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SENATE BILL 5713

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State of Washington

55th Legislature

1997 Regular Session

By Senators Prentice, Winsley and Hale; by request of Housing Finance Commission

Read first time 02/10/97. Referred to Committee on Financial Institutions, Insurance & Housing.

1 AN ACT Relating to defining nonprofit corporation for purposes of  
2 the Washington state housing finance commission; and amending RCW  
3 43.180.300.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 43.180.300 and 1990 c 167 s 2 are each amended to read  
6 as follows:

7 As used in RCW 43.180.310 through 43.180.360, the following terms  
8 have the meanings indicated unless the context clearly requires  
9 otherwise.

10 (1) "Construction" or "construct" means construction and  
11 acquisition, whether by device, purchase, gift, lease, or otherwise.

12 (2) "Facilities" means land, rights in land, buildings, structures,  
13 equipment, landscaping, utilities, approaches, roadways and parking,  
14 handling and storage areas, and similar ancillary facilities.

15 (3) "Financing document" means a lease, sublease, installment sale  
16 agreement, conditional sale agreement, loan agreement, mortgage, deed  
17 of trust guaranty agreement, or other agreement for the purpose of  
18 providing funds to pay or secure debt service on revenue bonds.

1 (4) "Improvement" means reconstruction, remodeling, rehabilitation,  
2 extension, and enlargement. "To improve" means to reconstruct, to  
3 remodel, to rehabilitate, to extend, and to enlarge.

4 (5) "Nonprofit corporation" means a nonprofit (~~corporation~~)  
5 organization described under section 501(c)(3) of the Internal Revenue  
6 Code, or similar successor provisions.

7 (6) "Nonprofit facilities" means facilities owned or used by a  
8 nonprofit corporation for any nonprofit activity described under  
9 section 501(c)(3) of the Internal Revenue Code that qualifies such a  
10 corporation for an exemption from federal income taxes under section  
11 501(a) of the Internal Revenue Code, or similar successor provisions  
12 provided that facilities which may be funded pursuant to chapter  
13 28B.07, 35.82, 43.180, or 70.37 RCW shall not be included in this  
14 definition.

15 (7) "Project costs" means costs of (a) acquisition, construction,  
16 and improvement of any facilities included in a nonprofit facility; (b)  
17 architectural, engineering, consulting, accounting, and legal costs  
18 related directly to the development, financing, and construction of a  
19 nonprofit facility, including costs of studies assessing the  
20 feasibility of a nonprofit facility; (c) finance costs, including  
21 discounts, if any, the costs of issuing revenue bonds, and costs  
22 incurred in carrying out any trust agreement; (d) interest during  
23 construction and during the six months after estimated completion of  
24 construction, and capitalized debt service or repair and replacement or  
25 other appropriate reserves; (e) the refunding of any outstanding  
26 obligations incurred for any of the costs outlined in this subsection;  
27 and (f) other costs incidental to any of the costs listed in this  
28 section.

29 (8) "Revenue bond" means a taxable or tax-exempt nonrecourse  
30 revenue bond, nonrecourse revenue note, or other nonrecourse revenue  
31 obligation issued for the purpose of providing financing to a nonprofit  
32 corporation on an interim or permanent basis.

33 (9) "User" means one or more persons acting as lessee, purchaser,  
34 mortgagor, or borrower under a financing document and may include a  
35 party who transfers the right of use and occupancy to another party by  
36 lease, sublease, or otherwise.

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