

SENATE BILL No. 948

December 5, 2007, Introduced by Senators HUNTER, ANDERSON, CLARKE, OLSHOVE, CHERRY, JACOBS, SCOTT, BARCIA, BRATER, SCHAUER and THOMAS and referred to the Committee on Banking and Financial Institutions.

A bill to amend 1966 PA 346, entitled
"State housing development authority act of 1966,"
by amending section 44 (MCL 125.1444), as amended by 2004 PA 549.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 44. (1)(a) The authority may make loans to a nonprofit
2 housing corporation, consumer housing cooperative, limited dividend
3 housing corporation, limited dividend housing association, mobile
4 home park corporation, or mobile home park association or to a
5 public body or agency for the construction or rehabilitation, and
6 for the long-term financing, of the following:

7 (i) Housing for low income or moderate income persons.

8 (ii) For the period of time beginning May 1, 1984, and ending
9 November 1, 1987, housing projects in which not less than 20% of
10 the dwelling units are allotted to individuals of low or moderate

1 income within the meaning of former section 103(b)(4)(A) of the
2 internal revenue code of 1954; not less than 60% of the dwelling
3 units are available to persons and families whose gross household
4 income does not exceed 125% of the higher of either the median
5 income for a family in this state or the median income for a family
6 within the nonmetropolitan county or metropolitan statistical area
7 in which the housing project is located, as determined by the
8 authority; and not more than 20% of the dwelling units are
9 available for occupancy without regard to income. The enactment of
10 this subparagraph or the expiration of the authority granted by it
11 does not affect rules in effect before July 10, 1984, or
12 promulgated after July 9, 1984, to define low or moderate income
13 persons.

14 (iii) For the period of time beginning May 1, 1984, and ending
15 November 1, 1987, housing projects in eligible distressed areas in
16 which housing projects not less than 20% of the dwelling units are
17 allotted to individuals of low or moderate income within the
18 meaning of former section 103(b)(4)(A) of the internal revenue code
19 of 1954; not less than 60% of the dwelling units are available to
20 persons and families whose gross household income does not exceed
21 150% of the higher of either the median income for a family in this
22 state or the median income for a family within the nonmetropolitan
23 county or metropolitan statistical area in which the housing
24 project is located, as determined by the authority, and not more
25 than 20% of the dwelling units are available for occupancy without
26 regard to income.

27 (iv) Beginning November 1, 1987, multifamily housing projects

1 that meet the 20-50 or 40-60 test established in section 142 of the
2 internal revenue code, 26 USC 142, and, in addition, in which the
3 remaining dwelling units are available for occupancy without regard
4 to income.

5 (v) Social, recreational, commercial, or communal facilities
6 necessary to serve and improve the residential area in which an
7 authority-financed housing project is located or is planned to be
8 located thereby enhancing the viability of the housing.

9 (b) Notwithstanding the provisions of this section, the
10 authority may establish by resolution higher income limits that it
11 considers necessary to achieve sustained occupancy of a housing
12 project financed under subsection (1)(a)(i), (ii), (iii), (iv), or (v)
13 if the authority determines both of the following:

14 (i) The owner of the housing project exercised reasonable
15 efforts to rent the dwelling units to persons and families whose
16 incomes did not exceed the income limitations originally
17 applicable.

18 (ii) For an annual period after the first tenant has occupied
19 the housing project, the owner of the housing project has been
20 unable to attain and sustain at least a 95% occupancy level at the
21 housing project.

22 (c) A loan under this section may be in an amount not to
23 exceed 90% of the project cost as approved by the authority. For
24 purposes of this section, the term "project cost" includes all
25 items included in the definition of a project cost in section 11
26 and also includes a builder's fee equal to an amount up to 5% of
27 the amount of the construction contract, developer overhead

1 allowance and fee of 5% of the amount of the project cost, the cost
2 of furnishings, and a sponsor's risk allowance equal to 10% of the
3 project cost. A loan shall not be made under this section unless a
4 market analysis has been conducted that demonstrates a sufficient
5 market exists for the housing project.

6 (d) After November 1, 1987, the authority may continue to
7 finance multifamily housing projects for families or persons whose
8 incomes do not exceed the limits provided in subsection (1)(a)(ii)
9 or (iii) or (1)(b), until funds derived from the proceeds of bonds or
10 notes issued before November 2, 1987, for that purpose, including
11 the proceeds of prepayments or recovery payments with respect to
12 these multifamily housing projects, have been expended. Multifamily
13 housing projects or single family housing units in an eligible
14 distressed area that are financed by proceeds of notes or bonds
15 issued before June 30, 1984, and that the authority has designated
16 for occupancy by persons and families without regard to income
17 pursuant to this act shall remain eligible for occupancy by
18 families and persons without regard to income until the authority's
19 mortgage loan issued with respect to these multifamily housing
20 projects is fully repaid.

21 (e) Notwithstanding the expiration of lending authority under
22 subsection (1)(a)(ii), (iii), (iv), or (v), multifamily housing
23 projects financed under those subparagraphs may continue to remain
24 eligible for occupancy by persons and families whose incomes do not
25 exceed the limits provided in those subparagraphs or subsection
26 (1)(b).

27 (f) For purposes of this subsection:

1 (i) "Gross household income" means gross income of a household
2 as those terms are defined in rules of the authority.

3 (ii) "Median income for a family in this state" and "median
4 income for a family within the nonmetropolitan county or
5 metropolitan statistical area" mean those income levels as
6 determined by the authority.

7 (2) (a) The authority may make loans to a nonprofit housing
8 corporation, limited dividend housing corporation, mobile home park
9 corporation, or mobile home park association for the construction
10 or rehabilitation of housing units, including residential
11 condominium units as defined in section 4 of the condominium act,
12 1978 PA 59, MCL 559.104, for sale to individual purchasers of low
13 or moderate income or to individual purchasers without regard to
14 income when the housing units are located in an eligible distressed
15 area. A loan under this section may be in an amount not to exceed
16 100% of the project cost as approved by the authority in the case
17 of a nonprofit housing corporation or individual purchaser, and in
18 an amount not to exceed 90% of the project cost as approved by the
19 authority in the case of a limited dividend housing corporation,
20 mobile home park corporation, or mobile home park association.

21 (b) While a loan under this subsection is outstanding, a sale
22 by a nonprofit housing corporation or limited dividend housing
23 corporation or a subsequent resale is subject to approval by the
24 authority. The authority may provide in its rules concerning these
25 sales and resales that the price of the housing unit sold, the
26 method of making payments after the sale, the security afforded,
27 and the interest rate, fees, and charges to be paid shall at all

1 times be sufficient to permit the authority to make the payments on
2 its bonds and notes and to meet administrative or other costs of
3 the authority in connection with the transactions. Housing units
4 shall be sold under terms that provide for monthly payments
5 including principal, interest, taxes, and insurance.

6 (c) While a loan under this subsection is outstanding, the
7 authority, before the approval of sale by a nonprofit housing
8 corporation, limited dividend housing corporation, mobile home park
9 corporation, or mobile home park association, shall satisfy itself
10 that the sale is to persons of low or moderate income if the
11 housing unit is not located in an eligible distressed area, or to
12 persons without regard to income if the housing unit is located in
13 an eligible distressed area.

14 (3) The authority may make, purchase, or participate in loans
15 made to individual purchasers for acquisition and long-term
16 financing **OR REFINANCING** of newly rehabilitated, newly constructed,
17 or existing 1- to 4-unit housing units, including a residential
18 condominium unit as defined in section 4 of the condominium act,
19 1978 PA 59, MCL 559.104. To qualify, all of the following apply:

20 (a) The borrower's family income shall not exceed the
21 following:

22 (i) For eligible distressed areas, \$69,800.00 until June 1,
23 2006, \$72,250.00 until November 1, 2007, and \$74,750.00 on and
24 after November 1, 2007.

25 (ii) For any other area, \$60,700.00 until June 1, 2006,
26 \$62,800.00 until November 1, 2007, and \$65,000.00 on and after
27 November 1, 2007.

1 (b) The purchase price **OR, IN THE CASE OF A REFINANCING, THE**
2 **APPRAISED VALUE** does not exceed the following:

3 (i) With respect to a 1- or 2-family unit, 3 times the income
4 limit, as established pursuant to subdivision (a).

5 (ii) With respect to a 3-family unit, 3-1/2 times the income
6 limit, as established pursuant to subdivision (a).

7 (iii) With respect to a 4-family unit, 4 times the income limit,
8 as established pursuant to subdivision (a).

9 (c) For unexpected cost increases during construction or
10 improvements to adapt new or existing property for use by disabled
11 individuals, the authority may increase the purchase price limit by
12 an amount sufficient to cover these cost increases, but not to
13 exceed \$3,500.00.

14 (d) If an income or purchase price limit prescribed by this
15 subsection exceeds an application limit prescribed by the internal
16 revenue code, the internal revenue code limit applies.

17 (e) Except with respect to newly constructed housing units,
18 the authority may by resolution establish, for a length of time the
19 authority considers appropriate, maximum borrower income or
20 purchase price limits more restrictive than those maximum
21 limitations set forth in this section. The authority shall advise
22 the appropriate house and senate standing committees 5 days prior
23 to adopting a resolution establishing more restrictive maximum
24 borrower income or purchase price limits.

25 (f) Before making a loan under this section, authority staff
26 shall determine that the borrower has the ability to repay the
27 loan.

1 (g) A loan made or purchased to finance the acquisition of an
2 existing housing unit may include funds for rehabilitation.

3 (4) A loan shall be secured in a manner and be repaid in a
4 period, not exceeding 50 years, as may be determined by the
5 authority. A loan shall bear interest at a rate determined by the
6 authority.

7 (5) A person who, for purposes of securing a loan under this
8 act, misrepresents his or her income, including taking a leave of
9 absence from his or her employment for purposes of diminishing his
10 or her income, is not to be eligible for a loan under this act.