

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Community Development

(agency name)

Administrative Order No. 86-05

(1) I, Chuck Clarke, deputy director of the Department of Community Development

do promulgate and adopt at Ninth and Columbia Building, Olympia, Washington (place)

the annexed rules relating to:

Washington state development loan funds

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. WSR 86-12-078 filed with the code reviser on June 4, 1986. These rules shall take effect: [X] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). [] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

[] (a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.

[] (b) This rule is promulgated pursuant to RCW which directs that the

has authority to implement the provisions of (agency)

(name of act or RCW citation)

[X] (c) This rule is promulgated under the general rule-making authority of the Department of Community Development (agency)

as authorized in RCW 43.63A.060

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED July 22 19 86

STATE OF WASHINGTON FILED

By Chuck Clarke Deputy Director

JUL 22 1986

Title

CODE REVISER'S OFFICE WSR 86-15-067

[Form CR-7: Rev. 7/23/82]

Chapter 365-150

Washington State Development Loan Fund

WAC	
365-150-010	Authority.
365-150-020	Purpose.
365-150-030	Definitions.
365-150-040	Committee meetings.
365-150-050	Financing conditioned upon completed application.
365-150-060	Criteria by which the committee will evaluate loan fund applications.
365-150-070	Public records.
365-150-080	Requests for reconsideration of committee decisions.
365-150-090	Address for communications requests.

NEW SECTION

WAC 365-150-010 AUTHORITY. This chapter is promulgated pursuant to the authority granted in RCW 43.63A.060 and 43.168.060.

NEW SECTION

WAC 365-150-020 PURPOSE. The purpose of this chapter is to establish the Department of Community Development rules for the Washington State Development Loan Fund, hereinafter referred to as the "fund", and the Washington State Development Loan Fund Committee, hereinafter referred to as the "committee".

The purpose of the program is:

- (a) To encourage investment by businesses and financial institutions in economically distressed areas, and
- (b) To make revolving loan funds available through local governments for private sector enterprises which will create or retain jobs and promote economic development in areas of economic stagnation, unemployment and poverty.

NEW SECTION

WAC 365-150-030 DEFINITIONS. Whenever used in this chapter, unless the context clearly indicates otherwise, the definitions of terms in RCW 43.168.020 shall be considered the definition of terms used in this chapter.

NEW SECTION

WAC 365-150-040 COMMITTEE MEETINGS. (1) Notice of the time and location of regular committee meetings will be published annually in a January edition of the Washington State Register. A copy of the schedule of regular meetings may also be obtained upon request from the committee at the address set out in Section 365-150-090 herein.

(2) Special meetings of the committee may be called at any time by the chairperson of the committee or by a majority of the committee members. Notice of such special meetings will be as provided by law.

NEW SECTION

WAC 365-150-050 FINANCING CONDITIONED UPON COMPLETED APPLICATION. An application shall be deemed ready for a final decision by the committee only when the manager of the fund certifies that the following events have occurred:

(a) A loan fund application has been submitted by an eligible local government sponsor, signed by all parties, and all required supporting documentation has been provided.

(b) A memorandum has been prepared by department staff which specifies how the application meets criteria as set out in the fund enabling legislation and the loan fund guidelines. Such memorandum must be prepared by department staff within a reasonable time from receipt of the completed application.

NEW SECTION

WAC 365-150-060 CRITERIA BY WHICH THE COMMITTEE WILL EVALUATE LOAN FUND APPLICATIONS. Applications shall be evaluated pursuant to the conditions and limitations established in RCW 43.168.050, and in guidelines for project funding promulgated by and available from the committee.

NEW SECTION

WAC 365-150-070 PUBLIC RECORDS. After an application for financial assistance has been received, certain information in the department's possession may be required to be made available for public inspection by applicable law. Certain other information shall be designated by the committee as confidential for protection of privacy interests and shall not be available to the public for inspection.

Criteria for determining what information shall be designated confidential as well as illustrative examples, are set out in the loan fund guidelines which are available upon request.

An applicant may request that specific information be kept confidential for protection of privacy interests. An applicant making such a request must provide the department with sufficient information to enable the department to independently determine the likelihood of invasion of privacy interests of a business or competitive detriment sufficient to justify confidentiality.

NEW SECTION

WAC 365-150-080 REQUESTS FOR RECONSIDERATION OF COMMITTEE DECISIONS. Any applicant whose completed proposal is denied financing by the committee shall have the opportunity to submit additional written materials to the committee for their reconsideration, upon terms and conditions established by the committee.

NEW SECTION

WAC 365-150-090 ADDRESS FOR COMMUNICATION AND APPLICATION PACKAGE REQUESTS. All communications with the committee and its staff, including but not limited to, acquisition of program guidelines and application materials, submission of materials regarding participation in the development loan fund program, or inquiries regarding the operation and/or administration of the committee, including the inspection of public records, or other matters, should be addressed as follows: Development Loan Fund, Department of Community Development, Ninth and Columbia Building, Mail Stop GH-51, Olympia, Washington 98504-4151, 1-800-562-5677 or (206) 753-4900.