

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1738

Chapter 70, Laws of 2022

67th Legislature
2022 Regular Session

HOUSING FINANCE COMMISSION—OUTSTANDING INDEBTEDNESS LIMIT

EFFECTIVE DATE: June 9, 2022

Passed by the House February 12, 2022
Yeas 66 Nays 32

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 3, 2022
Yeas 27 Nays 21

DENNY HECK

President of the Senate

Approved March 17, 2022 10:46 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1738** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 17, 2022

**Secretary of State
State of Washington**

HOUSE BILL 1738

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By Representatives Peterson, Bateman, Macri, Wylie, Tharinger, and Ormsby; by request of Housing Finance Commission

Prefiled 01/04/22. Read first time 01/10/22. Referred to Committee on Housing, Human Services & Veterans.

1 AN ACT Relating to changing the total amount of outstanding
2 indebtedness of the Washington state housing finance commission; and
3 amending RCW 43.180.160.

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

5 **Sec. 1.** RCW 43.180.160 and 2018 c 78 s 1 are each amended to
6 read as follows:

7 (1) The total amount of outstanding indebtedness of the
8 commission may not exceed (~~eight billion dollars~~) \$14,000,000,000
9 at any time. The calculation of outstanding indebtedness shall
10 include the initial principal amount of an issue and shall not
11 include interest that is either currently payable or that accrues as
12 a part of the face amount of an issue payable at maturity or earlier
13 redemption. Outstanding indebtedness shall not include notes or bonds
14 as to which the obligation of the commission has been satisfied and
15 discharged by refunding or for which payment has been provided by
16 reserves or otherwise.

17 (2)(a) The Washington works housing program is created to
18 increase opportunities for nonprofit organizations and public
19 agencies to purchase, acquire, build, and own real property to be
20 used for affordable housing for low and moderate-income households.
21 The Washington works housing program is intended to provide access to

1 new funding mechanisms and build long-term community equity by
2 increasing the stock of permanently affordable housing owned by
3 nonprofit organizations and public agencies.

4 (b) The Washington works housing program is intended to provide
5 these opportunities for public agencies and nonprofit organizations,
6 including those materially participating as a managing member or
7 general partner of a partnership, limited liability company, or
8 equivalent organization, through the issuance of tax exempt or
9 taxable revenue bonds issued by the commission in conjunction with a
10 subsidy necessary to make bond issues to finance affordable housing
11 properties financially feasible. The program is intended to provide
12 financing for affordable housing that will meet the (~~following~~)
13 income and rent restrictions in (c) and (d) of this subsection during
14 the period of initial bond indebtedness and thereafter.

15 (c) During the period of initial bond indebtedness under the
16 program, the owner of the property must meet one of the following
17 requirements: A minimum of twenty percent of the units will be
18 occupied by households earning less than fifty percent of area median
19 income and an additional thirty-one percent of the units will be
20 occupied by persons earning less than eighty percent of area median
21 income; or forty percent of the units will be occupied by households
22 earning less than sixty percent of area median income and an
23 additional eleven percent of the units will be occupied by households
24 earning less than eighty percent of area median income.

25 (d) After the initial bond indebtedness is retired, the rents
26 charged for units in the project will be adjusted to be sufficient to
27 pay reasonable operation and maintenance expenses, including
28 necessary capital needs, and to make reasonable deposits into a
29 reserve account with the intent of providing affordable housing to
30 very low or low-income households for the remaining useful life of
31 the property. The reasonableness of the rent levels must be
32 periodically approved by the commission based on information provided
33 by the owner of the property about income, expenses, and necessary
34 reserve levels. The determination of the commission regarding the
35 reasonableness of the rent levels will be final.

36 (e) The commission will enter into a recorded regulatory
37 agreement with the borrower at the time of the issuance of bonds
38 under the program for the purpose of ensuring that the property will
39 meet the income and rent restrictions established in this section.
40 The commission may charge such compliance fees as necessary to ensure

1 enforcement of the income and rent restrictions during the useful
2 life of the property.

3 (3) One billion dollars of the outstanding indebtedness of the
4 commission is for the primary purpose of implementing the Washington
5 works housing program.

6 (4) If no subsidies are available to make the program in
7 subsection (2) of this section feasible, then the commission may pass
8 a resolution stating these facts and authorize the use of a portion
9 of the one billion dollars of indebtedness intended for the program
10 to support its other bond programs until such time as the one billion
11 dollars is exhausted or subsidies are available to make the program
12 feasible.

Passed by the House February 12, 2022.

Passed by the Senate March 3, 2022.

Approved by the Governor March 17, 2022.

Filed in Office of Secretary of State March 17, 2022.

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