

Enrolled
House Bill 2761

Sponsored by Representative NOSSE; Representatives DEXTER, FAHEY, GAMBA, KROPF, MARSH, NATHANSON, NERON, PHAM K, REYNOLDS, Senator MANNING JR (Presession filed.)

CHAPTER

AN ACT

Relating to financing of affordable housing by Housing and Community Services Department; amending ORS 456.605, 456.620 and 456.690.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 456.620 is amended to read:

456.620. In carrying out housing programs, the Housing and Community Services Department shall:

(1) With the approval of the Oregon Housing Stability Council, adopt standards for the planning, development and management of housing projects for which qualified housing sponsors receive all or a portion of any required financing under ORS 456.548 to 456.725, for audits and inspections to determine compliance with such standards and adopt criteria for the approval of qualified housing sponsors under ORS 456.548 to 456.725.

(2) Adopt criteria by which the department may approve or disqualify qualified housing sponsors.

(3) Enter into agreements with qualified housing sponsors to regulate the planning, development and management of housing projects constructed with the assistance of the department under ORS 456.548 to 456.725.

(4) With the approval of the council, establish maximum household income limits for all or a portion of the units in housing projects, **including** housing developments or other residential housing, financed in whole or in part by the department. *[A maximum of one-third of the units in a housing project, housing development or other residential housing financed by the department may be rented to households with an income level exceeding 120 percent of the median family income level, as determined by the department.]* **The department may finance only the portion of housing projects consisting of units rented to households with an income below 120 percent of the area median income, as defined in ORS 458.610. The department shall, by rule, adopt a methodology for allocating the affordable housing portion of a housing project’s shared costs, including infrastructure and parking. For a housing project financed by the department, the council may establish a minimum ratio or number of units that will be rented to households with an income below 120 percent of the area median income.** If the income level in any unit exceeds 120 percent of the **area** median *[family]* income, the department shall, to the extent practicable, require that the project, development or other housing financed by the department have a percentage of low income units that is higher than the minimum percentages established in ORS 456.120 (19) for projects financed by local housing authorities or income limitations that are lower than the limits

described in ORS 456.120 (19) or a combination thereof. Income limits for department programs administered on a statewide basis may be established by reference to the **area** median *[family or personal income in the state, or in various regions in the state, as determined by the department]* **income**. This subsection does not restrict the acquisition of manufactured dwelling parks.

(5) With the approval of the council, ensure that financing is provided in the department's programs for manufactured housing and for the purchase of lots described in ORS 92.840 by manufactured dwelling park tenants.

SECTION 2. ORS 456.605 is amended to read:

456.605. (1) The Housing and Community Services Department may establish and implement mortgage credit certificate programs to make available income tax credits for indebtedness incurred on acquisition, improvement or rehabilitation of a principal residence. Under this program, the department may issue tax credit certificates to persons and families with incomes equal to or lower than the median family income *[as calculated under ORS 456.620 (4)]* **limits established by the department**.

(2) If the department elects to issue federal income tax credit certificates, the director shall certify that each mortgage credit certificate program meets the requirements of Section 25 of the Internal Revenue Code as amended and in effect on December 31, 1996. The department shall make the determination of the amount of qualified mortgage bonds that will not be issued so as to allow the issuance of mortgage credit certificates.

(3) If the Director of the Housing and Community Services Department determines that the mortgage credit certificate program is not effective with the median family income limitation established in subsection (1) of this section, the director may issue tax credit certificates to persons and families with incomes up to a percent of median family income determined appropriate by the Emergency Board, if the person or families otherwise qualify for the program.

SECTION 3. ORS 456.690 is amended to read:

456.690. (1) Upon a finding made by the Oregon Housing Stability Council that the supply of funds available through lending institutions for the financing of residential loans for the acquisition, construction, improvement or rehabilitation of housing units, manufactured dwellings, manufactured dwelling parks, manufactured dwelling park nonprofit cooperatives or housing projects for persons and families whose income does not exceed maximum *[household]* **median family** income limits established by the Housing and Community Services Department *[under ORS 456.620 (4)]* is inadequate, the department may make loans to lending institutions in this state for the purpose of providing funds to such institutions for the financing of residential housing units, manufactured dwellings, manufactured dwelling parks, manufactured dwelling park nonprofit cooperatives or housing projects, for persons and families whose income does not exceed maximum *[household]* **median family** income limits established by the department *[under ORS 456.620 (4)]*.

(2)(a) The department, subject to existing agreements with bondholders, may make privately or federally insured or guaranteed loans for the rehabilitation or improvement of existing single-family homes for persons and families of lower income, manufactured dwellings for persons and families of lower income or manufactured dwelling parks and manufactured dwelling park nonprofit cooperatives that the department determines have a significant percentage of residents who are persons of lower income, if the department finds that:

(A) The supply of funds available through private lending institutions for that purpose is inadequate; and

(B) The housing may be rehabilitated or improved to provide adequate, safe and sanitary residential housing.

(b) The department may cooperate with qualified housing sponsors in the development and implementation of such loan programs. Loans made by the department under this subsection shall be made for single-family homes.

(3) Prior to the making of any loan under this section, the department, with the approval of the council, shall adopt rules governing the making of such loans, including but not limited to:

(a) Procedures for the submission, review and approval of requests for loans under this section.

(b) Standards and requirements for the allocation of loan moneys available among eligible borrowers and the determination of the terms, conditions and interest rates for such loans.

(c) Limitations, if any, on the number of housing units or projects, type of housing units or projects and any other characteristics for the eligibility of housing units or projects for such financing.

(d) Restrictions, if any, on the interest rates to be charged by lending institutions on loans made from such loan proceeds and the return to be realized by the lending institution therefrom.

(e) Commitment requirements applied to residential mortgage financing by lending institutions from the proceeds of such loans.

(f) Schedules of fees and charges to be made by the department in accepting, reviewing and acting upon applications for loans under this section.

(4) The department shall administer the loan program for rehabilitation or improvement of existing single-family homes for persons and families of lower income in accordance with the following requirements and loan criteria:

(a) Eligibility for a loan shall be based on current department income limitations.

(b) A loan may be assumed only by another person of lower income.

(c) The single-family home for which a loan is made must be owner-occupied.

(d) The maximum principal amount of a single loan is \$15,000.

(e) An eligible borrower shall have only one loan outstanding under this program at any one time.

(f) An eligible improvement including, but not limited to, a remodeling project shall be defined by rule and the provisions of the Revenue Adjustments Act of 1980 (Public Law 96-499), as adopted December 5, 1980, shall be recognized in that definition.

(g) Loans shall be made in accordance with a distribution of population between urban and rural areas that takes the availability of alternative resources into account.

(h) The department shall work with qualified housing sponsors whenever it is appropriate to do so.

(5) All loans made and all rules adopted under this section shall be designed by the department, with the approval of the council, to expand the supply of funds available in this state for the financing of residential housing units, manufactured dwellings, manufactured dwelling parks, manufactured dwelling park nonprofit cooperatives and housing projects, for persons and families whose income does not exceed maximum [*household*] **median family** income limits established by the department [*under ORS 456.620 (4)*], to provide an adequate supply of safe and sanitary units of such housing, and to promote the effective participation of conventional lending institutions in the financing of such housing and restrict the financial return and benefit to such lenders to that which is necessary and reasonable to induce their participation under this section.

(6) In making loans under this section, the department, with the approval of the council, may prescribe such terms, conditions, maturity dates and interest rate provisions as it considers necessary.

Passed by House May 16, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate June 24, 2023

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Rob Wagner, President of Senate

Received by Governor:

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Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Secretary of State