

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 60 Session of
2009

INTRODUCED BY DALEY, HESS, THOMAS, LONGIETTI, SIPTROTH, ADOLPH, BEAR, BELFANTI, BEYER, BISHOP, BRENNAN, BUXTON, CALTAGIRONE, CARROLL, CONKLIN, P. COSTA, DEASY, DePASQUALE, DERMODY, DONATUCCI, FABRIZIO, FRANKEL, FREEMAN, GEIST, GEORGE, GIBBONS, GOODMAN, GRUCELA, HALUSKA, HARKINS, HELM, HENNESSEY, HORNAMAN, JOSEPHS, KIRKLAND, KORTZ, KULA, LENTZ, MANDERINO, MANN, MARSHALL, McCALL, MELIO, MICOZZIE, MILLER, M. O'BRIEN, PASHINSKI, PAYTON, PRESTON, READSHAW, REICHLEY, ROSS, SANTONI, SCAVELLO, SOLOBAY, STABACK, WALKO, WHITE, YUDICHAK, MUNDY, PHILLIPS, DeLUCA, KILLION, JOHNSON, HARHAI, PETRARCA, GINGRICH, QUINN, MATZIE, PARKER, K. SMITH, MAHONEY, BRIGGS, CLYMER, MURT, HOUGHTON, WANSACZ, DeWEESE, McGEEHAN, MIRABITO, SAMUELSON, HARHART AND D. COSTA, JANUARY 30, 2009

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, JANUARY 25, 2010

AN ACT

1 Amending the act of December 3, 1959 (P.L.1688, No.621),
2 entitled, as amended, "An act to promote the health, safety
3 and welfare of the people of the Commonwealth by broadening
4 the market for housing for persons and families of low and
5 moderate income and alleviating shortages thereof, and by
6 assisting in the provision of housing for elderly persons
7 through the creation of the Pennsylvania Housing Finance
8 Agency as a public corporation and government
9 instrumentality; providing for the organization, membership
10 and administration of the agency, prescribing its general
11 powers and duties and the manner in which its funds are kept
12 and audited, empowering the agency to make housing loans to
13 qualified mortgagors upon the security of insured and
14 uninsured mortgages, defining qualified mortgagors and
15 providing for priorities among tenants in certain instances,
16 prescribing interest rates and other terms of housing loans,
17 permitting the agency to acquire real or personal property,
18 permitting the agency to make agreements with financial
19 institutions and Federal agencies, providing for the purchase
20 by persons of low and moderate income of housing units, and
21 approving the sale of housing units, permitting the agency to
22 sell housing loans, providing for the promulgation of

1 regulations and forms by the agency, prescribing penalties
2 for furnishing false information, empowering the agency to
3 borrow money upon its own credit by the issuance and sale of
4 bonds and notes and by giving security therefor, permitting
5 the refunding, redemption and purchase of such obligations by
6 the agency, prescribing remedies of holders of such bonds and
7 notes, exempting bonds and notes of the agency, the income
8 therefrom, and the income and revenues of the agency from
9 taxation, except transfer, death and gift taxes; making such
10 bonds and notes legal investments for certain purposes; and
11 indicating how the act shall become effective," providing for
12 the Pennsylvania Housing Affordability and Rehabilitation
13 Enhancement Program; AND ESTABLISHING THE HOUSING
14 AFFORDABILITY AND REHABILITATION ENHANCEMENT FUND. ←

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. The act of December 3, 1959 (P.L.1688, No.621),
18 known as the Housing Finance Agency Law, is amended by adding an
19 article to read:

20 ARTICLE IV-D

21 PENNSYLVANIA HOUSING AFFORDABILITY AND REHABILITATION

22 ENHANCEMENT PROGRAM

23 Section 401-D. Definitions.

24 The following words and phrases when used in this article
25 shall have the meanings given to them in this section unless the
26 context clearly indicates otherwise:

27 "~~Account~~ FUND." The Housing Affordability and Rehabilitation ←
28 Enhancement ~~Account~~ FUND established in section 406-D. ←

29 "Persons with disabilities." Individuals with physical,
30 sensory or mental impairment that substantially limits one or
31 more major life activities.

32 "Program." The Pennsylvania Housing Affordability and
33 Rehabilitation Enhancement Program established in section 402-D.

34 Section 402-D. Establishment.

35 There is established the Pennsylvania Housing Affordability
36 and Rehabilitation Enhancement Program to be administered by the
37 agency. The program is dependent upon funds available in the

1 account FUND.

2 Section 403-D. Program.

3 (a) Project types.--The program may provide funding for the
4 following:

5 (1) Projects to provide safe and sanitary dwellings for
6 sale or rent to low-income and moderate-income individuals or
7 families.

8 (2) Projects to increase the availability or quality of
9 housing for elderly persons.

10 (3) Projects to increase the availability or quality of
11 accessible housing for persons with disabilities.

12 (4) Projects to prevent or reduce homelessness.

13 (5) Projects to encourage the development and
14 rehabilitation of distressed neighborhoods.

15 (6) Projects to provide mortgage or rental assistance,
16 including housing counseling, foreclosure prevention and
17 refinancing products.

18 (7) Projects to provide loans, low-interest loans or
19 grants to low-income and moderate-income individuals or
20 families who are owner-occupants for repairs and improvement
21 to sustain or increase the conditions of the home.

22 (b) Purposes.--Money for projects under subsection (a) may
23 be used for the following:

24 (1) Predevelopment activities, including title searches,
25 market studies, project planning, architectural services,
26 legal and engineering studies and related fees.

27 (2) Acquisition and disposition of real or personal
28 property.

29 (3) Site preparation, including demolition of existing
30 structures and remediation of environmental conditions.

1 (4) Construction, reconstruction, alteration and repair
2 of existing structures, improvements and infrastructure.

3 (c) Matching funds.--Funds appropriated to the program may
4 be used for a set-aside for matching funds for counties that
5 have established optional county affordable housing funds under
6 53 Pa.C.S. Ch. 60 (relating to optional affordable housing
7 funding). In order to receive matching funds under this
8 subsection, a county must annually report detailed information
9 as required by the agency on the use of the funds for county
10 projects. The information shall be included in the agency's
11 report under section 405-D.

12 (d) Limitation.--Funds appropriated to the program shall not
13 supplant existing resources dedicated to affordable housing
14 activities. Funds appropriated to the program may be used to
15 support, expand and enhance other programs administered by the
16 agency.

17 (e) Preferences.--The agency may adopt written policies to
18 give preference to projects that meet specific goals, such as
19 energy efficiency, green building standards and comprehensive
20 design strategies, or that target identified needs.

21 (f) Considerations.--The agency shall take into
22 consideration geographical distribution of funds appropriated to
23 the program to ensure that all areas of this Commonwealth
24 participate to the greatest extent possible.

25 (g) Funding for housing program.--The agency shall make
26 available 30% of the funds appropriated under this article for
27 housing programs benefiting households with household incomes
28 which are less than 50% of the median area income.

29 Section 404-D. Plan.

30 (a) General rule.--Within 90 days of the effective date of

this section and by March 15 of each year thereafter, the agency shall adopt a plan which establishes the agency's priorities for that year and sets forth the method in which the funds will be distributed that year.

(b) Publication.--The proposed plan, including a comment response document, shall be submitted to the chair and minority chair of the Urban Affairs and Housing Committee in the Senate and the chair and minority chair of the Commerce Committee in the House of Representatives, published in the Pennsylvania Bulletin and published on the agency's Internet website for public comment no later than 45 days prior to its adoption under subsection (a). All comments submitted to the agency in writing shall be public records and shall be incorporated into the comment response document.

Section 405-D. Reporting.

Within 90 days following the close of the first calendar year after the effective date of this article and by July 1 of every year thereafter, the agency shall issue a report containing a financial statement, an itemized list of projects funded and a description of other expenditures in the preceding calendar year. The report shall be submitted to the Governor, the Auditor General and the chair and minority chair of the Urban Affairs and Housing Committee in the Senate and the chair and minority chair of the Commerce Committee in the House of Representatives and published on the agency's Internet website. The report shall be a public record.

Section 406-D. ~~Account~~ FUND.

(A) ESTABLISHMENT.--There is established in the State Treasury ~~a restricted receipt account known as the Housing Affordability and Rehabilitation Enhancement Account~~ FUND.



1 Interest and any other earnings in the ~~account~~ FUND shall remain ←
2 in the ~~account~~ FUND. All ~~appropriations and other funds~~ ←
3 ~~allocated to the program shall be deposited in the account and~~
4 ~~shall be~~ MONEYS ALLOCATED TO THE PROGRAM SHALL BE DEPOSITED IN ←
5 THE FUND. MONEYS IN THE FUND AND THE INTEREST ACCRUING THEREON
6 ARE HEREBY appropriated to the agency on a continuing basis TO ←
7 CARRY OUT THE PROVISIONS OF THIS ARTICLE.

8 (B) FEDERAL ALLOCATIONS.--ALL ALLOCATIONS DISTRIBUTED TO AND
9 GRANTS RECEIVED BY THIS COMMONWEALTH FROM THE UNITED STATES
10 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PURSUANT TO THE
11 HOUSING TRUST FUND, ESTABLISHED IN SECTION 1338 OF THE HOUSING
12 AND ECONOMIC RECOVERY ACT OF 2008 (PUBLIC LAW 110-289, 122 STAT.
13 2654), ARE DEPOSITED TO THE FUND TO BE ADMINISTERED BY THE
14 PENNSYLVANIA HOUSING FINANCE AGENCY CONSISTENT WITH THIS ARTICLE
15 AND APPLICABLE FEDERAL LAW.

16 Section 407-D. ~~(Reserved)~~. FUNDING. ←

17 IMPLEMENTATION OF THIS ARTICLE IS CONTINGENT UPON SUFFICIENT
18 FUNDS BEING APPROPRIATED BY THE GENERAL ASSEMBLY OR BEING
19 RECEIVED FROM THE FEDERAL GOVERNMENT TO CARRY OUT THE PURPOSES
20 OF THIS ARTICLE.

21 Section 2. This act shall take effect in 90 days.