

HOUSE BILL NO. HB0138

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; providing for a continuous appropriation
8 and making other appropriations; and providing for
9 effective dates.

10

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

12

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

15

16

ARTICLE 9

1 COMMUNITY WORKFORCE HOUSING PROGRAM

2
3 **9-12-901. Wyoming workforce housing infrastructure**
4 **program; purpose; definitions.**

5
6 (a) The legislature finds and declares that:

7
8 (i) There is in this state by reason of the
9 location and expansion of mineral extractive industries and
10 other economic developments, a critical shortage of
11 adequate housing;

12
13 (ii) It is in the public interest of the
14 citizens of this state to facilitate the provision of
15 adequate housing in order to promote the economic welfare
16 of the state and its residents by increasing employment,
17 stimulating economic activity, augmenting sources of tax
18 revenue, fostering economic stability, furthering health
19 care and improving the balance of the state's economy;

20
21 (iii) It is the purpose of this article to
22 promote and continue economic development by providing
23 adequate housing necessary to create additional economic
24 health and a stronger state economy;

1

2 (iv) This article constitutes a valid public
3 purpose, of primary benefit to all citizens of the state of
4 Wyoming.

5

6 (b) As used in this article:

7

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

10

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

18

19 (iv) "Workforce housing" means owner-occupied,
20 residential dwellings;

21

22 (v) "Workforce housing infrastructure" means
23 publicly owned infrastructure to a workforce housing
24 subdivision or development, and if determined by the

1 council to be consistent with the purposes of this article,
2 through a workforce housing subdivision or development. To
3 be considered "workforce housing infrastructure" under this
4 article, the infrastructure shall be for a workforce
5 housing subdivision or development for which the political
6 subdivision making application under this article has
7 required, through zoning or otherwise, the inclusion of a
8 specified percentage or number of housing units at
9 specified maximum initial sale prices or to have a
10 specified initially finished, maximum square footage:

11

12 (A) "Workforce housing infrastructure"
13 includes:

14

15 (I) Rights of way;

16

17 (II) Sewer and water distribution
18 projects;

19

20 (III) Storm water control and drainage
21 facilities;

22

23 (IV) Streets, roads and bridges;

24

1 (V) Curbs, gutters and sidewalks;

2

3 (VI) Lift stations;

4

5 (VII) Traffic signals;

6

7 (VIII) Street lighting;

8

9 (IX) Payment for the additional costs

10 of over-sizing water and sewer distribution lines through

11 or to a subdivision to accommodate future expansion;

12

13 (X) The purchase of land as necessary

14 to accommodate infrastructure projects;

15

16 (XI) Other infrastructure determined

17 by the council to be consistent with the purposes of this

18 article.

19

20 (B) "Workforce housing infrastructure"

21 shall not include:

22

23 (I) Projects, the primary purpose of

24 which is to bring public infrastructure to existing housing

1 which is supplied by a well or uses a septic system.
2 Nothing in this subdivision prohibits the use of funding
3 under this article to provide such infrastructure as
4 incidental to an approved project;

5

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

8

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

12

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

19

20 (V) Financing any infrastructure
21 project which is not under public ownership.

22

23 **9-12-902. Wyoming workforce housing infrastructure**
24 **program; creation; rulemaking.**

1

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

17

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

24

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

11

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

19

20 (e) Loans provided under this article shall be
21 adequately collateralized as determined by the council. The
22 council shall establish interest rates to be charged for
23 loans under the program. Interest rates shall be
24 established in recognition of the repayment abilities and

1 needs of the local governmental entity eligible for loans
2 under the program. The council shall establish loan
3 amortization schedules, terms and conditions for each loan
4 approved.

5
6 (f) No loans shall be made without the written
7 opinion of the attorney general certifying the legality of
8 the transaction and all documents connected therewith. An
9 election approving the project and borrowing for the
10 project by the qualified electors of the borrowing entity
11 shall be required only if the attorney general determines
12 such an election is otherwise required by law.

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

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

20
21 (ii) If repayment of any loan provided by the
22 state is adequately collateralized. The adequacy of the
23 collateral shall be determined by the council, subject to
24 final approval by the state loan and investment board.

1

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

5

6 (j) The council may also enter into cooperative
7 agreements with the Eastern Shoshone Tribe and the Northern
8 Arapaho Tribe in order to promote the purposes of this
9 article.

10

11 (k) After approval of grants and loans, the
12 applicants shall report to the council, as required by the
13 approved application. The report shall include:

14

15 (i) The progress of the project until the
16 project is completed;

17

18 (ii) Any additional information required by the
19 council to ensure compliance with grant or loan
20 requirements or compliance with this article.

21

22 **9-12-903. Council duties; actions on grant and loan**
23 **applications.**

24

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

13

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

20

21 (i) The need for the proposed housing;

22

23 (ii) The affordability of the proposed housing;

24

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

5

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

8

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

11

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

14

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

20

21 **9-12-904. Community land trusts; eligibility;**
22 **requirements.**

23

1 (a) Grants or loans made under this article for
2 community land trusts shall require in addition to meeting
3 other requirements of this article:
4

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

10 (ii) The land be used for workforce housing with
11 lots for housing leased and with the political subdivision
12 remaining the owner of the land or the primary lessee;
13

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

19 (iv) The housing development on lands subject to
20 the trust include a specified percentage or number of
21 housing units at specified maximum initial sale prices or
22 be required to have a specified initially finished, maximum
23 square footage as required by the political subdivision

1 making application under this article, through zoning or
2 otherwise;

3

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

8

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

14

15 **9-12-905. Wyoming workforce housing infrastructure**
16 **program account.**

17

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

24

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

4

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

8

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

12

13 **9-12-102. Definitions.**

14

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

18

19 (viii) "This act" means W.S. 9-12-101 through
20 ~~9-12-804~~ 9-12-905.

21

22 **9-12-112. Annual report and budget.**

23

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

5
6 (v) A summary of the total investments made by
7 the council under the workforce housing infrastructure
8 program under W.S. 9-12-901 through 9-12-905, including:

9
10 (A) The name of each grantee or borrower
11 and the amount of each grant or loan;

12
13 (B) An evaluation of the grant or loan
14 success in providing workforce housing infrastructure;

15
16 (C) The cost of the program to the people
17 of Wyoming in terms of administrative and other costs
18 associated with the program.

19
20 **9-12-307. Penalty.**

21
22 Any person who knowingly makes a false statement to the
23 council in connection with an application under this
24 article or ~~who violates W.S. 9-12-302(c)~~ article 9 of this

1 chapter is guilty of a felony punishable by imprisonment
2 for not more than two (2) years, a fine of not more than
3 two thousand dollars (\$2,000.00), or both.

4

5 **Section 3.**

6

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

11

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

18

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

1

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

6

7 **Section 5.**

8

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

13

14 (b) Except as provided in subsection (a) of this
15 section, this act is effective July 1, 2007.

16

17 (END)