

HOUSE BILL NO. HB0128

Wyoming workforce housing infrastructure program.

Sponsored by: Representative(s) Lockhart, Brown, Hammons,  
Luthi and Martin and Senator(s) Barrasso,  
Cooper, Peck and Vasey

A BILL

for

1 AN ACT relating to economic development; establishing a  
2 program to provide funding for cities, towns, counties and  
3 joint powers boards for workforce housing infrastructure;  
4 establishing an account; providing for administration of  
5 the program and account; authorizing cooperative  
6 agreements; providing rulemaking authority; requiring a  
7 report; providing a sunset date; providing for a continuous  
8 appropriation and making other appropriations; and  
9 providing for effective dates.

10

11 *Be It Enacted by the Legislature of the State of Wyoming:*

12

13 **Section 1.** W.S. 9-12-901 through 9-12-905 are created  
14 to read:

15

16

ARTICLE 9

1 WORKFORCE HOUSING INFRASTRUCTURE PROGRAM

2

3 **9-12-901. Definitions.**

4

5 (a) As used in this article:

6

7 (i) "Administrator" means the person providing  
8 professional services under contract with the state  
9 treasurer to administer the program under this article;

10

11 (ii) "Workforce housing infrastructure" means  
12 infrastructure to a housing subdivision or development, and  
13 through a housing subdivision or development only if  
14 determined by the state treasurer to be consistent with the  
15 purposes of this article.

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17 **9-12-902. Wyoming workforce housing infrastructure**  
18 **community program; agreements; purpose; creation;**  
19 **rulemaking.**

20

21 (a) It is the purpose of this article to promote  
22 development of infrastructure at the city, town and county  
23 level to create additional housing affordable to Wyoming's  
24 growing workforce and necessary for economic health and a

1 stronger state economy. The eligibility of workforce  
2 housing infrastructure projects shall be determined on a  
3 county by county basis utilizing current average cost of  
4 housing data accumulated by each county assessor to  
5 determine affordability of home ownership and rental  
6 housing.

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8 (b) The program created under this article shall be  
9 administered by the state treasurer.

10

11 (c) The state treasurer shall establish a Wyoming  
12 workforce housing infrastructure program and shall contract  
13 necessary professional services to administer the program.  
14 A city, town or county may submit an application to the  
15 state treasurer or administrator for a loan or grant under  
16 the program on forms prescribed by and subject to rules  
17 promulgated by the state treasurer. Any joint powers board  
18 may apply upon the approval of all participating agencies  
19 to the joint powers agreement.

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21 (d) Eligible workforce housing infrastructure  
22 projects may include:

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24 (i) Rights of way;

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(ii) Sewer and water distribution projects;

(iii) Storm water control and drainage facilities;

(iv) Streets, roads and bridges;

(v) Curbs, gutters and sidewalks;

(vi) Lift stations;

(vii) Traffic signals;

(viii) Street lighting;

(ix) Payment for the additional costs of over-sizing water and sewer distribution lines through or to a subdivision to accommodate future expansion;

(x) Other infrastructure determined by the state treasurer or administrator to be consistent with the purposes of this article.

1 (e) Eligible workforce housing infrastructure  
2 projects shall not include:

3

4 (i) Bringing public infrastructure to existing  
5 housing which is supplied by a well or uses a septic  
6 system;

7

8 (ii) Refinancing of existing projects that have  
9 been financed previously with other resources;

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11 (iii) Financing any project eligible under the  
12 Wyoming water development program established by W.S.  
13 41-2-112 through 41-2-124;

14

15 (iv) Financing any project that does not provide  
16 for the construction of additional housing units or that  
17 involves rehabilitation or expansion of existing  
18 infrastructure unless the state treasurer or administrator  
19 determines the rehabilitation or expansion is necessary to  
20 meet the purposes of this article.

21

22 (f) In adopting rules and making funds available  
23 under this article, the state treasurer or administrator  
24 shall require all projects to be related to workforce

1 housing infrastructure development and restricted to the  
2 purposes pursuant to subsection (d) of this section, by  
3 land use restriction agreements which may include, but are  
4 not limited to liens and deed restrictions, or such other  
5 restrictions as the state treasurer may deem appropriate.

6  
7 (g) In adopting rules and making funds available  
8 under this article, the state treasurer or administrator  
9 shall provide a competitive application and scoring system  
10 adequate to measure the benefits of each application. The  
11 application scoring system shall target the projects based  
12 on ranking criteria which addresses:

13

14 (i) The need for the proposed housing;

15

16 (ii) The affordability of the proposed housing;

17

18 (iii) The number of additional housing units to  
19 be developed;

20

21 (iv) The cost of the proposed housing;

22

23 (v) The extent of involvement of the local  
24 governmental entity;

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2 (vi) The extent to which the project is part of  
3 an overall community development plan;

4

5 (vii) The extent to which the project  
6 demonstrates readiness;

7

8 (viii) Any other criteria determined by the  
9 state treasurer to be consistent with the purposes of this  
10 article.

11

12 (h) Funding for eligible workforce housing  
13 infrastructure projects may be by grants or loans. Loans  
14 shall be made upon forms specified by the state treasurer  
15 and supported by any collateral required by the state  
16 treasurer. The state treasurer or administrator shall  
17 establish interest rates to be charged for loans under the  
18 program. Interest rates shall be established in  
19 recognition of the repayment abilities and needs of the  
20 local governmental entity eligible for loans under the  
21 program. The state treasurer or administrator shall  
22 establish loan amortization schedules, terms and conditions  
23 for each loan approved.

24

1           (j) Funding for eligible workforce housing  
2 infrastructure projects shall be made available to an  
3 applicant under this article, only if the applicant  
4 demonstrates that upon receipt of the funds, all projected  
5 project costs shall be funded. Funding for any one (1)  
6 project may not exceed a maximum annual amount established  
7 by rule of the state treasurer. Multi-year projects may be  
8 awarded up to the maximum annual amount each year, for a  
9 period not to exceed three (3) years, as approved by the  
10 state treasurer or administrator. The application shall  
11 identify the source of all funds to be used for the  
12 project.

13

14           (k) Funding may be used to pay eligible project costs  
15 in accordance with approved applications and rules of the  
16 state treasurer.

17

18           (m) As a condition of any loan under this article,  
19 the borrower shall agree to allow the state treasurer or  
20 administrator to examine its books and records. The state  
21 treasurer or administrator shall treat all proprietary  
22 information received in the course of the examination or  
23 audit as confidential.

24



1           **9-12-903. Criteria for grants and loans.**

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3           (a) Grants, loans, loan commitments or any  
4 combination thereof shall be made under this article only:

5

6           (i) If there are sufficient funds in the  
7 workforce housing infrastructure account to fully fund it  
8 and all other outstanding commitments and loans;

9

10           (ii) If loan funds provided by the state are  
11 adequately collateralized. The adequacy of the collateral  
12 shall be determined by the state treasurer.

13

14           (b) Grants shall be provided to projects as  
15 determined by the state treasurer or administrator.

16

17           (c) The state treasurer or administrator shall  
18 establish criteria for determining the maximum grant and  
19 loan amounts and for determining grant, loan or grant and  
20 loan combinations.

21

22           **9-12-904. Wyoming workforce housing infrastructure**  
23 **program account.**

24

1           (a) There is created the workforce housing  
2 infrastructure account to be administered by the state  
3 treasurer's office.

4

5           (b) Interest and repayments of principal on loans  
6 under this article shall be redeposited into the workforce  
7 housing infrastructure account.

8

9           (c) Funds and accrued interest on unexpended funds  
10 within the account shall be credited to the workforce  
11 housing infrastructure account.

12

13           (d) Funds in the account are continuously  
14 appropriated to the workforce housing infrastructure  
15 account to be used only for loans or grants authorized to  
16 be made under this article.

17

18           (e) The total principal balance of outstanding grants  
19 and loans shall not exceed the amounts appropriated by the  
20 legislature plus interest accrued and collected less any  
21 losses of loan principal or interest.

22

23           **9-12-905. State treasurer duties; actions on loan and**  
24 **grant applications.**

1

2           (a) All complete applications to participate in the  
3 program established under this article, which conform with  
4 the criteria established by law and rules promulgated under  
5 this article, which are submitted to the state treasurer or  
6 administrator shall be considered by the state treasurer or  
7 administrator. The state treasurer or administrator shall  
8 approve or disapprove each application he considers in  
9 accordance with this article and rules promulgated by the  
10 state treasurer.

11

12           (b) The state treasurer shall provide a written  
13 status report no later than September 1 of each year to the  
14 joint minerals, business and economic development interim  
15 committee covering the activities under this article. The  
16 report shall include:

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18                   (i) A summary of the total investments made by  
19 the state treasurer, including:

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21                           (A) The name of each borrower and the  
22 amount of each grant or loan;

23

24                           (B) An evaluation of the grant or loan

1 success in providing workforce housing using appropriate  
2 performance indicators as identified by the state  
3 treasurer;

4

5 (C) The cost of the grant or loan program  
6 to the people of Wyoming in terms of administrative and  
7 other costs associated with the program.

8

9 (c) The state treasurer may charge applicants a fee  
10 to cover any extraordinary administrative costs of the  
11 program.

12

13 (d) The state treasurer shall adopt rules and  
14 regulations as required to implement this article. The  
15 rules and regulations shall be adopted and filed pursuant  
16 to the Wyoming Administrative Procedure Act.

17

18 **Section 2.** W.S. 9-12-102(a)(viii) and 9-12-307 are  
19 amended to read:

20

21 **9-12-102. Definitions.**

22

23 (a) As used in this act, the following terms have the  
24 following meanings, except where the context clearly

1 indicates otherwise:

2

3 (viii) "This act" means W.S. 9-12-101 through  
4 ~~9-12-804~~ 9-12-905.

5

6 **9-12-307. Penalty.**

7

8 Any person who knowingly makes a false statement to the  
9 council or state treasurer in connection with an  
10 application under this article or article 9 of this chapter  
11 or who violates W.S. 9-12-302(c) is guilty of a felony  
12 punishable by imprisonment for not more than two (2) years,  
13 a fine of not more than two thousand dollars (\$2,000.00),  
14 or both.

15

16 **Section 3.**

17

18 (a) There is appropriated from the budget reserve  
19 account to the Wyoming workforce housing infrastructure  
20 account created by W.S. 9-12-904, twenty million dollars  
21 (\$20,000,000.00) as a pilot project program to meet the  
22 purposes of this act. The program shall sunset June 30,  
23 2009, and any uncommitted funds shall be returned to the  
24 budget reserve account unless the program is extended by

1 the legislature.

2

3 (b) There is authorized one (1) part-time contract  
4 position to the state treasurer for the purpose of  
5 implementing this act. There is appropriated from the  
6 general fund to the state treasurer seventy thousand  
7 dollars (\$70,000.00) or as much thereof as is necessary to  
8 fund this one (1) position.

9

10 **Section 4.**

11 (a) Except as otherwise provided in subsection (b) of  
12 this section, this act is effective July 1, 2006.

13

14 (b) Subsection 3(b) of this act is effective  
15 immediately upon completion of all acts necessary for a  
16 bill to become law as provided by Article 4, Section 8 of  
17 the Wyoming Constitution.

18

19

(END)