the criteria established by law and rules promulgated under  
24 this article and which are submitted to the council, shall

1 be considered by the council. The council shall approve or  
2 disapprove each application considered in accordance with  
3 this article and rules promulgated by the council. All  
4 loans, grants or cooperative agreements made under this  
5 article shall be referred by the council to the state loan  
6 and investment board for final approval or disapproval. The  
7 state loan and investment board may adopt rules as  
8 necessary to implement its duties under this article.

9  
10 (b) In adopting rules and making funds available  
11 under this article, the council shall provide a competitive  
12 application and scoring system adequate to measure the  
13 benefits of each application. The application scoring  
14 system shall target the projects based on ranking criteria  
15 which address:

16  
17 (vi) The extent to which the applicant has made  
18 regulatory changes, code modifications, subdivision  
19 regulations or land reuse studies of parcels of land or  
20 real estate that is planned, at least in part, to provide  
21 for workforce housing according to workforce housing  
22 community and economic development plans to encourage  
23 workforce housing development and construction;

24

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

3

4           **9-12-904. Community land trusts; eligibility;**  
5 **requirements.**

6

7           (a) Grants and loans made under this article for  
8 community land trusts, in addition to meeting other  
9 requirements of this article, shall require that:

10

11           **9-12-905. Wyoming workforce housing infrastructure**  
12 **program account.**

13

14           (a) There is created the workforce housing  
15 infrastructure program account. Funds shall be credited to  
16 the account as provided by law. Except as provided in  
17 subsection (b) of this section, funds in the account shall  
18 be used only upon legislative appropriation for cooperative  
19 agreements, grants and loans authorized to be made under  
20 this article. All funds including any earned interest and  
21 repayments of principal on loans under this article  
22 remaining in the workforce housing infrastructure program  
23 account at the end of a biennium shall not lapse and shall

1 not revert as provided in W.S. 9-4-207 but shall remain in  
2 the account to implement the purposes of this section.

3

4 (b) Interest and repayments of principal on loans  
5 under this article shall be redeposited into the workforce  
6 housing infrastructure program account. From the repaid  
7 interest, up to one percent (1%) of the outstanding  
8 principal loan balances under this article is continuously  
9 appropriated each fiscal year to the council for  
10 administrative costs associated with servicing loans made  
11 under this article.

12

13 **Section 2.** The Wyoming business council shall submit  
14 a report to the joint minerals, business and economic  
15 development interim committee and the joint appropriations  
16 interim committee, on or before December 1, 2009,  
17 containing a statement of all rules adopted to further the  
18 purposes of this act, details of applications submitted  
19 under the program and all applicable deed restrictions and  
20 regulations adopted to ensure repayment of the loans issued  
21 under the program.

22

1           **Section 3.** This act is effective immediately upon  
2 completion of all acts necessary for a bill to become law  
3 as provided by Article 4, Section 8 of the Wyoming  
4 Constitution.

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6

(END)