

SB 225 A STAFF MEASURE SUMMARY

House Committee On Revenue

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Meeting Dates: 5/4, 5/16

WHAT THE MEASURE DOES:

Provides that unused portion of amount of pass-through revenue bonds authorized for issuance in preceding biennium carries forward until legislation authorizing amount of pass-through revenue bonds for current biennium is enacted. Provides that state agency on behalf of which private activity bonds may be issued may suballocate its private activity bond allocation to other issuers, provided the allocation falls in the same category of Private activity bond used in the same calendar year and complies with terms set by the legislative assembly. changes terminology of "conduit" to pass-through revenue bonds. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Housing and ways by which low income can use bond allocation.
- The Federal Cap on Private Activity Bonds (PAB).
- The black-out period.
- Low-income housing credits
- Homeless to homeowner and increasing certainty of available housing.
- Examples of increased costs of projects during that time.

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The legislative assembly authorizes the state treasurer to issue different types of bonds to state agencies and other public bodies each biennium. The "conduit" or "pass-through" bonds are special revenue bonds authorized in the biennial bond bill to be issued by the state treasurer for the benefit of some public corporations, nonprofit bodies, and agencies. The time between the end of one biennium (June-30) and the beginning of new authorization has to wait for the governor's signature of the new bill. This period creates a time gap for the bonding process and funding. This measure tries to clarify the authorization during this time gap.

Although only three types are active, the State has authorized four conduit or "pass-through" revenue bond programs. Under these programs, the State is considered the issuer but has no obligation to fund debt service payments other than out of payments from the entities on whose behalf the bonds are issued.

1. **Oregon Facilities Authority (OFA)** – ORS Chapter 289. The Oregon Facilities Authority, formerly named the Health, Housing, Educational, and Cultural Facilities Authority, was created in 1989 and operates pursuant to Oregon Revised Statutes Chapter 289. OFA is a public corporation empowered to issue conduit revenue bonds and assist with the assembling and financing of lands for health care, housing, educational and cultural uses and for the construction and financing of facilities for such uses. Effective January 1, 2007, OFA's mandate was expanded to include the financing for all non-profit institutions, organizations or entities within the State that are exempt from taxation under section 501(c)(3) of the Internal Revenue Code, as defined in ORS 314.011. The Authority reviews proposed projects and makes recommendations to the State Treasurer whether to finance the project through the issuance of limited obligation bonds. Principal amount outstanding for OFA

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bonds in total was \$1.84 billion as of June 30, 2022.

2. **Industrial Development Revenue Bonds** – ORS Chapter 285B. The Oregon Business Development Commission is empowered, pursuant to ORS 285B.320 to 285B.371, to issue Industrial Development Revenue Bonds through the Oregon Business Development Department, with the approval of the State Treasurer. They are issued as limited obligation bonds payable only from project revenues or other sources available to the borrower. Industrial or economic development revenue bonds do not constitute an indebtedness of the Issuer, the Commission, or the State. Principal amount outstanding in total was \$518.9 million as of June 30, 2022.
3. **Housing Development Revenue Bonds** – ORS 456.692. The Oregon Housing and Community Services Department is authorized pursuant to ORS 456.692 to issue conduit revenue bonds through the State Treasurer for Housing Development. The multifamily housing program provides financing for developments in which a certain number of the housing units are for persons and families of lower income. Each bond issue finances multi-family housing projects that are separately secured by revenues and assets specifically pledged by the borrower. Principal amount outstanding was \$949.5 million as of June 30, 2022.
4. **Beginning and Expanding Farmer Revenue Bonds** – ORS 285.430. The Oregon Business Development Department is authorized pursuant to ORS 285.430 to issue conduit revenue bonds to fund Beginning and Expanding Farmer loans for approved agricultural projects. Bond issues finance loans that are secured by revenues and assets specifically pledged by the borrower. As of June 30, 2021, two small loans have been issued through this program and there is no outstanding balance.