

**WORKING DRAFT**

HOUSE BILL NO. \_\_\_\_\_

Wyoming workforce housing infrastructure program.

Sponsored by: Joint Minerals, Business and Economic  
Development Interim Committee

A BILL

for

1 AN ACT relating to economic development; establishing a  
2 program to provide funding for cities, towns, counties,  
3 special improvement districts and joint powers boards for  
4 workforce housing infrastructure and community land trusts;  
5 establishing an account; providing for administration of  
6 the program and account; providing rulemaking authority;  
7 requiring reports; authorizing a position; providing for a  
8 continuous appropriation and making other appropriations;  
9 and providing for effective dates.

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

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

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ARTICLE 9

WORKFORCE HOUSING INFRASTRUCTURE PROGRAM

**ARTICLE 9 - COMMUNITY WORKFORCE HOUSING PROGRAM**

**9-12-901. Wyoming workforce housing infrastructure program; purpose; definitions.**

(a) It is declared that:

(i) There is in this state by reason of the location and expansion of mineral extractive industries and other industrial developments, a critical shortage of adequate housing;

(ii) It is in the public interest of the citizens of this state to facilitate the provision of adequate housing in order to promote the economic welfare of the state and its residents by increasing employment, stimulating economic activity, augmenting sources of tax revenue, fostering economic stability, furthering health care and improving the balance of the state's economy;

(iii) It is the purpose of this article to

1 promote and continue economic development by providing  
2 adequate housing necessary to create additional economic  
3 health and a stronger state economy;

4

5 (iv) This article constitutes a valid public  
6 purpose, of primary benefit to all citizens of the state of  
7 Wyoming.

8

9 (b) As used in this article:

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11 (i) "Community land trust" means land held in  
12 trust as a public investment for the long-term benefit of a  
13 community to provide secure, affordable access to land and  
14 housing for community residents;

15

16 (ii) "Community development organization" means  
17 as defined by W.S. 9-12-301(a)(ii);

18

19 (iii) "State development organization" means as  
20 defined by W.S. 9-12-301(a)(iv);

21

22 (iv) "Workforce housing infrastructure" means  
23 publicly owned infrastructure to a housing subdivision or

1 development, and if determined by the council to be  
 2 consistent with the purposes of this article, through a  
 3 housing subdivision or development. To be considered  
 4 "workforce housing infrastructure" under this article, the  
 5 infrastructure shall be for a housing subdivision or  
 6 development for which the political subdivision making  
 7 application under this article has required, through zoning  
 8 or otherwise, the inclusion of a specified percentage or  
 9 number of housing units at specified maximum initial sale  
 10 prices or to have a specified maximum square footage:

11

12 (A) "Workforce housing infrastructure" includes:

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14 (I) Rights of way;

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16 (II) Sewer and water distribution projects;

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18 (III) Storm water control and drainage  
 19 facilities;

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21 (IV) Streets, roads and bridges;

22

23 (V) Curbs, gutters and sidewalks;

24

1 (VI) Lift stations;

2

3 (VII) Traffic signals;

4

5 (VIII) Street lighting;

6

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

10

11 (X) The purchase of land as necessary to  
12 accommodate infrastructure projects;

13

14 (XI) Other infrastructure determined by the  
15 council to be consistent with the purposes of this article.

16

17 (B) "Workforce housing infrastructure" shall not  
18 include:

19

20 (I) Bringing public infrastructure to  
21 existing housing which is supplied by a well or uses a  
22 septic system;

23

24 (II) Refinancing of existing projects that

1 have been financed previously with other resources;

2

3 (III) Financing any project eligible under  
4 the Wyoming water development program established by W.S.  
5 41-2-112 through 41-2-124;

6

7 (IV) Financing any project that does not  
8 provide for the construction of additional housing units or  
9 that involves rehabilitation or expansion of existing  
10 infrastructure unless the council determines the  
11 rehabilitation or expansion is necessary to meet the  
12 purposes of this article;

13

14 (V) Financing any infrastructure project  
15 which is not under public ownership.

16

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

19

20 (a) The council shall establish and administer a  
21 Wyoming workforce housing infrastructure program as  
22 provided by this article. Any city, town, county or  
23 special improvement district may submit an application to  
24 the council for a grant or loan under the program on forms

1 prescribed by and subject to rules promulgated by the  
2 council. Grants or loans may be applied for by a joint  
3 powers board with the approval of all participating  
4 agencies to the joint powers agreement. Grants and loans  
5 may be made by the council for workforce housing  
6 infrastructure projects and community land trust projects.  
7 In adopting rules and making grants and loans under this  
8 article the council shall require all projects to be  
9 related to workforce housing infrastructure or community  
10 land trusts.

11

12 (b) Grants may be matching grants as determined by  
13 the council. Loans may be made at no or low interest rates.  
14 The council shall establish criteria for determining the  
15 maximum grant and loan amounts and for determining grant,  
16 loan or grant and loan combinations, subject to final  
17 approval by the state loan and investment board.

18

19 (c) Grants or loans shall be made under this article,  
20 only if the applicant demonstrates that upon receipt of the  
21 grant or loan, all projected project costs will be funded.  
22 Grants or loans for one (1) project may not exceed a  
23 maximum annual amount established by rule of the council.  
24 Multi-year projects may be awarded up to the maximum annual

1 amount each year, for a period not to exceed three (3)  
2 years, as approved by the state loan and investment board.  
3 The application shall identify the source of all funds to  
4 be used for the project.

5

6 (d) Grants or loans may be used to fund project costs  
7 in accordance with approved applications and rules of the  
8 council. Grant or loan funds may be used to contract with  
9 community development organizations, state development  
10 organizations and nonprofit organizations in accordance  
11 with the purposes of this article and approved  
12 applications.

13

14 (e) Loans provided under this article shall be  
15 adequately collateralized as determined by the council. The  
16 council shall establish interest rates to be charged for  
17 loans under the program. Interest rates shall be  
18 established in recognition of the repayment abilities and  
19 needs of the local governmental entity eligible for loans  
20 under the program. The council shall establish loan  
21 amortization schedules, terms and conditions for each loan  
22 approved.

23

24 (f) No loans shall be made without the written opinion



1 of the attorney general certifying the legality of the  
2 transaction and all documents connected therewith. An  
3 election approving the project and borrowing for the  
4 project by the qualified electors of the borrowing entity  
5 shall be required only if the attorney general determines  
6 such an election is otherwise required by law.

7

8 (g) Grants, loans, loan commitments or any  
9 combination thereof shall be made under this article only:

10

11 (i) If there are sufficient funds in the  
12 workforce housing infrastructure program account to fully  
13 fund it and all other outstanding commitments and loans;

14

15 (ii) If repayment of any loan provided by the  
16 state is adequately collateralized. The adequacy of the  
17 collateral shall be determined by the council, subject to  
18 final approval by the state loan and investment board.

19

20 (h) Repayments of loans under this section shall be  
21 credited to the Wyoming workforce housing infrastructure  
22 program account.

23

24 (j) The council may charge applicants a fee to cover

1 administrative costs of the program.

2

3 (k) The council may also enter into cooperative  
4 agreements with the Eastern Shoshone Tribe and the Northern  
5 Arapaho Tribe in order to promote the purposes of this  
6 article.

7

8 (m) After approval of grants and loans, the  
9 applicants shall report to the council, as required by the  
10 approved application. The report shall:

11

12 (i) Include the progress of the project until  
13 the project is completed;

14

15 (ii) Include any additional information required  
16 by the council to ensure compliance with grant or loan  
17 requirements or compliance with this article.

18

19 **9-12-903. Council duties; actions on grant and loan**  
20 **applications.**

21

22 (a) All complete applications to participate in the  
23 program established under this article, which conform with  
24 the criteria established by law and rules promulgated under

1 this article, which are submitted to the council shall be  
2 considered by the council. The council shall approve or  
3 disapprove each application considered in accordance with  
4 this article and rules promulgated by the council. All  
5 grants, loans or cooperative agreements made under this  
6 article shall be referred by the council to the state loan  
7 and investment board for final approval or disapproval. The  
8 state loan and investment board may adopt rules as  
9 necessary to implement its duties under this article.

10

11 (b) In adopting rules and making funds available  
12 under this article, the council shall provide a competitive  
13 application and scoring system adequate to measure the  
14 benefits of each application. The application scoring  
15 system shall target the projects based on ranking criteria  
16 which addresses:

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18 (i) The need for the proposed housing;

19

20 (ii) The affordability of the proposed housing;

21

22 (iii) The number of additional housing units to  
23 be developed;

24

1 (iv) The extent to which the project is part of  
2 an overall community and economic development plan;

3

4 (v) The extent to which the project demonstrates  
5 readiness;

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7 (vi) Any other criteria determined by the  
8 council to be consistent with the purposes of this article.

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**\*\*\* STAFF COMMENTS \*\*\***

10 **Again, this was retained from an earlier draft.**  
11 **The involvement of the community was deleted from**  
12 **that draft because it was unclear whether that**  
13 **meant financial involvement, and if so if the**  
14 **subcommittee intended to treat communities**  
15 **differently based upon the amount of financial**  
16 **involvement of the community in the project.**

17

18 (c) The council may negotiate and enter into  
19 appropriate contracts or memoranda of understanding with  
20 Wyoming state agencies, authorities or instrumentalities as  
21 necessary or convenient to facilitate the council's duties  
22 under this article.

23

24 **9-12-904. Community land trusts; eligibility;**  
25 **requirements.**

26

1           (a)     Grants or loans made under this article for  
2 community land trusts shall require in addition to meeting  
3 other requirements of this article:

4  
5           (i)     The land subject of the trust be owned or  
6 leased by a political subdivision of the state, including a  
7 city, town, county, special improvement district or a  
8 housing authority authorized under W.S. 15-10-116;

9  
10          (ii)    The land be used for workforce housing with  
11 lots for housing leased and with the political subdivision  
12 remaining the owner of the land or the primary lessee;

13  
14          (iii)   The leases of lots be upon such terms as  
15 to allow commercial lenders to lend funds for housing  
16 construction on terms comparable to housing built on fee  
17 owned lands;

18  
19          (iv)    The housing development on lands subject to  
20 the trust include a specified percentage or number of  
21 housing units at specified maximum initial sale prices or  
22 be required to have a specified maximum square footage as  
23 required by the political subdivision making application  
24 under this article, through zoning or otherwise;

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(v) That the lease terms for housing constructed on the land subject to the trust provide for continuation of the initial long term community benefit through subsequent sales of the housing.

(b) The political subdivision owning or leasing the land subject to the community land trust may fulfill the requirements of this section directly, through a housing authority created pursuant to W.S. 15-10-116, or by agreement with private nonprofit entities.

**9-12-905. Wyoming workforce housing infrastructure program account.**

(a) There is created the workforce housing infrastructure program account. Funds shall be credited to the account as provided by law. Funds in the account are continuously appropriated to the council to be used only for cooperative agreements, grants or loans authorized to be made under this article.

(b) Interest and repayments of principal on loans under this article shall be redeposited into the workforce

1 housing infrastructure program account.

2

3 (c) Funds and accrued interest on unexpended funds  
4 within the account shall be credited to the workforce  
5 housing infrastructure program account.

6

7 **Section 2.** W.S. 9-12-102(a)(viii), 9-12-112(a) by  
8 creating a new paragraph (v) and 9-12-307 are amended to  
9 read:

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11 **9-12-102. Definitions.**

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13 (a) As used in this act, the following terms have the  
14 following meanings, except where the context clearly  
15 indicates otherwise:

16

17 (viii) "This act" means W.S. 9-12-101 through  
18 ~~9-12-804~~ 9-12-905.

19

20 **9-12-112. Annual report and budget.**

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22 (a) The council shall submit an annual report in the  
23 manner provided by W.S. 9-2-1014 and using the benchmarks  
24 prescribed in this act. In addition to the requirements of

1 W.S. 9-2-1014, included within the annual report shall be:

2

3 (v) A summary of the total investments made by  
4 the council under the workforce housing infrastructure  
5 program under W.S. 9-12-901 through 9-12-905, including:

6

7 (A) The name of each grantee or borrower  
8 and the amount of each grant or loan;

9

10 (B) An evaluation of the grant or loan  
11 success in providing workforce housing infrastructure;

12

13 (C) The cost of the program to the people  
14 of Wyoming in terms of administrative and other costs  
15 associated with the program.

16

17 **9-12-307. Penalty.**

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19 Any person who knowingly makes a false statement to the  
20 council in connection with an application under this  
21 article or article 9 of this chapter or who violates W.S.  
22 9-12-302(c) is guilty of a felony punishable by  
23 imprisonment for not more than two (2) years, a fine of not  
24 more than two thousand dollars (\$2,000.00), or both.



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**Section 3.**

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**Section 5.**

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

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6           (b) Except as provided in subsection (a) of this  
7 section, this act is effective July 1, 2007.

8

9

(END)