

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;
6 providing appropriations; and providing for an effective
7 date.

8

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

10

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

1

2 **9-12-112. Annual report and budget.**

3

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

8

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

12

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

15

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

18

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

21

22 (b) As used in this article:

23

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, land reuse studies of parcels of land or real
20 estate that is planned, at least in part to provide for
21 workforce housing according to workforce housing community
22 and economic development plans to encourage workforce
23 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.**

14

15 (a) There is appropriated forty million dollars
16 (\$40,000,000.00) from the budget reserve account to the
17 Wyoming workforce housing infrastructure program account
18 created by W.S. 9-12-905.

19

20 (b) There is appropriated fifty thousand dollars
21 (\$50,000.00) from the budget reserve account to the Wyoming
22 business council for personnel and program administration
23 to develop, operate and oversee the workforce housing

1 infrastructure program, for the fiscal biennium ending June
2 30, 2010.

3

4 (c) The appropriations under this section shall be
5 one (1) time appropriations and shall not be included in
6 the Wyoming business council's 2011-2012 standard biennial
7 budget request.

8

9 (d) Notwithstanding any other provision of law, the
10 appropriations under this section shall not be transferred
11 or expended for any other purpose.

12

13 (e) The Wyoming business council shall submit a
14 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.

5

6

(END)