

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 849 Session of 2015

INTRODUCED BY COSTA, BREWSTER, FONTANA, SMITH, GORDNER,
YUDICHAK, SCHWANK AND HUGHES, MAY 22, 2015

REFERRED TO URBAN AFFAIRS AND HOUSING, MAY 22, 2015

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
23 regulations and forms by the agency, prescribing penalties
24 for furnishing false information, empowering the agency to
25 borrow money upon its own credit by the issuance and sale of
26 bonds and notes and by giving security therefor, permitting
27 the refunding, redemption and purchase of such obligations by
28 the agency, prescribing remedies of holders of such bonds and
29 notes, exempting bonds and notes of the agency, the income
30 therefrom, and the income and revenues of the agency from
31 taxation, except transfer, death and gift taxes; making such
32 bonds and notes legal investments for certain purposes; and
33 indicating how the act shall become effective," in Mixed-use
34 Development Program, providing for program and for agency

1 guidelines; imposing duties on the Pennsylvania Housing
2 Finance Agency; establishing the Mixed-use Development Fund;
3 and making an appropriation.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

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

9 ARTICLE IV-E

10 MIXED-USE DEVELOPMENT PROGRAM

11 Section 401-E. Definitions.

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

15 "Fund." The Mixed-use Development Fund established under
16 section 406-E.

17 "Program." The Mixed-use Development Program established
18 under section 402-E.

19 "Program funds." Includes:

20 (1) funds appropriated by the General Assembly for the
21 Mixed-use Development Program established under this article;

22 (2) the allocations distributed to and grants received
23 by the agency from the Commonwealth; and

24 (3) the funds from the Commonwealth and funds from
25 sources other than the Commonwealth that are provided for the
26 Mixed-use Development Program established under this article.

27 Section 402-E. Establishment.

28 The Mixed-use Development Program is established. The program
29 shall be administered by the agency, and shall be dependent on
30 the availability of program funds.

31 Section 403-E. Program.

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

3 (1) projects to encourage the development, redevelopment
4 or rehabilitation of communities, neighborhoods and business
5 centers;

6 (2) projects to preserve and restore historical or
7 culturally significant communities, neighborhoods and
8 business centers;

9 (3) projects to increase the availability of quality
10 residential, commercial or mixed-use properties for sale or
11 for rent in communities, neighborhoods and business centers;
12 or

13 (4) projects being designed to address community
14 revitalization goals or activities sponsored through other
15 State or local economic development plans.

16 (b) Use of funds.--Money for projects under subsection (a)
17 may be used for the following:

18 (1) predevelopment activities, including title searches,
19 market studies, project planning, architectural services,
20 legal and engineering studies and related fees;

21 (2) acquisition and disposition of real or personal
22 property;

23 (3) site preparation, including demolition of existing
24 structures and remediation of environmental conditions; or

25 (4) construction, reconstruction, alteration and repair
26 of existing structures, improvements and infrastructure.

27 (c) Other funds.--The agency may adopt guidelines for
28 leveraging other resources available from Federal, State, local,
29 public and private sources. Program funds may be used to
30 support, expand and enhance other programs administered by the

1 Commonwealth or agency.

2 (d) Preferences.--The agency may adopt written policies to
3 give preference to projects that:

4 (1) meet specific goals, such as energy efficiency,
5 green building standards and comprehensive design strategies;
6 or

7 (2) target other identified needs or goals.

8 (e) Requirement.--The agency shall take into consideration
9 geographical distribution of program funds appropriated by the
10 General Assembly to the program to ensure that all areas of this
11 Commonwealth participate to the greatest extent possible.

12 Section 404-E. Agency guidelines.

13 (a) Written guidelines.--Within 180 days of the availability
14 of program funds to the agency, the agency shall adopt written
15 guidelines establishing the agency's priorities for the program
16 and setting forth the method for application for and
17 distribution of program funds.

18 (b) Publication.--The proposed written guidelines, including
19 a comment response document, shall be published as statements of
20 policy in the Pennsylvania Bulletin and published on the
21 agency's publicly accessible Internet website for public comment
22 no later than 45 days prior to adoption. The comments submitted
23 to the agency in writing shall be public records and shall be
24 incorporated into the comment response document.

25 Section 405-E. Reporting.

26 (a) Deadlines and contents.--Within 90 days following the
27 close of the first calendar year after the effective date of
28 this article and by July 1 of every year thereafter, the agency
29 shall issue a report containing:

30 (1) a financial statement;

1 (2) an itemized list of applicants;
2 (3) an itemized list of projects funded; and
3 (4) a description of other expenditures in the preceding
4 calendar year.

5 (b) Submission and publication.--The report shall be
6 submitted to the Governor, the Auditor General and the chairman
7 and minority chairman of the Urban Affairs and Housing Committee
8 of the Senate and the chairman and minority chairman of the
9 Commerce Committee of the House of Representatives and published
10 on the agency's publicly accessible Internet website.

11 (c) Public record.--The report shall be a public record.

12 Section 406-E. Mixed-use Development Fund.

13 (a) Establishment.--The Mixed-use Development Fund is hereby
14 established.

15 (b) Interest and other earnings.--Interest and other
16 earnings in the fund shall remain in the fund.

17 (c) Deposit requirement.--The program funds allocated,
18 appropriated, granted, donated or otherwise provided to the
19 program shall be deposited in the fund.

20 (d) Continuing appropriation.--Program funds in the fund and
21 the interest accruing on the fund are hereby appropriated to the
22 agency on a continuing basis to carry out the provisions of this
23 article.

24 Section 407-E. Funding.

25 Implementation of this article shall be contingent upon
26 sufficient program funds being deposited in the fund in
27 accordance with section 406-E to carry out the purposes of this
28 article. In a year in which the General Assembly fails to
29 appropriate funds or in which there are insufficient program
30 funds deposited into the fund for the purposes outlined in this

1 article, the program shall cease operation until sufficient
2 funds are appropriated by the General Assembly or provided by
3 another source.

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