

TITLE 330. OKLAHOMA HOUSING FINANCE AGENCY

CHAPTER 1. RULES OF ADMINISTRATIVE PROCEDURE

[**Authority:** 75 O. S., § 302; The Amended Trust Indenture and Bylaws of the Oklahoma Housing Finance Agency]
[**Source:** Codified 12-30-91]

SUBCHAPTER 1. GENERAL PROVISIONS

330:1-1-1. Purpose

The rules of this Chapter have been adopted for the purpose of complying with the Administrative Procedures Act, 75 O. S., Section 250, et seq. The Oklahoma Housing Finance Agency ("OHFA") is an agency of the state and an Oklahoma Public Trust created pursuant to Title 60 Oklahoma Statutes 1981, Sections 176 to 180.3, inclusive, as amended and supplemented, the Oklahoma Trust Act, and other applicable statutes and laws of the State of Oklahoma. OHFA operates pursuant to said statutes and laws and in accordance with its Second Amended Trust Indenture dated as of the 4th day of September, 1986 (the "Trust Indenture"), and its Bylaws dated as of the 14th day of July, 1975 (the "Bylaws"), as amended and as same may be amended. The Trust Indenture provides that the Trustees of OHFA shall carry out the provisions of said Trust Indenture.

330:1-1-2. General organization

(a) **General.** OHFA is organized in accordance with Articles II and IV of the Amended Trust Indenture and in the Bylaws of OHFA, to effectively carry out the policies of OHFA. The affairs, business and property of OHFA are managed by the duly appointed Trustees in accordance with the provisions of Article VI of the Amended Trust Indenture. Pursuant to the Trust Indenture and Bylaws of OHFA, the officers of OHFA are a Chairman, Vice-Chairman, Secretary and a Treasurer, whose duties shall be fulfilled in conformity with the provisions of the Amended Trust Indenture and the Bylaws of OHFA and the positions of Secretary and Treasurer may be united in one person.

(b) **Committees.** Pursuant to the Trust Indenture and Bylaws, at any meeting of the Trustees, the Trustees may appoint such committees as may be deemed necessary or advisable to assist in the operation and supervision of OHFA, and a Trustee must serve as chairperson of any committee appointed, but professional and lay persons may be appointed to membership on said committees, if deemed advisable by the Trustees.

330:1-1-3. Oklahoma Housing Finance Agency files

All official acts of the Trustees, and all meetings of the Trustees, shall be evidenced by a complete and accurate written record, in accordance with the Oklahoma Open Meeting Act. All final orders,

decisions, opinions, rules, minutes and other written statements of policy or interpretations formulated, adopted, or used in the discharge of the function of the Trustees shall be considered public records and available for public inspection at the offices of OHFA, upon written request, during its regular business hours.

330:1-1-4. Meetings

Meetings of the Trustees will be held in accordance with the Oklahoma Open Meeting Act, at least quarterly, at the State Capitol Building or at such other place or places within the State of Oklahoma, as the Trustees may from time to time designate. Notice of all regular quarterly meetings of the Trustees shall be made in conformity with the Oklahoma Open Meeting Act. In addition to the Secretary of State, notice shall be given to each Trustee, the Capitol News Corps, the Legislative Advisory Committee and the Governor at least ten (10) days in advance of each regularly-scheduled meeting.

330:1-1-5. Special meetings

Special meetings may be called at any time by the Chairman or by any two (2) Trustees. Notice of all special meetings of the Trustees shall be given to the Secretary of State, each Trustee, the Capitol News Corps, the Legislative Advisory Committee and the Governor at least forty-eight hours prior to said meeting by service of the same by telegram, telephone, in writing, or by person; provided, however, that any notice of any meeting of the Trustees wherein it is proposed to alter, change or rescind any Bylaws or any portion of the Trust Indenture, shall be given at least ten (10) days in advance thereof, and the notice shall set forth the proposed alteration, change or rescission.

330:1-1-6. Notices and requests for information

Any person requesting notice of meetings of the Trustees or wishing to obtain information relating to the policies of OHFA may do so by writing to: Oklahoma Housing Finance Agency, 1140 Northwest 63rd, Suite 200, Oklahoma City, Oklahoma 73116. Submissions for information or requests for action by OHFA should be in writing.

330:1-1-7. Informal statements

Official action of the Trustees shall not be bound or be prejudiced by any informal statement made or opinion given by the Trustees or employees of OHFA.

SUBCHAPTER 3. RULE MAKING PROCEDURES

330:1-3-1. How initiated

Proceedings for the promulgation, adoption, repeal or revision of rules, statements of policy and regulation shall be initiated by the Trustees. These proceedings shall be in conformity with the Oklahoma Administrative Procedures Act, 75 O. S. § 250, et seq. (the "APA").

330:1-3-2. Notice

General notice of not less than twenty (20) days prior to the adoption, amendment, or repeal of any rule, statement of policy, or regulation shall be given by mail to all persons who have made timely request for advance notice of such proceedings, and shall also be published in The Oklahoma Register. Provided, however, if it is found that there are compelling extraordinary circumstances, or there is imminent peril to the preservation of the public health, safety or welfare, a rule may be adopted upon fewer than twenty (20) days notice, in conformity with the applicable provisions of the APA. The adoption of any rule by emergency does not preclude the passage of an identical rule under the normal rule making procedures. The sufficiency of the reasons for the finding of imminent peril to the public health, safety or welfare, or other compelling circumstances, shall be subject to judicial review.

330:1-3-3. Opportunity to be heard

All interested persons shall be afforded a reasonable opportunity to participate in the rule making through submission of written data, views, or arguments. Oral argument thereon shall be granted if requested in writing by not less than twenty-five persons, by a government subdivision or agency, or by an association having not less than twenty-five members. Oral argument may be otherwise presented at the discretion of the Trustees.

330:1-3-4. Adoption of rules

The Trustees shall consider fully all written and oral submissions respecting the proposed rule prior to the adoption thereof. Prior to the final adoption of any rule, the Trustees shall consider the effect its intended action may have on the various types of business entities, and consider the effect its intended action may have on the various types of consumer groups. If the Trustees find that their actions may adversely affect such groups, the Trustees may modify its actions to exclude that type of activity. All submissions and considerations shall become part of the public record and shall be maintained in accordance with 330:1-1-3.

330:1-3-5. Filing and publication

Rules, statements of policy and regulations shall be filed with the Speaker of the House of Representatives, President Pro Tempore of the State Senate, Secretary of State, the Director of the Oklahoma Department of Libraries (the "Director"), the Administrative Rule Review Committee, and any other parties as required by the provisions of the APA and the Administrative Rules on Rulemaking of the Director. Publication shall be made in The Oklahoma Register in accordance with the APA. Copies of all rules, statements of policy and regulations promulgated shall be made indexed and available for inspection at the offices of OHFA to any interested person requesting same.

330:1-3-6. Effective date

Finally adopted rules, amendments, or repeals of rules shall become effective twenty (20) days after publication in The Oklahoma Register, except where a later date is required by law, or is specified in the rule. Provided, however, emergency rules shall become effective immediately upon certification by the Governor. Any such emergency rule shall be published in The Oklahoma Register next published after certification of said emergency rule.

330:1-3-7. Petitions respecting rulemaking

(a) **Requirements.** Any interested person may petition OHFA for the promulgation, amendment, or repeal of a rule. The petition shall set forth, in writing, the following information:

- (1) name and address of the person or entity requesting the action;
- (2) if an existing rule is effected, the petition should set out the existing rule in total, with new language underscored and striking out old language; new language should follow the language it replaces;
- (3) if a new rule is proposed, proposed language for said rule should be set out; and
- (4) an analysis of the new rule, amendment, or revocation, including but not limited to:
 - (A) the statute, Trust Indenture, or other governing instrument which the rule interprets;
 - (B) any related statute or rule;
 - (C) any court decisions or Attorney General's opinions, or other explanatory material (all material must be clearly referenced as to source and authorities); and
 - (D) a description of the classes of persons who most likely will be affected by the rule, amendment, or revocation.

(b) **Review By Trustees.** The Trustees shall consider the matter within twenty (20) days of receipt of the petition and inform the petitioner of its decision to deny the petition or to initiate rulemaking procedures respecting the promulgation, amendment, or revocation of the subject rule. The failure of the Trustees to initiate rulemaking procedures within thirty (30) calendar days of receipt of the petition shall be deemed a denial of same.

330:1-3-8. Declaratory ruling

(a) **Request contents.** The Trustees may honor requests from interested persons for interpretative opinions as to the applicability of any rule or order, if it be shown that an actual case, controversy, or issue is in contemplation and that unreasonable hardship, loss or delay would result if the matter were not determined in advance. The request should set forth the following information:

- (1) the name and address of the person or entity requesting the declaratory ruling;
- (2) the full text of the rule involved;
- (3) the basis for requesting the declaratory ruling, including the basis for contesting the validity of the rule, if applicable; and

(4) any court cases, Attorney General's opinions, or other explanatory material supporting the position of the person or entity seeking the ruling.

(b) **Hearing.** Upon receipt of the request, the Trustees shall proceed to set the matter for hearing in accordance with Sections 309-323 of the APA and of 330:1-5-1.

(c) **Review.** Any person aggrieved by a declaratory ruling of OHFA may seek a review of the decision of OHFA in accordance with Sections 317 through 323 of the APA and of Subchapter 5 of this Chapter. Nothing herein shall impair the right of any person to seek a declaratory judgment respecting a rule's validity or applicability in accordance with Section 306 of the APA.

SUBCHAPTER 5. HEARING PRACTICES AND PROCEDURES

330:1-5-1. Setting hearings

The Trustees may hold hearings on any matters within their jurisdiction under the Trust Indenture, or 60 O. S. § 176, et seq., either upon their own motion or upon written request there for by any person aggrieved by any act, threatened act, or failure to act of the Trustees or by any report, regulation, rule or order of the Trustees. The written request for hearing should specify the grounds to be relied upon as a basis for relief requested at the hearing and include the information set forth in 330:1-3-8.

330:1-5-2. Time of hearing

Upon receipt of a written request for a hearing, the Trustees shall either set down the matter for hearing within thirty (30) days from the receipt of the request therefor or shall issue a written order denying hearing.

330:1-5-3. Notice of hearing

Notice of all hearings shall be given not less than ten (10) days in advance thereof to all persons directly affected by such hearing, but for good cause shown, any hearing may be rescheduled, provided all persons entitled to notice of such hearing are promptly advised thereof.

330:1-5-4. Contents of notice

The notice of hearing shall contain the following information:

- (1) The time and place of hearing;
- (2) A statement of the matters to be considered thereat;
- (3) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- (4) A short plain statement of the matters asserted. If such statement of the issues is not sufficient, upon application a more definite and detailed statement will be furnished;

(5) A reference to the particular sections of the Trust Indenture and/or any applicable rules involved.

330:1-5-5. Hearing to be open

All hearings shall be open to the public, in accordance with the requirements of the Oklahoma Open Meeting Act.

330:1-5-6. Right to counsel

Any person affected by the hearing shall have the right to appear in person and by counsel, provided, however, that such counsel representing the party must be duly licensed to practice law by the Supreme Court of Oklahoma and may be present during the giving of evidence, may have a reasonable opportunity to examine and inspect all documentary evidence, may examine and cross-examine witnesses and may present evidence in his client's behalf.

330:1-5-7. Rules of evidence

The formal rules of pleading and evidence need not be observed; however, effect shall be given to the rules of privilege recognized by the laws of the State of Oklahoma. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available, and upon request a party shall be given an opportunity to compare the copy with the original. Notice may be taken of judicially cognizable facts and of generally recognized technical or scientific facts within the specialized knowledge of the Trustees. The Trustees' experience, technical competence and specialized knowledge shall be utilized in the evaluation of evidence. Objections to evidentiary offers shall be allowed and noted on the record.

330:1-5-8. Transcript of hearing

Upon written request seasonably made by any person affected by the hearing, and at such person's expense, a full stenographic record of the proceedings shall be made by a competent court reporter. When a transcription thereof shall be made a part of the records of OHFA, any other person having a direct interest therein shall be furnished with a copy of such stenographic record at his expense, if so requested.

330:1-5-9. Contents of record

The record in any hearing shall include the following:

- (1) All pleadings, motions and intermediate rulings;
- (2) All evidence received or considered, including a statement of matters officially noted;
- (3) Questions or offers of proof, objections and rulings thereon;
- (4) Proposed findings and exceptions; and
- (5) The decision, opinion, report or order of the Trustees.

330:1-5-10. Findings of fact

All findings of fact shall be based exclusively on the evidence presented and on matters officially noticed. A final order adverse to a

party in an individual proceeding shall be in writing or stated in the record. A final order shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, upon request, a party submits proposed findings of fact, the order shall include a ruling upon each proposed finding. Parties shall be notified either personally or by mail of any order. A copy of the order shall be delivered or mailed forthwith to each party and to his attorney of record, if any.

330:1-5-11. Rehearings

(a) **Grounds for rehearing.** At the discretion of the Trustee, a rehearing may be granted to any party if a written request is made therefor within ten (10) days after any order is mailed or delivered to the person entitled to receive same. In the request for rehearing, the party shall set forth one or more of the following grounds:

- (1) Newly discovered or newly available evidence relevant to the issues;
- (2) Need for additional evidence adequately to develop the facts essential to proper decision;
- (3) Probable error committed by the Trustees in the proceeding or in their decision such as would be ground for reversal on judicial review of the order;
- (4) Need for further consideration of the issues and the evidence in the public interest; or
- (5) A showing that issues not previously considered ought to be examined in order to properly dispose of the matter.

(b) **Fraud or perjury grounds for rehearing.** Nothing in these rules shall prevent the Trustees from rehearing, reopening or reconsidering any matter in accordance with other applicable statutory provisions or, at any time, on the ground of fraud practiced by the prevailing party or of procurement of the order by perjured testimony or fictitious evidence.

330:1-5-12. What shall be considered upon rehearing

On rehearing, the hearing shall be confined to those grounds upon which the rehearing was requested or granted.

330:1-5-13. Appeals from order of the Trustees

The Trustees shall enter their order respecting a hearing or rehearing within fifteen (15) days after the termination of the hearing or any rehearing thereof. Such time may be extended by stipulation. The order shall contain a concise statement of the facts as found by the Trustees and a concise statement of their conclusions therefrom and the effective date of the order. The parties shall be notified immediately by telephone or by mail of the entry of the order and a copy delivered or mailed to each party or his attorney of record. Appeals shall be taken from orders of the Trustees, in accordance with the provisions of Sections 318 through 323 of the APA, and the Rules of the Supreme Court of Oklahoma.

330:1-5-14. Disqualification of Trustees

Any Trustee or duly appointed hearing examiner acting on behalf of the Trustees shall withdraw from any individual proceeding in which he cannot accord a fair and impartial consideration. Any party may request the disqualification of a Trustee or hearing examiner on the ground of such persons' inability to conduct the proceeding in a fair and impartial manner. Such request must be made by affidavit setting forth with particularity the reason for which it is claimed the impartial and fair hearing cannot be accorded. Such a request must be made promptly upon discovery of the alleged disqualification; the Trustees shall promptly determine the issue. Any Trustee who is the subject of such a determination shall abstain from the deliberations of the remaining Trustees. Upon a determination of the disqualification of a hearing examiner, the Trustees shall appoint another or conduct the proceeding themselves. In the event of the disqualification of a Trustee, the remaining Trustees shall request the Governor to appoint a member pro tempore to sit in his stead for the proceeding in question.

SUBCHAPTER 7. FEDERAL STANDARDS**330:1-7-1. Federal standards**

OHFA administers various rent subsidy programs under agreements with the United States Department of Housing and Urban Development (HUD). In connection therewith the procedures for the administration of such HUD programs, as well as the development of programs of a similar nature which OHFA may administer in the future, are prescribed generally by Section 8 of the United States Housing Act of 1937, as amended ("Section 8 Programs"). In order to effectively administer these programs, as well as future Section 8 Programs, OHFA hereby incorporates the federal regulations and forms adopted by HUD for administering such programs, as now exist or may be adopted or amended in the future from time to time. These regulations include: Code of Federal Regulations; HUD Handbooks and Policy Memoranda governing Section 8 Programs; HUD Annual Contribution Contracts; and Administrative Plans implementing Federal Statutes and HUD regulations.

CHAPTER 10. 1984 SINGLE FAMILY MORTGAGE REVENUE BONDS - 30 YEAR FIXED RATE LOAN PROGRAM

[Authority: The Amended Trust Indenture and Bylaws of the Oklahoma Housing Finance Agency]
[Source: Codified 12-31-91]

SUBCHAPTER 1. GENERAL PROVISIONS

330:10-1-1. Purpose

The rules of this Chapter have been adopted for the purpose of complying with the provisions of the Administrative Procedures Act, 75 O. S., Sections 250 et seq. The rules of this Chapter shall be utilized in the finalization, implementation and administration of OHFA's 1984 Single Family Mortgage Revenue Bond, 30 year fixed Rate Loan Program.

330:10-1-2. Program administration deal sheet

- (a) Maximum loan to value ratio of loan: 95%
- (b) Structure of loan: Each mortgage loan will be secured by a first mortgage lien upon a single family (one unit) owner-occupied residence to be occupied by the mortgagor as his or her principal place of residence and located within the State, will be made substantially in accordance with the originating Participant's then-current standard underwriting policies which will be at least equal to the then-current Federal Home Loan Mortgage Corporation ("FHLMC") or Federal National Mortgage Association ("FNMA") requirements, subject to acceptance by the insurer under the Mortgage Pool Insurance Policy. Each mortgage loan will be made for the purpose of purchasing the property subject to the related mortgage loan and not for the purpose of acquiring, replacing or refinancing any existing loan (except for the replacement of construction period loans, bridge loans or similar temporary initial financing on any such property), will have a fixed rate of interest and will have a term of not more than thirty (30) years. A portion of the mortgage loans may be FHA-insured or VA-guaranteed, in accordance with applicable rules.
- (c) Eligible residences: Owner-occupied, single-family residences, including manufactured housing, condominium units, and planned unit developments (P. U. D.'s) may be financed under the program. Manufactured, condominium and P. U. D. financing will be limited to 20% of the overall mortgage loan portfolio, provided, that deminimis P. U. D.'s shall not be included in the 20% limitation.
- (d) Maximum sales price of residence; maximum income: Residential Price:

(1)	Tulsa MSA	New	Existing
(A)	Non-targeted areas	\$99,990	\$79,860
(B)	Targeted areas	\$109,080	\$87,120

- (2) Oklahoma City MSA
 - (A) Non-targeted areas \$88,990 \$74,400
 - (B) Targeted areas \$97,080 \$81,240
 - (3) Other State Areas
 - (A) Non-targeted areas \$88,110 \$60,720
 - (B) Targeted areas \$96,120 \$66,240
- (e) Maximum income limitation (not adjusted as to credit):
- (1) Tulsa MSA: \$ 42,000
 - (2) Oklahoma City MSA: \$ 40,000
 - (3) Other State Areas: \$ 38,500

330:10-1-3. Mortgage loan interest rates

The maximum mortgage loan interest rate pursuant to the program will be eleven percent (11%) per annum.

330:10-1-4. Closing dates

All mortgage loans originated under the bond program will be closed on dates as agreed by the participant and the trustee bank, not less than 4 days per month.

**SUBCHAPTER 3. ELIGIBLE
MORTGAGOR/REQUIREMENTS**

330:10-3-1. Annual income

(a) Maximum income will be determined with respect to each mortgagor's application on the basis of the mortgagor's 1983 tax year with respect to applications received on or before April 15, 1985, and on the mortgagor's 1984 tax year with respect to applications received after April 15, 1985, the total annual income of the mortgagor from whatever source derived and before taxes or withholding together with the total annual income from whatever source derived and before taxes or withholding for the immediately preceding taxable year of all persons who intend to permanently reside with such mortgagor in the same dwelling (the mortgagor and such other person(s) intending to permanently reside in the same dwelling being hereinafter referred to collectively as "household members"), less the total of credits computed in accordance with the following:

- (1) a credit in an amount equal to \$1,000 for each household member other than the head of the household;
- (2) a credit in an amount equal to all earnings of any household member who is under 18 years of age or who is physically or mentally handicapped, as determined on the basis of medical evidence from a licensed physician;

(3) a credit in an amount equal to medical expenses of household members, not compensated for or covered by insurance, in excess of 3% of such total adjusted gross income;

(4) a credit in an amount equal to one-half (1/2) of the total earnings of all household members over 18 years of age who are secondary wage earners in the household, other than the spouse or the head of household; provided however, that such credit shall not exceed the sum of \$2,500; and

(5) a credit in an amount equal to all income of any household member of an unusual or temporary nature and not related to such household member's regular employment, as determined by the lending institution in accordance with this section shall not mean investment earnings.

(b) The term "household" as used in this definition includes those persons who intend to use the residential property as their principal place of residence. In addition, with Targeted areas, the maximum income may be increased by an amount equal to 10% of the applicable maximum income for the area.

330:10-3-2. Target area criteria

Eligible mortgagor means any potential applicant-mortgagor, who meets the following criteria:

(1) Non-targeted areas include any area not defined as a target area, as set forth in the compendium of maps and charts to be provided.

(A) At all times, at least ninety percent (90%) in aggregate amount of the mortgage loans originated must be to mortgagors who have not owned a home within the last three (3) preceding years. ("Three Year Ownership Rule").

(B) House price must not exceed 90% of the average of the applicable area, in accordance with 330:10-1-2(d).

(C) Mortgagor meets the Oklahoma Housing Finance Agency "Maximum income criteria" applicable in the County of origination, in accordance with 330:10-1-2(e).

(2) Target areas include the areas defined as Targeted areas, as set forth in the compendium of maps and charts to be provided.

(A) Mortgagor may have owned a home within last three (3) preceding years.

(B) House price must not exceed 110% of the average for the area, in accordance with 330:10-1-2(d).

(C) Mortgagor meets the Oklahoma Housing Financing Agency County "Maximum income criteria" (plus 10% of the base limitation or unadjusted income limitation), in accordance with 330:10-1-2(e). Example: If buyer contracts to purchase a home within an approved target area, then, the applicable County maximum income limitation may be increased by an amount equal to 10% of the established maximum income figure for the County. Adjustments for dependents and medical expenses, or otherwise, shall be added to the adjusted figure.

SUBCHAPTER 5. FEES

330:10-5-1. Program participant fees

Each participant will remit to the Agency when requested, but in all cases at least five (5) days prior to closing, a corporate check equal to a maximum of three percent (3%) of the amount of the participation allocated to each participant. Such funds will constitute a non-refundable program participant fee and the check will be cashed and the funds retained by the Agency. In the event the bonds are not delivered, the check will be returned to the participant.

330:10-5-2. Fees for origination

For origination of the mortgage loan, the participant will receive a fee equal to a maximum of four percent (4%) of the amount of such mortgage loan originated on behalf of the Agency. All of the funds derived by such participant will be retained by the participant. However, the lender will be required to pay the tax required for registration of the mortgages originated under the Agency's program. The source of payment of all or a portion of the points may vary with either FHA-insured or VA-guaranteed Loans.

330:10-5-3. Servicing fees of participant

The servicing fee shall be a maximum monthly fee of 1/12 of 36.5/100ths of 1% calculated on the basis of the actual collections of principal of and interest on the Agency's Mortgage Loan.

SUBCHAPTER 7. OFFERS TO ORIGINATE; DISBURSEMENTS

330:10-7-1. Method of allocation

(a) The federal legislation requires that an amount at least equal to 20% of the lendable proceeds shall be used or made available for use (for at least twelve months) within a designated target area.

(b) In order to comply with provisions of the federal law, the Agency proposes to invite offers and allocate proceeds of the participants based upon the following criteria:

(1) Participants, in their Offers to Originate, must specify the amount of the proposed allocation to be used in target and non-target areas. Upon receipt of offers, the Agency will total the amount of Offers to Originate within target areas, and divide the target area amount by 0.20 to determine the maximum issue size that will assure use of at least 20% of lendable proceeds within designated target areas. Allocations to the lenders by the Agency will be made at the discretion of the Agency so that the total of all target area offers will equal or exceed 20% of the aggregate of all offers in target and non-target areas. Should it become necessary,

after making initial allocations, for the Agency to reduce the overall issue size because of marketing or other considerations, the allocations of all participants will be reduced approximately proportionately.

(2) The offer may encompass the State as a whole or various specific counties within the State. The offer should, however, indicate the approximate allocation of mortgage funds among the various counties, so that the Agency may monitor geographic distribution of program funds. The minimum participation allowable under the program will be \$500,000.

330:10-7-2. Disbursements and transfers

(a) It should be understood that the federal legislation does not distinguish between the commitment period and the funding period.

(b) Funds are to be disbursed for the acquisition of mortgage loans within the periods established herein.

(1) Funds are to be disbursed in a non-target area within twelve (12) months from the date of delivery of the bonds.

(2) Funds are to be disbursed in target areas within twelve (12) months from the bond delivery date.

(c) To facilitate the maximum utilization of lendable funds and to facilitate the use of funds in the designated target areas, the Agency has provided for the transfer of funds after 60 days from the date funds are available for mortgage loans. The Agency and the Trustee will act as the clearing house for all transfers from and to qualified participants in the program. Upon receipt of written notice that participants desire to obtain additional funds for originations with a target area, then the Agency and the Trustee shall endeavor to locate funds to meet its needs. Each written notice or request for funds shall be accompanied by a corporate check in an amount equal to 1.5% of the amount requested. The Agency and the Trustee shall maintain books and records, as to the availability of funds to be committed to target areas. In addition, the Agency and Trustee shall establish a procedure for transfer in order to maximize the use and to insure the fair distribution of available funds.

330:10-7-3. Blocking out

Participants may, prior to or after submission of offers to participate, enter into formal or informal arrangements with realtors, builders and/or developers for commitment of mortgage loans to ultimate purchasers of qualified residences. Provided, such commitment of mortgage loan funds by any participant may not exceed 25% of that participant's total allocation, and such blocking out may not be for a period to exceed 7 months. After such time the blocked out funds shall be subject to recall and reallocation by the Agency.

SUBCHAPTER 9. MORTGAGE LOAN

330:10-9-1. Mortgage insurer

As of the closing date for a mortgage loan not FHA insured or VA-guaranteed, such mortgage loan shall be less than 80% of the lesser of the purchase price or appraised value or be privately insured under an acceptable Mortgage Guaranty Insurance Policy in an amount so that the uninsured portion of such mortgage loan does not exceed 72% of the lesser of the purchase price or the initial appraised value of such property, which insurance will be maintained until the outstanding principal amount of the mortgage loan is 72% or less of the purchase price or original appraised value of the property, whichever is less; and in the case of a FHA-insured or VA-guaranteed mortgage loan, the unguaranteed portion of the mortgage loan shall not exceed 75% of the lesser of the purchase price or the initial appraised value. If a mortgage loan is required to have private mortgage insurance under terms and conditions of the program, it will be with an insurer to be selected from a list of insurers to be determined by the Agency. The cost of such policy will be paid by the mortgagor.

330:10-9-2. Insurance requirements

The following are insurance requirements for the mortgage loan:

- (1) Twenty percent (20%) Pool Insurance with 30 day advance claim payment clause.
- (2) Special hazard insurance
- (3) Mortgage servicer indemnity bond
- (4) Errors and omissions insurance
- (5) Fidelity bond
- (6) Flood insurance (where applicable)
- (7) Private mortgage insurance (where applicable)

330:10-9-3. Repurchase requirements

(a) If any document or documents constituting a part of a mortgage file are defective or incomplete in any material respect, the affected participant shall cure the defect within a period of 60 days from the time the Trustee notifies the responsible participant of the existence of the defect. Each participant covenants and agrees that, if any material defect cannot be cured within such 60 day period, the participant will, not later than 90 days after the Trustee's notice to it respecting such defect, purchase the related mortgage loan from the Agency at a price equal to:

- (1) 100% of the principal remaining unpaid on such mortgage loan, plus
- (2) interest thereon to the date of the purchase. It is understood and agreed that the obligation of the participant to purchase the mortgage loan as to which a material defect in a constituent document exists shall constitute the sole remedy respecting such defect available to the Agency or the Trustee.

(b) The representations, warranties and covenants made by each participant for the mortgage loans pursuant to the agreement will service the sale of the mortgage loans by the participant to the Agency and the representations, warranties and covenants shall inure to the benefit of the transferees and assigns of the Agency which, under the Indenture, include the Trustee and the bondholders. Upon discovery by a participant

or the Trustee of a branch of any of the representations, warranties and covenants which materially and adversely affects the value of any mortgage loan or the interest of the Agency in any mortgage loan, the party discovering such breach shall give prompt written notice to the other. Within 60 days of its discovery or its receipt of notice of breach, a participant shall cure such breach in all material respects or, not later than 90 days after such discovery, purchase the mortgage loan from the Agency in the manner and at the purchase price set forth in the Agreement. It is understood and agreed that the obligation of a participant to purchase the mortgage loan as to which a breach has occurred and is continuing shall constitute the sole remedy against the participant respecting such breach available to the Agency or the Trustee.

SUBCHAPTER 11. PARTICIPANT REQUIREMENTS

330:10-11-1. Eligibility

Home mortgage lending institutions, including all qualified savings and loans, commercial banks and mortgage banking institutions maintaining an office within the State are considered to be eligible participants.

330:10-11-2. Program receipts reporting requirements

(a) On or before the 13th day of each month each participant will report to the Trustee, and the Agency (either in writing or by telephone) as to the balance of the Receipts Account on the 10th day of each month. This report establishes the amount to be drawn by the Trustee on the next succeeding 15th day of the month.

(b) On or before the 26th day of each month, the participant shall deliver to the Trustee and Agency a report specifying:

- (1) the amount of funds in the Receipts Account,
- (2) the number and amount of mortgage loans delinquent for twenty-three (23) days or more, as of the date of the report,
- (3) the identify of each mortgage loan delinquent or in default,
- (4) current information in respect to the filing, processing and prosecuting, and
- (5) if applicable, the status of foreclosure proceedings if instituted; such report shall be complete as to receipts on the mortgage loans as of the 23rd day of each month.

(c) The participant shall direct requisitions with appropriate documentation to the Trustee to effect payment for the general fund (subject to restrictions in the Indenture) to:

- (1) Reimburse the participant from insurance proceeds and liquidation proceeds for amounts expended by it with respect to the related mortgage loan in good faith in connection with the restoration of property damaged by an uninsured cause;
- (2) Reimburse the participant from insurance proceeds for insurance expenses and pay itself from insurance proceeds any unpaid service fee on the related mortgage loan, such payment

being limited to the amount, if any, by which the aggregate of the liquidation proceeds, if any, and insurance proceeds received in connection with the liquidation of the defaulted mortgage loan is after the deduction of insurance expenses and any amounts deducted for the purposes described in (1) of this subsection, in excess of the principal balance of such mortgage loan, together with accrued unpaid interest thereon;

(3) Reimburse the participant from liquidation proceeds for liquidation expenses and, to the extent that liquidation proceeds after such reimbursement and any other reimbursement pursuant to (1) of this subsection are in excess of the principal balance on the related mortgage loan together with accrued and unpaid interest thereon, to pay to itself such excess as servicing compensation on the related mortgage loan; and

(4) Disburse to the participant or reimburse the participant for approved lost claims in excess of \$2,000, made under the provisions of any Standard Hazard Insurance Policy maintained with respect to any mortgage loan pursuant to the Agreement. Proceeds of approved loss claims not in excess of \$2,000 shall be deposited in the mortgage service account.

(d) The participant may reimburse itself from the mortgage service account for late recoveries of all real estate taxes advanced by the participant and premiums for insurance policies required by the Agreement.

(e) In connection with its activities as servicer of the mortgage loans, each participant agrees to comply with any requirements imposed by any insurers of mortgage loans and with all relevant state and federal laws and to present, on behalf of the parties in interest, claims against all insurers, and to take such reasonable action as shall be necessary to permit recovery under all insurance policies.

(f) Each participant shall foreclose upon or otherwise comparably convert the ownership of properties securing such of the mortgage loans as come into and continue in default and as to which no satisfactory arrangements can be made for the collection of delinquent payments. In connection with such foreclosure or other conversion, a participant will follow such practices and procedures as it deems necessary or advisable and as are normal in its general mortgage servicing activities as otherwise specified by the Surety or the Trustee. The foregoing is subject to the provision that in the case of damage to mortgaged property from an uninsured cause, a participant may expend its own funds towards the restoration of the property if it shall determine:

(1) that such restoration will increase the proceeds of liquidation of the mortgage loan to the Agency, after reimbursement to itself for such expenses, and

(2) that such expenses will be recoverable by it either through liquidation proceeds (respecting which it shall have priority for purposes of reimbursement from the receipts account) or through insurance proceeds (respecting which it shall have similar priority).

(g) A participant shall be responsible for all other costs and expenses incurred by it in any such proceedings or in connection with the

preservation of all insurance policies respecting the mortgage loans provided, however, that it shall be entitled to withdrawal thereof (as well as its normal service fee) to the extent, but only to the extent, that reimbursements from the receipts account with respect thereto are permitted under the Agreement.

330:10-11-3. Conditions

(a) Any participant may permit the seller of a single family residence being financed with a mortgage loan, or any other person, to buy down the interest rate on such mortgage loan as an inducement to an eligible borrower to purchase the residence, but only upon approval by the mortgage loan insurer selected by the Agency, and in accordance with certain other conditions, including:

- (1) the term of the buy-down may not be less than one year nor more than three years;
- (2) reduction in the amount of the buy-down may only occur annually and the amount of such reduction may not exceed that amount which would produce an increase in the monthly principal and interest payments by the borrower greater than 7 1/2% of such monthly payments for the preceding annual period;
- (3) the mortgage loan shall make no reference to or adjustment for the buy-downs;
- (4) prior to purchase by the Agency of the mortgage loan, monies sufficient to effectuate the buy-down in a timely manner shall have been deposited into an escrow passbook savings account (insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation) maintained by the participant, with scheduled monthly releases which shall supplement the borrower's mortgage loan payments during the term of the buy-down; and
- (5) the monies in such account shall not be used to pay any overdue mortgage loan payments.

(b) In addition, other provisions for buy-downs may be established by the Agency.

SUBCHAPTER 13. STATEMENT OF AGENCY

330:10-13-1. Federal requirements

The requirements set forth in this Chapter are expressions and examples of the most restrictive and most stringent requirements that may be required by federal regulations.

330:10-13-2. Requirements

(a) No more than approximately seventy-five percent (75%) of the aggregate principal amount of mortgage loans will represent mortgage loans, the original principal amount of which is greater than 90% of the initial appraised value of the property or the purchase price, whichever is less. In addition, except for VA-guaranteed mortgage loans, the original

principal amount of each of the mortgage loans will not exceed 95% of the lesser of the initial appraised value of the property or the purchase price. No more than approximately twenty (20%) of the aggregate principal amount of the mortgage loans will represent mortgage loans on planned unit developments, condominiums and eligible manufactured housing. However,

(1) no limitation shall apply to de minimis planned unit developments, approved pursuant to FNMA or FHLMC guidelines;

(2) at least three-fourths of the allowable twenty percent (20%) shall represent planned unit developments or condominium projects that have been approved by FNMA or FHLMC; and

(3) the remaining five percent (5%) require no prior qualification or approvals. The Agreement permits the origination of FHA-insured and VA-guaranteed mortgage loans, not to exceed twenty (20%) of the aggregate principal amount of mortgage loans.

(b) The Mortgage Subsidy Bond Tax Act of 1980, which added Section 103A to the Internal Revenue Code of 1954, as amended, and the Tax Equity and Fiscal Responsibility Act of 1982 which amended such Section, together with the temporary and proposed regulations promulgated thereunder (herein referred to as the "Tax Act" or "Section 103A"), impose significant requirements and restrictions upon the Agency with respect to single family mortgage loans that can be originated with the proceeds of obligations the interest on which is excludable from the gross income of the recipient for federal income tax purposes. Under the limitations imposed by the Tax Act, among other things,

(1) the amount of such obligations that may be issued in Oklahoma in 1984 is limited to \$200,000,000,

(2) the acquisition cost for single family residences financed by the mortgage loans is limited to a ceiling of between \$60,720 and \$109,080 depending on the geographical area of the State,

(3) the mortgagor must use the residence financed as his principal residence,

(4) in non-targeted areas, at all times, at least 90% in aggregate amount of the mortgage loans originated must be to mortgagors who have not had any present ownership interest in a principal residence during the three-year period prior to the execution of the mortgage loan,

(5) bond proceeds may not be applied to acquire or replace an existing mortgage, except for certain temporary initial financing, and

(6) a mortgage loan may not be assumed unless the provisions of the Tax Act are met. The Agency, pursuant to the Agreement, must approve any mortgage loan assumptions. In addition to the Tax Act limitations, the Agency is limiting the maximum income of qualified borrowers to between \$38,500 and \$42,000 depending upon the location of the residence to be financed.

(c) Section 103A establishes certain requirements which must be met subsequent to the delivery of the bonds in order that interest on the bonds be exempt from federal income taxes under the provisions thereof.

The Agency has drafted the Agreement and certain affidavits to meet such requirements and has covenanted in the Indenture to take all actions which are necessary to assure that the interest on the bonds remains exempt from federal income taxation.

330:10-13-3. Mortgage eligibility requirements

Residence requirements are as follows:

- (1) The residence must be a owner-occupied, single-family residence. Provided, condominium units, manufactured housing and P.U.D.'s are eligible for financing under the issuer's program.
- (2) The residence must reasonably be expected to become the principal residence of the mortgagor within a reasonable time after the financing is provided.
- (3) The residence must not be expected to be used in a trade or business, as an investment property or as a recreational home.
- (4) The residence must be located within the State of Oklahoma.
- (5) The mortgage loan for the residence may not include financing of property such as an appliance, a piece of furniture, or a radio which is not a fixture under applicable local law.
- (6) Manufactured housing must be permanently fixed to real property owned by the mortgagor.
- (7) The land appurtenant to the residence must reasonably maintain the basic livability of the residence and be of a type and amount consistent with applicable federal and local regulations.

330:10-13-4. Compliance procedure and documentation

(a) Mortgagor.

- (1) Mortgagor must execute a sworn affidavit establishing the following:
 - (A) The location of the residence to be financed with proceeds to the mortgage loan.
 - (B) The residence is either:
 - (i) a dwelling suitable for occupancy by only one family, or
 - (ii) one unit in a condominium or P.U.D.
 - (C) The mortgagor intends to occupy the residence as his principal residence within 60 days following the closing of the mortgage loan. The issuer cannot refinance any mortgage loan other than those qualified bridge, construction or interim financing loans.
 - (D) An amount equal to \$(dollar amount) of the purchase price is being paid for personal property, including appliances, a piece of furniture or a radio, which under applicable local law is not a fixture. Rules prohibit any financing for other than residence and actual fixtures.
 - (E) If the residence is prefab housing, a mobile home or any other manufactured housing, it is or will be permanently fixed to land, e.g., the mobile home will be fixed in a concrete foundation or set on land owned by the mortgagor.

(F) The land being financed with proceeds of the mortgage loan, on which the residence is or will be located is required to maintain the basic livability of the residence and does not provide a source of income to the mortgagor, other than incidentally. The mortgagor does not intend to farm any portion of the land being financed. The mortgagor does not intend to subdivide the land being financed or to apply for a zoning variance, minimum lot size or set back requirements for such purpose. Mortgagor must state the size of the lot.

(2) Mortgagor must submit copies of federal income tax returns for 3 years preceding closing of mortgage loan. Mortgagor must agree to provide tax returns for 3 years following the making of the mortgage loan.

(b) Lender.

(1) Lender must independently verify the accuracy of the facts contained in the mortgagor's affidavit, including performing or obtaining the following:

(A) A surveyor location report: A report by a licensed surveyor showing the exact location of the property, as well as the minimum sized lot for residences under the local zoning law, the customary or usual size of lots in that area, any reasons why the lot is greater in size than the minimum for zoning purposes or the usual plot in the area.

(B) A copy of the purchase contract on the residence.

(C) A site inspection to determine whether the structure constitutes a single-family residence, is expected to be used in a trade or business or as a recreational home, includes property which is not a fixture under local law, is factory-made housing permanently fixed to real property, the land appurtenant to the residence reasonably maintains the basic livability of the residence.

(2) Lender must complete a certification or an affidavit stating the following:

(A) The lender has reviewed the mortgagor's affidavit, including attachments, for consistency and completeness;

(B) A description of the verification made;

(C) The lender has determined based on the above that the mortgage loan meets the requirements of the program guide as to principal residence.

(3) The Agency reserves the right to require the lender to perform a follow-up verification 4 - 12 months subsequent to the execution of the mortgage to determine that the residence is being used as the principal residence of the mortgagor.

(4) Mortgage loan must provide that the mortgagor agrees that the issuer or the lender may accelerate all payments due on the mortgage and note if the lender or the issuer finds the facts or statements contained in the mortgagor's affidavit to be untrue.

(c) Issuer.

(1) The program guide must contain a section stating the principal residence requirement, definitions of "principal

residence", "single-family" and "owner-occupied" housing, and the term "residence", a description of the mortgagor's affidavit, the verification procedure to be undertaken by the lender and the issuer. It must also contain a statement that the lender will repurchase any mortgage found to be ineligible under the program because it fails to meet the principal residence requirement.

(2) The mortgage purchase agreement between the issuer and lender must contain:

(A) A requirement that the mortgage loans purchased meet the principal residence requirement;

(B) A requirement that the lender obtain a mortgagor's affidavit and independently investigate and verify the information contained in the affidavit;

(C) A representation and warranty that the lender has diligently performed the investigation required by the issuer with respect to the principal residence requirements;

(D) An issue of bonds is treated as meeting the mortgage eligibility requirements of the Tax Act only if:

(i) the issuer in good faith attempted to meet all of the mortgage eligibility requirements before the mortgages were executed,

(ii) any failure to comply with the mortgage eligibility requirements is corrected within a reasonable period after such failure is first discovered, and

(iii) 95% or more of the lendable proceeds of the issue used to make loans were devoted to finance residences which met all such requirements at the time the loans were executed or assumed. On November 5, 1982, the Internal Revenue Service promulgated Temporary Regulations that interpreted the third requirement that 95% of the lendable proceeds must be used to acquire mortgage loans which, at the time such loans were made, meet all the mortgage eligibility requirements of the Tax Act in order for the issue to be treated as meeting the requirements of the Tax Act. To meet the requirements of the Temporary Regulations, the Agency, the Trustee and participants will review the borrower's and seller's affidavits, for among other things, the residence's purchase price to determine if it is within the limitations prescribed in the Tax Act and will review the borrower's and any other required mortgagor's income tax returns to confirm that the three-year requirement is met. In determining whether the third requirement is satisfied, i.e., that 95% of the lendable proceeds be so used, the Temporary Regulations permit the Agency to rely

on the borrower's and seller's affidavits as well as income tax returns even if the relevant information in such affidavits and returns should ultimately prove to be untrue, unless the Agency or a participant knows or had reason to believe that such information is false.

(3) The rules and regulations must contain a statement of the principal residence requirement, definitions of "principal residence", "single-family" and "owner-occupied" residence and the term "residence", a summary of the mortgagor's affidavit and set forth the verification procedures to be undertaken prior and subsequent to the execution of the mortgage.

CHAPTER 15. SINGLE FAMILY MORTGAGE LOAN PROGRAM

[**Authority:** The Amended Trust Indenture and Bylaws of the Oklahoma Housing Finance Agency]
[**Source:** Codified 12-30-91]

SUBCHAPTER 1. GENERAL PROVISIONS

330:15-1-1. Purpose

The rules of this Chapter have been adopted for the purpose of complying with the provisions of the Administrative Procedures Act, 75 O.S., Section 250, et seq. OHFA shall, from time to time as approved by OHFA Trustees, in furtherance of its efforts to provide safe, sanitary and decent housing, implement programs to assist qualified persons in Oklahoma to obtain financing for single family, owner-occupied residences. Such programs may be financed from the proceeds of revenue bonds, notes, mortgage backed securities or other obligations sold by OHFA either on a taxable or tax-exempt basis, or from other sources of money available to OHFA. Implementation of such programs and the issuance of any debt obligations to provide financing therefor which are intended to be tax-exempt shall be subject to provisions of the United States Internal Revenue Code of 1986, as amended and supplemented (referred to herein as the "Code"), and any rules or regulations promulgated or adopted by reference thereunder and the Title 60 Oklahoma Statutes 2011, Sections 175.1 through 175.54 and 176 through 180.4, as amended and supplemented, and such other provisions of Oklahoma and federal law and the provisions of the Trust Indenture creating the OHFA as may be applicable to such programs and the financing thereof. Programs shall be of general applicability to eligible borrowers throughout Oklahoma insofar as possible, provided that from time to time OHFA may implement programs to benefit one or more localized areas within the state depending on a showing of need therefor. The structure and details of any specific program shall be determined as needed by the Trustees and/or Staff of OHFA on a case-by-case basis.

[**Source:** Amended at 37 Ok Reg 1709, eff 1-1-21 ; Amended at 40 Ok Reg 916, eff 1-1-24]

330:15-1-2. Authority

The Agency is authorized by its Trust Indenture, Article IV, Sections (2), (3), (4), (5), (8), (14), and Article VII, Sections (7), (9), (13), (17), and (19) through (43), to plan and implement single family mortgage loan Programs to provide financing by various means for the construction, acquisition, purchase and/or rehabilitation of single family owner-occupied dwellings located within the State. Specific reference should be made to the Agency's current Trust Indenture for the exact provisions for the specific scope of authorization. The Agency is authorized by Title 60, Oklahoma Statutes 2011 Sections 176, et seq., as amended, to issue its evidences of indebtedness for the purpose of financing housing or housing Programs as an authorized and proper public function for public

trusts.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-1-3. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means Title 60 Oklahoma Statutes 2011, Sections 175.1-175.54 and 176-180.4, as amended and supplemented.

"Applicant" means a person who applies for approval to become a borrower under a Program.

"Bond" means any obligation of OHFA, including bonds, notes or any other form of indebtedness incurred to finance a Program.

"Bond indenture" means any bond indenture between OHFA as issuer and the Trustee authorizing and securing bonds used to finance a Program, and all amendments or supplements thereto.

"Mortgage loan" or **"Mortgage loans"** means the mortgage financing of the acquisition, alterations to, repair, rehabilitation or improvements on single family dwellings (which alterations, repairs, rehabilitation and/or other improvements substantially protect or improve basic livability of the property), which financing is evidenced by the mortgage note(s) and secured by the related mortgage(s), and which are made to borrowers pursuant to the terms and conditions of a Program.

"Origination" means the identification of qualified mortgage loans for provision of financing by OHFA pursuant to the provisions of a Program.

"Participating Lender" means any state bank, national banking association, savings and loan association, building and loan association, mortgage banker or other financial institution, or holding company thereof, or governmental agency which provides services for, or otherwise aids in, the financing of single family residences by means of mortgage loans and which is approved by OHFA respecting participation in a Program.

"Program" means a single family home ownership Program of OHFA instituted for the purpose of providing funds to low and moderate income residents of the State of Oklahoma for the acquisition, alteration, rehabilitation, repair, or improvement of single family, owner-occupied housing.

"Program Documents" means all contracts, agreements, certificates, affidavits and exhibits or similar instruments utilized in connection with a Program, as may be required from time to time, whatsoever their title, including, but not limited to, the invitation, the offer to originate, notice of acceptance by OHFA, the master mortgage origination agreement, the bond indenture, the bond notice of acceptance, the interest rate notice and the official statement, to the extent deemed applicable by the Trustees and/or Staff of OHFA.

"Resident" means any person who, at the time of closing of a mortgage loan, permanently resides within the State of Oklahoma, and intends to use the single family dwelling as his or her principal place of

residence.

"Servicing" means the administration, collection, and other duties specified in the Program Documents which may be performed by a Participating Lender respecting the mortgage loans.

"Trustee" means the bank designated by the issuer and appointed under the bond indenture or any successor thereto, as the custodian of funds derived from the issuance of the bonds of a Program, and performing such other duties as may be designated in the bond indenture.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-1-4. No discrimination

No application for a mortgage loan shall be arbitrarily rejected for residential properties within a specified geographical area of the State because of the location and/or age of the property, or, in the case of a proposed mortgagor, arbitrarily vary the terms of a loan or the application requirements or procedures therefor, or reject a mortgage loan because of the race, color, religion, national origin, ethnic background, age, sex, marital status or disability of any of the applicant(s) for a mortgage loan under a Program.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

SUBCHAPTER 3. SINGLE FAMILY MORTGAGE LOAN PROGRAMS

330:15-3-1. Interest rate and loan structure

OHFA shall endeavor to develop Programs in which the interest rate and/or points charged to the borrower will be competitive with, or lower in cost than private financing then reasonably available to the categories of qualifying borrowers to be served. Depending on the particular Program, loans may be either at a fixed or variable rate, may be secured by a first lien or a second lien mortgage, may be for acquisition, construction or substantial rehabilitation, may be for a term of up to thirty-five (35) years, and, to the extent permitted by bond marketing and other applicable constraints, may be assumable by subsequent qualifying borrowers. Each of these factors shall be determined and announced by OHFA Trustees prior to implementation of the particular Program.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-3-2. Total volume of Programs to be set by Trustees

Each Program planned, authorized and implemented by OHFA shall be limited in total dollar amount by resolution of the Trustees. Such volume limitation may be changed from time to time by resolution of the Trustees until finalization of the Program. In all cases, the volume

limitation provided for by the resolution of the Trustees shall be consistent with any independent limitation upon the size of the Program by reason of any applicable CAP allocation, or similar federal or state limitation.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-3-3. Security for each loan

Each Program shall provide that the financing to be provided to the borrower shall be a first mortgage loan upon the borrower's single family dwelling, superior in lien priority to all other encumbrances, and shall not be for a second or other mortgage inferior to any other lien or encumbrance, except in Programs specifically authorizing and providing for second mortgages, or except for easements, rights of way, or other similar encumbrances not interfering with the use and enjoyment of the single family dwelling as such, and which do not adversely impact upon the value of the single family dwelling.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-3-4. Single family dwellings only

Only qualifying dwellings shall be eligible for mortgage loan financing under any Program instituted by OHFA under this Chapter.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-3-5. Loan purposes

The purposes for which a borrower may obtain a mortgage loan under any Program shall be limited to the following purposes:

- (1) Acquisition by the borrower of the single family dwelling to be financed by a mortgage loan under the Program.
- (2) Replacement of construction period loans, bridge loans or similar temporary initial financing for the acquisition by borrower of the single family dwelling to be financed by a mortgage loan under the Program.
- (3) Not for general refinancing of any existing loan or to pull out owners equity in the single family dwelling proposed to be mortgaged under the Program.
- (4) Special Programs for rehabilitation, home improvement, home equity loans, and other special purpose Programs, or blocking-out of funds in general Programs, directed toward special limited housing needs and problems of the public or segments thereof.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-3-6. Interest rate

Programs may provide for fixed rate or variable rate loans or both, at discretion of Trustees at time of finalization of Program. Specific interest rate(s) for mortgages under each Program shall be set as the Trustees may determine to be necessary under the market conditions

prevalent at the time the Program is being developed and as may be determined by the Trustees at discretion of Trustees at time of finalization of the Program.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-3-7. Assumability of mortgage loans

Program provisions for assumption of mortgage loans, or that loans are due on sale, for mortgages under each Program shall be set as the Trustees may determine to be necessary under the market conditions prevalent at the time the Program is being developed and as may be determined by the Trustees in their discretion at the time of finalization of the Program. A Program may be changed after the commencement of a Program to provide for assumption of mortgage loans where the Program did not allow for assumption, provided that all necessary parties agree to such change, opinion of bond counsel advising of such changes is not in violation of the bond indenture of the Program, and that all necessary steps are taken as may be necessary to amend the Program Documents. In all Programs providing for assumptions of mortgage loans, all assuming parties must qualify as a borrower under the terms and conditions of the Program in question, except that if the Program is intended to be tax-exempt under the Code, then the qualifications of the assuming borrower must be sufficient to at least satisfy the requirements of the Code in regard to such assumption.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-3-8. Maximum mortgage loan interest rate

Maximum interest rate on all mortgage loans under any first mortgage Program shall be limited to 12% per annum and under any second mortgage Program shall be limited to 15% per annum. The actual interest rate for mortgages under each Program shall be set as the Trustees may determine to be necessary under the market conditions prevalent at the time the Program is being developed and as may be determined by the Trustees at discretion of the Trustees at time of finalization of the Program.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-3-9. Eligible dwellings

Dwellings eligible for mortgage loans under any Program must meet the following minimum requirements, in addition to the specific requirements of the Program specified in the Program Documents:

- (1) Must be located entirely within the State;
- (2) Must be owner-borrower occupied, unless approval has been requested and granted by OHFA for a temporary rental or lease of the dwelling permissible under the Code. Such request must be in writing and in a form acceptable to OHFA and must demonstrate extenuating circumstances warranting such approval;
- (3) Must be a single family dwelling;

- (4) May be manufactured housing, condominium units, and planned unit developments (PUDs) provided that:
- (A) Manufactured housing must be permanently affixed to real property owned by the borrower.
 - (B) All subject to restrictions imposed under the Code.
 - (C) All subject to volume limitations for such housing types for the particular Program to be fixed by Trustees at time of finalization of the Program.
 - (D) If the mortgage loan is to be insured by FHLMC, FNMA, FHA, VA, GNMA, PMI or similar coverages, the dwelling must satisfy the applicable requirements of such insurer.
- (5) Must be reasonably expected to become the principal residence of the mortgagor within a reasonable time, not to exceed sixty (60) days, after the loan is closed.
- (6) Must not be used in a trade or business, including farming or raising any plants or animals for profit, other than incidentally.
- (7) Property may not be subdivided.
- (8) Property may not be the subject of a zoning, minimum lot size or set back requirements variance for the purpose of obtaining the loan, or for divided sale, rental or lease of any portion of the property.
- (9) Must not be acquired or used, in conjunction with a tax-exempt Program or qualifying tax-exempt Mortgage Loan, in whole or in part, by the mortgagor as an investment property, rental property, or as a recreational, vacation or second home; provided, however, that limited rentals/leases of the dwelling may be permitted by OHFA upon request as provided herein.
- (10) Real estate owned by any of the Participating Lenders, Trustee banks or OHFA may be eligible if otherwise qualified or not prohibited by law.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-3-10. Maximum sale price

Maximum sale price and/or appraised value of single family dwellings to be mortgaged under a Program shall be fixed by Trustees at time of finalization of the Program in question. In addition, such maximum sale price:

- (1) May be further restricted by provisions of the Code;
- (2) May be set at different amounts for various parts of the State, provided that such different amounts shall be based upon an objective standard generally accepted in the housing industry in the State as identifying the then current or recent per capita income and/or housing costs for the State and/or the various localities within the State;
- (3) Target areas or particular types of properties may be designated for special treatment under a Program, as may be authorized or required under the Code, or as authorized or required by the final terms of the Program Documents.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-3-11. Program loan origination periods

In order to best serve the citizens of the State, Mortgage Loans shall be originated on a continuous basis and allocated to the Program as applicable. The actual period of time for the use of Program funds or the origination of mortgages under each Program shall be set as the Trustees may determine to be necessary under the market conditions prevalent at the time the program is being developed and as may be determined by the Trustees at the discretion of the Trustees at time of finalization of the Program.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-3-12. Loan origination underwriting standards.

(a) Loans for all Programs shall be underwritten by use and application of the then current mortgage loan underwriting criteria and/or standards of one or more of the following:

- (1) Federal Home Loan Mortgage Corporation (FHLMC)
- (2) Federal National Mortgage Association (FNMA)
- (3) Federal Housing Administration (FHA)
- (4) Veterans Administration (VA)
- (5) USDA Rural Development (RD)
- (6) Such other standards as may be set by the terms of a specific Program.

(b) Reference is hereby made to the provisions of the rules, regulations, underwriting handbooks and other official manuals or underwriting guidelines of each of the entities identified in (a) of this Section, and for the purposes expressed herein, said provisions are hereby adopted by this reference as authorized by Section 251(D) of the APA.

(c) Certifications of the following parties pertaining to the compliance of each application and mortgage loan under each Program must be obtained for the purpose of and used to verify whether or not the

application and proposed mortgage loan qualifies under the specific Program in question:

- (1) Participating Lender
- (2) Borrower
- (3) Such other parties as may be required by the Code.

(d) The aforementioned certifications shall be in such form as may be approved from time to time by OHFA with the advice of its counsel in the implementation of the Program in order to comply with pertinent requirements of the Code, the rules of this Chapter, and the specifics of Program Documents for the Program in question.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-3-13. Borrower's insurance requirements

The actual insurance requirements for each Program and for the origination of mortgages under each Program shall be set as the Trustees may determine to be necessary under the market conditions prevalent at the time the Program is being developed, and as may be determined by the Trustees in their discretion at the time of finalization of the Program. Such insurance requirements shall be at least as required by the referenced underwriting standards adopted for the Program in question. By way of illustration, and not as a limitation, such insurance requirements may include one or more of the following types of insurance on a mortgage loan:

- (1) Mortgage Insurance - FMLMC, FNMA, FHA, VA, RD and/or Private Mortgage Insurance (PMI)
- (2) Hazard Insurance
- (3) Flood Insurance, as required in accordance with the Federal Emergency Management Agency (FEMA) Maps and/or Mortgage Insurer requirements.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-3-14. Code compliance

All Programs which include provisions for the sale of bonds, notes or other debt obligations by OHFA which are intended to qualify as tax-exempt under the provisions of Section 103 of the Code shall make adequate provision in the documents and procedures for the attainment and requisite maintenance of the intended tax-exempt status of such debt obligations. Reference is hereby made to the provisions of Section 103 of the Code, and for the purposes expressed herein, said provisions are hereby adopted by this reference as authorized by Section 251(D) of the APA. If there is a conflict between the provisions of the Code and the rules of this Chapter, the Code shall prevail unless the rules provide restrictions more severe than those imposed by the Code, in which case the rules shall prevail.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

SUBCHAPTER 5. BORROWERS

330:15-5-1. Requirements

(a) **State residency.** All borrowers in each Program must prove that they are residents of the State or that they will be residents of the State at the time the loan is closed.

(b) **Maximum income limitations.** The maximum income limitations for borrowers for each Program shall be as authorized under the Program in question, or the Code, as may be applicable to the Program, provided, however, that the requirements for each Program and for the origination of mortgages under each Program may be lower than required by the Code, and shall be set as the Trustees may determine to be necessary under the market conditions prevalent at the time the Program is being developed and as may be determined by the Trustees in their discretion at the time of finalization of the Program. The Trustees, at their discretion, may set lower maximum income limitations for any Program at time of finalization of the Program in question. Maximum income limitations must be verified by affidavits of borrowers, and, when applicable, as may be required by the Code.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-5-2. Fees and expenses

(a) **Program specific.** Each Program shall specify the fees and expenses to be paid by borrowers. By way of illustration, and not as a limitation, such fees and expenses to be paid by borrowers may include one or more of the following:

- (1) **Application fees.** Borrowers may be required to pay an application fee to make application for a Mortgage Loan under any Program. Application fees shall be set for each Program by the Trustees in their discretion at the time of finalization of the Program.
- (2) **Other fees and expenses.** Borrowers may be required to pay fees and expenses in connection with the processing of borrowers' application and requested loan for any Program. By way of illustration, and not as a limitation, such fees and expenses which may be required to be Program in a Program may include one or more of the following:
 - (A) Survey fees
 - (B) Abstracting and title examination and/or title insurance fees and expenses
 - (C) Credit checks
 - (D) Inspection fees and expenses
 - (i) habitability
 - (ii) structural
 - (iii) termite and insect/rodent infestation
 - (E) Employment/income verification fees/expenses
 - (F) Insurance escrows

- (G) Document preparation fees
- (H) Loan closing fees
- (I) Tax escrows
- (J) Utilities escrows
- (K) Mortgage insurance premiums or loan guarantee fees
- (L) Program fee
- (M) Loan origination fee
- (N) Such other fees and expenses as may be required by the Program.

(b) **Requirement Set by Trustees and/or Staff.** The requirements for the payment of any of the particular fees and expenses in the Program and for the origination of mortgages under the Program shall be set as the Trustees may determine to be necessary under the market conditions prevalent at the time the Program is being developed and as may be determined by the Trustees and/or Staff in their discretion at the time of finalization of the Program.

(c) **Borrower Eligibility.** Any additional specific guidelines or criteria for eligibility of borrowers shall be determined and announced by OHFA Trustees and/or Staff for each specific Program to be implemented. Factors which may be considered, depending on the particular Program, include family income, family size, location of the residence to be financed (whether in a target or nontarget area) and whether the buyer is a first-time home buyer.

(d) **Preference for low income families.** OHFA shall endeavor to make the benefits of its Programs available to all qualifying persons OHFA will make its Programs available to all qualified applicants on a first-come, first-served basis, and shall endeavor to make loan funds available across as wide a geographical distribution in Oklahoma as possible.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

SUBCHAPTER 7. PARTICIPATING LENDERS

330:15-7-1. Statement of Programs purposes affecting Participating Lenders

In implementing its Programs, OHFA may endeavor to utilize the services of competent mortgage lending institutions already doing business in Oklahoma at the time the particular Programs is implemented. Fees paid to Participating Lenders shall be fair and reasonably commensurate with the type of services rendered.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-7-2. Qualifications of Participating Lenders in each program

The qualification requirements for Participating Lenders in each program shall be set as the Trustees and/or Staff may determine to be necessary under the market conditions prevalent at the time the program is being developed and as may be determined by the Trustees and/or

Staff in their discretion at the time of finalization of each program in question. By way of illustration, and not as a limitation, such qualifications for Participating Lenders may include one or more of the following:

- (1) Minimum net worth;
- (2) Minimum total assets;
- (3) Qualified to issue mortgage backed securities of FNMA, GNMA, FHLMC or other similar issues of mortgage-backed securities;
- (4) Qualified to originate and service mortgage loans for FHA, FNMA, FHLMC, RD, and/or VA;
- (5) No defaults in performance under prior programs of OHFA;
- (6) No suits pending against it;
- (7) Maximum mortgage loan portfolio default rate on mortgage loans serviced by it;
- (8) Maintain all necessary licenses required to do business in the State; and
- (9) Such other criteria as the Trustees and/or Staff may deem in their discretion to be pertinent.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21 ; Amended at 40 Ok Reg 916, eff 1-1-24]

330:15-7-3. Allocation to Participating Lenders

In the event an allocation process is necessary to divide available loan proceeds among a number of Participating Lenders or for use within a number of counties or geographic areas, OHFA Trustees and/or Staff shall make such allocations on a fair, reasonable and equitable basis at a public hearing upon proper notice, offering affected persons or institutions an opportunity to be heard on the matter.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-7-4. Blocking-out

Blocking-out for Participating Lenders in each Programs shall be set as the Trustees and/or Staff may determine to be necessary under the market conditions prevalent at the time the Programs is being developed and as may be determined by the Trustees and/or Staff in their discretion at the time of finalization of each Programs.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-7-5. Participating Lenders fees

The fee requirements for Participating Lenders in each Programs shall be set as the Trustees and/or Staff may determine to be necessary under the market conditions prevalent at the time the Programs is being developed and as may be determined by the Trustees and/or Staff in their discretion at the time of finalization of each Programs in question.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-7-6. Origination of Program loans

Participating Lenders shall originate mortgage loans in accordance with then current loan origination requirements of either FHLMC, FNMA, FHA, RD or VA, as the case may be. Additional origination requirements may be in such form as the Trustees and/or Staff may determine to be required by market conditions prevalent at the time the Program is being developed and as may be determined by the Trustees and/or Staff in their discretion at the time of finalization of the Program.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-7-7. Servicing of Program loans

Participating Lenders, as applicable, shall service Mortgage Loans in accordance with then current loan servicing requirements of either FHLMC, FNMA, FHA, GNMA, RD or VA, as the case may be. Additional servicing requirements may be in such form as the Trustees and/or Staff may determine to be required by market conditions prevalent at the time the Program is being developed and as may be determined by the Trustees in their discretion at the time of finalization of the Program in question.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-7-8. Limitations upon assignability of rights and duties of Participating Lenders under Programs

Participating Lenders in any Program shall not be authorized under Program Documents to assign their rights or obligations without the prior express written consent of OHFA. No contract or agreement or other instrument evidencing, or intended to evidence, the assignment of any of such rights or duties of any Participating Lenders shall make provision for the release of any of the obligations to OHFA or the Bond Trustee under the Program in question, of the assigning Participating Lenders, and such restriction may not be waived by any action of the Trustees, officers or staff of OHFA except by amendment to the rules of this Chapter.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-7-9. Participating Lenders deemed to be fiduciaries of OHFA

All firms which agree to act as Participating Lenders under any Program for the purpose of originating and/or servicing Mortgage Loans shall be deemed to be acting as a fiduciary agent to OHFA, and by accepting and agreeing to so act, such Participating Lenders shall be bound to the standards and duties of conduct of a fiduciary agent, as provided by law.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-7-10. Disqualification and/or termination of participating lenders under Program

The Program Documents shall specify the specific grounds for disqualification and/or termination of a Participating Lender in the Program in question. By way of illustration, and not as a limitation, such grounds may include one or more of the following:

- (1) Insolvency of a Participating Lender.
- (2) Breach of any Program agreement by a Participating Lender.
- (3) Breach of OHFA Rules by the Participating Lender.
- (4) Unreasonably high default rate in the portfolio of mortgages being originated and/or serviced by a Participating Lender.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-7-11. Additional requirements

Additional servicing requirements may be in such form as the Trustees and/or Staff may determine to be required by market conditions prevalent at the time the Program is being developed and as may be determined by the Trustees and/or Staff in their discretion at the time of finalization of the Program in question.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-7-12. REOs

A Participating Lender may be required to:

- (1) Maintain REOs (Real Estate Owned by a prior lender, insurer, or guarantor).
- (2) Handle sale of REOs.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-7-13. Annual audit of Program accounts with Participating Lenders, as necessary

As to each Program in which a Participating Lender is originating and/or servicing Mortgage Loans, on or before one hundred twenty (120) days after the end of Participating Lender's fiscal year, if requested by OHFA, Participating Lender, at its expense, shall cause a firm of independent public accountants to furnish a statement of the Program to OHFA, for the preceding fiscal year, to the effect that such firm has examined certain documents and records relating to the servicing of the mortgage loans and that, on the basis of such examination conducted substantially in compliance with the audit Program for mortgages serviced for FHLMC, FHA, FNMA, GNMA, RD or VA, or such other auditing standards as may be set by the terms of a specific Program, as the case may be, and such firm is of the opinion that such servicing has been conducted in compliance with such standards except for (i) such exceptions as such firm shall believe to be immaterial and (ii) such other exceptions as shall be set forth in such statement. In addition, if requested by OHFA, on or before one hundred twenty (120) days after

the end of Participating Lender's fiscal year, Participating Lender, at Participating Lender's expense, shall furnish to OHFA a copy of Participating Lender's financial statement (audited, if available) for its fiscal year which accurately sets out the net worth, shareholders equity or unimpaired capital position (or other equivalent term as used in generally acceptable accounting practice) of the Participating Lenders.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-7-14. Effect of default on qualification

Participating Lenders must not be deemed by OHFA to be in default under any prior OHFA Program at the time of determining whether Participating Lenders are eligible to become a Participating Lender under the Program in question.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-7-15. Compliance

Each Participating Lender shall be obligated to follow State and federal laws and the rules and applicable to Participating Lenders in connection with the Program in question.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

SUBCHAPTER 9. BONDS

330:15-9-1. Security

The Bonds for each Program shall be secured by the portfolio of mortgages originated under the Program, or mortgage-backed securities covering such mortgages, and such additional security, including security other than the mortgages or mortgage-backed securities with respect to the particular Program, in such form as the Trustees may determine to be required by market conditions prevalent at the time the Program is being developed and as may be determined by the Trustees at the discretion of the Trustees at time of finalization of the Program.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-9-2. Limited obligations

All Bonds are to be special limited obligations of OHFA and not the obligation of the State. To this end, all Bond or Trust Indentures and all bonds, notes or other evidences of indebtedness of OHFA issued in connection with any Program shall bear a restriction in substantially the following form: THE BONDS ARE SOLELY THE OBLIGATIONS OF THE ISSUER AND NOT OF THE STATE OF OKLAHOMA OR THE PARTICIPANTS. THE BONDS ARE PAYABLE SOLELY OUT OF THE INCOME, REVENUES AND RECEIPTS DERIVED OR TO BE DERIVED FROM THE MORTGAGE LOANS, AND THE FUNDS AND ACCOUNTS

AND ADDITIONAL SECURITY HELD UNDER AND PURSUANT TO THE BOND INDENTURE AND PLEDGED THEREFOR OR OTHER INCOME, REVENUES AND RECEIPTS RECEIVED BY THE ISSUER FROM ANY OTHER SOURCES AS A RESULT OF THE INVESTMENT OR EXPENDITURE OF THE PROCEEDS DERIVED FROM THE ISSUANCE OF THE BONDS, INCLUDING, BUT NOT BY WAY OF LIMITATION, CERTAIN INSURANCE PROCEEDS AND OTHER MONEYS WHICH, BY LAW OR CONTRACT, MAY BE MADE AVAILABLE TO THE ISSUER AND PLEDGED UNDER AND IN THE MANNER PRESCRIBED IN THE BOND INDENTURE. THE BONDS ARE SPECIAL, LIMITED OBLIGATIONS OF THE ISSUER AND DO NOT CONSTITUTE AN OBLIGATION, EITHER GENERAL OR SPECIAL, OF THE STATE OF OKLAHOMA OR ANY PARTICIPANT WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISION WHATSOEVER.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-9-3. Special reserves

Provision for special reserves for protection of bondholders in each Program shall be set as the Trustees may determine to be necessary under the market conditions prevalent at the time the Program is being developed and as may be determined by the Trustees at the discretion of the Trustees at the time of finalization of each Program in question.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-9-4. Bond terms

- (a) OHFA, at its discretion, may finance all or a portion of its Single Family Home Ownership Programs with proceeds of bonds issued and sold by OHFA.
- (b) All bonds for each Program are to be sold in compliance with applicable state and federal laws.
- (c) All bonds for each Program may be tax-exempt or taxable or may be a combination of taxable and tax-exempt bonds for each Program, as the Trustees may determine to be necessary under the market conditions prevalent at the time the Program is being developed and as may be determined by the Trustees in their discretion at the time of finalization of the Program.
- (d) The average coupon rate and the maximum interest rate of the bonds for any Program shall not exceed the maximum rate authorized by state law.
- (e) Maximum and average effective interest rates for bonds under each Program shall be set as the Trustees may determine to be necessary under the market conditions prevalent at the time the Program is being developed and as may be determined by the Trustees in their discretion at the time of finalization of the Program in question.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-9-5. Competitive bidding

Competitive bidding as required by 62 O.S., Section 695.1 et seq. Oklahoma Bond Oversight and Reform Act or other state laws shall be complied with for all Programs. The requirements for particular services or goods for a particular Program shall be set as the Trustees may determine to be necessary under the market conditions prevalent at the time the Program is being developed and as may be determined by the Trustees in their discretion at the time of finalization of the Program in question. By way of illustration, and not as a limitation, such services or goods for a particular Program requiring competitive bidding in some form may include one or more of the following professional services providers:

- (1) Underwriters.
- (2) Bond Trustee.
- (3) Bond Counsel.
- (4) Tax Counsel.
- (5) Certifications Financial Advisor.
- (6) Master Servicer.
- (7) Cash Flow Certifications.
- (8) Printing of bonds and official statements, etc.
- (9) Credit Enhancements.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-9-6. Volume of bonds

Volume of bonds to be issued for any Program shall not be in excess of amount authorized by CAP Allocation received from the State (when CAP is applicable).

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-9-7. Approval of Council of Bond Oversight

No bonds shall be issued except after receipt of approval from the Council of Bond Oversight.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-9-8. Approval of Governor

No bonds shall be issued except after receipt of approval by the Governor of the State of Oklahoma of the Program being financed by the bonds.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

330:15-9-9. Trustee action to be taken

Programs shall be developed and implemented only upon the following minimum action of the Trustees:

- (1) The adoption of an initial resolution authorizing the development of a program:
 - (A) Specifying the maximum size of the program;

- (B) Directing the staff to seek CAP allocation from the State (when applicable);
 - (C) Directing staff to take such preliminary action as may be required in law to select professional services providers; and
 - (D) Directing staff to take such action as may be necessary to determine the necessity for a program and the size thereof.
- (2) The adoption of resolutions selecting professional services providers; and
- (3) The adoption of a final resolution approving all Program Documents, agreements, and procedures, and authorizing the sale of the bonds and the implementation of the program and specifying the interest rates for the bonds and taking such other action as may be necessary to implement the Program.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21 ; Amended at 40 Ok Reg 916, eff 1-1-24]

SUBCHAPTER 11. NO LOANS TO PARTIES WITH POTENTIAL CONFLICT OF INTEREST

330:15-11-1. Parties deemed to be in a conflict of interest

OHFA desires and intends to not allow mortgage loans to be made to parties who have or may appear to have a conflict of interest in the making and/or receipt of a mortgage loan under any of its Programs. To this end, OHFA declares the following parties to be in a conflict of interest and not eligible to be a borrower pursuant to a mortgage loan financed directly or indirectly by OHFA or any Program of OHFA:

- (1) OHFA affiliates:
 - (A) Trustees;
 - (B) Officers;
 - (C) Bond Counsel and attorneys of firm;
 - (D) General Counsel and attorneys of firm;
 - (E) Tax Counsel and attorneys of firm;
- (2) Bond Trustee bank affiliates:
 - (A) Officers;
 - (B) Directors.
- (3) Participating Lender's affiliates:
 - (A) Officers;
 - (B) Directors.
- (4) State Officials affiliates:
 - (A) Governor;
 - (B) Governor's staff;
 - (C) Members of Council of Bond Oversight.

[Source: Amended at 37 Ok Reg 1709, eff 1-1-21]

CHAPTER 20. FINANCING PROJECTS FOR RESIDENTIAL MULTIFAMILY RENTAL PROPERTY [REVOKED]

[**Authority:** The Amended Trust Indenture and Bylaws of the Oklahoma Housing Finance Agency]
[**Source:** Codified 12-30-91]

SUBCHAPTER 1. GENERAL PROVISIONS AND ADMINISTRATION [REVOKED]

330:20-1-1. Purpose [REVOKED]

[**Source:** Revoked at 34 Ok Reg 1331, eff 9-11-17]

330:20-1-2. Program description [REVOKED]

[**Source:** Revoked at 34 Ok Reg 1331, eff 9-11-17]

330:20-1-3. Techniques [REVOKED]

[**Source:** Revoked at 34 Ok Reg 1331, eff 9-11-17]

SUBCHAPTER 3. APPLICATIONS [REVOKED]

330:20-3-1. Applications; new construction [REVOKED]

[**Source:** Revoked at 34 Ok Reg 1331, eff 9-11-17]

330:20-3-2. Applications; existing - acquisition/rehabilitation [REVOKED]

[**Source:** Revoked at 34 Ok Reg 1331, eff 9-11-17]

SUBCHAPTER 5. SUBMISSION REQUIREMENTS AND PROCEDURE [REVOKED]

330:20-5-1. Initial resolution [REVOKED]

[**Source:** Revoked at 34 Ok Reg 1331, eff 9-11-17]

330:20-5-2. Second resolution [REVOKED]

[**Source:** Revoked at 34 Ok Reg 1331, eff 9-11-17]

SUBCHAPTER 7. OHFA FEES [REVOKED]

330:20-7-1. Developer(s) [REVOKED]

[Source: Revoked at 34 Ok Reg 1331, eff 9-11-17]

330:20-7-2. Total application fee [REVOKED]

[Source: Revoked at 34 Ok Reg 1331, eff 9-11-17]

330:20-7-3. Annual service fee [REVOKED]

[Source: Revoked at 34 Ok Reg 1331, eff 9-11-17]

330:20-7-4. Assumption/transfer fee [REVOKED]

[Source: Revoked at 34 Ok Reg 1331, eff 9-11-17]

SUBCHAPTER 9. AGENCY REQUIREMENTS- MULTIFAMILY [REVOKED]

330:20-9-1. Disclosure [REVOKED]

[Source: Revoked at 34 Ok Reg 1331, eff 9-11-17]

330:20-9-2. Review [REVOKED]

[Source: Revoked at 34 Ok Reg 1331, eff 9-11-17]

330:20-9-3. Project guarantees [REVOKED]

[Source: Revoked at 34 Ok Reg 1331, eff 9-11-17]

SUBCHAPTER 11. EVALUATION CONSIDERATIONS [REVOKED]

330:20-11-1. Evaluations [REVOKED]

[Source: Revoked at 34 Ok Reg 1331, eff 9-11-17]

330:20-11-2. Final decision [REVOKED]

[Source: Revoked at 34 Ok Reg 1331, eff 9-11-17]

330:20-11-3. Felony conviction [REVOKED]

[Source: Revoked at 34 Ok Reg 1331, eff 9-11-17]

330:20-11-4. Developer/buyer affidavits [REVOKED]

[Source: Revoked at 34 Ok Reg 1331, eff 9-11-17]

**SUBCHAPTER 13. COMPLIANCE AND REPORTING
REQUIREMENTS [REVOKED]**

330:20-13-1. Compliance with state laws [REVOKED]

[Source: Revoked at 34 Ok Reg 1331, eff 9-11-17]

330:20-13-2. Records and accounts [REVOKED]

[Source: Revoked at 34 Ok Reg 1331, eff 9-11-17]

330:20-13-3. Audits [REVOKED]

[Source: Revoked at 34 Ok Reg 1331, eff 9-11-17]

**SUBCHAPTER 15. SALE, TRANSFER/ASSUMPTION
[REVOKED]**

330:20-15-1. Written consent [REVOKED]

[Source: Revoked at 34 Ok Reg 1331, eff 9-11-17]

330:20-15-2. Submission requirements [REVOKED]

[Source: Revoked at 34 Ok Reg 1331, eff 9-11-17]

**APPENDIX A. APPLICATION FOR FINANCING OF
MULTIFAMILY RESIDENTIAL RENTAL PROJECT
[REVOKED]**

[Source: Revoked at 34 Ok Reg 1331, eff 9-11-17]

APPENDIX B. INITIAL RESOLUTION [REVOKED]

[Source: Revoked at 34 Ok Reg 1331, eff 9-11-17]

APPENDIX C. SECOND RESOLUTION [REVOKED]

[Source: Revoked at 34 Ok Reg 1331, eff 9-11-17]

CHAPTER 25. 1987 SINGLE FAMILY MORTGAGE REVENUE BOND LOAN PROGRAM

[**Authority:** The Amended Trust Indenture and Bylaws of the Oklahoma Housing Finance Agency]
[**Source:** Codified 12-30-91]

SUBCHAPTER 1. GENERAL PROVISIONS

330:25-1-1. Purpose

The rules of this Chapter have been adopted for the purpose of complying with the provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et seq. These Program Guidelines shall amend and replace the Program Guidelines for the 1985 Single Family Mortgage Revenue Bonds Loan Program ("1985 Program") adopted by the OHFA Trustees on May 21, 1985, which 1985 Program has been officially renamed as the "1987 Single Family Mortgage Revenue Bond Program" (hereinafter referred to as the "1987 Program"). Implementation of the 1987 Program and the issuance of any debt obligations to provide financing therefor shall be subject to provisions of the United States Internal Revenue Code of 1986, as amended and supplemented (the "Code"), Title 60 Oklahoma Statutes 1981 Sections 176.1 through 176.54 and 176 through 180.3 as amended and supplemented (collectively, the "Act"), and such other provisions of Oklahoma and federal law and the provisions of the Trust Indenture creating OHFA as may be applicable to the 1987 Program and the financing thereof.

330:25-1-2. Applicability

The Program Guidelines of this Chapter are adopted in accordance with the provisions of Title 75 Oklahoma Statutes, Sections 301 et seq and Title 60, Public Trust Act, Sections 176 et seq, and applicable provisions of the Internal Revenue Code. Any part of these Program Guidelines found by a court, the Attorney General of Oklahoma, or the Internal Revenue Service to be inconsistent with or unnecessary under the said statutory provisions, as such presently exist or are hereafter amended, shall be interpreted if necessary so as to comply with such statutes as they presently exist or are hereafter amended, and the determination by a court or the Attorney General of Oklahoma or the Internal Revenue Service of the partial or total invalidation of any section or sections of these Program Guidelines shall not affect the sections not declared to be invalid.

330:25-1-3. Sale of bonds

The 1987 Program, as described in the Program Guidelines of this Chapter, is subject to OHFA's ability to sell tax-exempt mortgage revenue bonds to finance the 1987 Program. OHFA intends to make a good and faithful effort to sell such bonds, in accordance with applicable Federal and Oklahoma laws. OHFA gives no assurance that bonds will be sold, and therefore there is no assurance that the 1987 Program will, in fact,

be instituted.

330:25-1-4. Trustee bank

Bank of Oklahoma, Oklahoma City, N.A. has been selected to serve as Trustee Bank for the 1987 Program.

330:25-1-5. Program insurance

(a) Various types of program insurance may be required.

(b) Errors and Omissions Insurance and Fidelity Bond coverage shall be required of each participant, with the costs to be paid by each participant.

(c) The following insurance, among others, with OHFA or servicer and/or assigns as beneficiary, shall be a part of each mortgage loan. The costs of such coverage shall be paid by or on behalf of the mortgagor, and may include:

- (1) Hazard Insurance.
- (2) Flood Insurance (where applicable).
- (3) FHA Mortgage Insurance or VA Guarantee.

SUBCHAPTER 3. MORTGAGE LOAN REQUIREMENTS

330:25-3-1. Eligible mortgagor

Any potential applicant-mortgagor shall be subject to the following criteria:

- (1) Non-targeted areas: At all times, at least ninety-five percent (95%) in aggregate amount of the mortgage loans originated in Non-target areas must be to mortgagors who have not owned a home within the last three (3) preceding years. ("Three Year Ownership Rule")
- (2) Target areas: Mortgagor may have owned a home within the last three (3) preceding years.
- (3) Acquisition cost and maximum income limits must not exceed the limits as listed in 330:25-5-2.
- (4) Loan qualification (underwriting criteria) at least equal to those of GNMA and/or Fannie Mae. All mortgage loans must be insured by FHA or guaranteed by VA.

330:25-3-2. Structure of mortgage loan

Each mortgage loan will be secured by a first mortgage lien upon a single family (one unit) owner-occupied residence to be occupied by the mortgagor as his or her principal place of residence, located within Oklahoma ("State"), and will be made substantially in accordance with the originating participant's then-current standard underwriting policies which will be at least equal to the then-current requirements of Government National Mortgage Association ("GNMA") and/or Federal National Mortgage Association ("Fannie Mae") and in accordance with a Mortgage Origination Agreement as hereafter defined. Each mortgage loan will be made for the purpose of purchasing the property subject to

the related mortgage loan and not for the purpose of acquiring, replacing or refinancing any existing loan (except for the replacement of construction period loans, bridge loans or similar temporary initial financing on any such property). Each mortgage loan will have a fixed rate of interest and will have a term of not more than thirty (30) years. Each mortgage loan shall be and remain insured by the Federal Housing Administration (FHA) or guaranteed by the Veteran's Administration (VA). The 1987 Program may provide for maximum loan-to-value (LTV) ratios.

330:25-3-3. Assumption

Mortgage loans under the 1987 Program may be assumed by purchasers qualifying under the program requirements. The interest rate(s), borrowers' fees, and costs, structure, qualifications, provisions for assumption, and term of the mortgage loans will be determined by OHFA's Board of Trustees upon finalizing the 1987 Program.

330:25-3-4. Mortgage loan interest rate

The mortgage loan interest rate will be fixed by OHFA's Board of Trustees upon finalizing the 1987 Program, and announced upon sale and delivery of the bonds.

330:25-3-5. Servicing

Mortgage loans may be serviced by the participant responsible for origination of the mortgage loan, or may be assigned to one or more major servicers, as provided in the Agreement.

330:25-3-6. Repurchase or acceleration

If any document or documents constituting a part of a mortgage file are defective or incomplete in any material respect, the affected participant shall cure the defect within a period to be specified in the applicable agreements or may be required to repurchase mortgage loans closed under defective or incomplete documents. Payment of mortgage loans which are closed as a result of misrepresentations by borrowers may be accelerated.

SUBCHAPTER 5. REQUIREMENTS OF RESIDENCES

330:25-5-1. Eligibility

Owner-occupied, single-family residences, including manufactured housing, condominium units, and planned unit developments (P.U.D.'s) may be financed under the 1987 Program. Manufactured, condominium and P.U.D. financings may be limited in the overall mortgage loan portfolio.

330:25-5-2. Acquisition cost

The maximum sales price ("acquisition cost") of residences which may be financed and maximum income of borrowers under the 1987

Program shall be as specified by the U.S. Department of Treasury ("Treasury"), Internal Revenue Service ("IRS") and/or the U.S. Department of Housing and Urban Development ("HUD") published guidelines as may be modified by OHFA's Board of Trustees. Information on the specific maximum sales price (acquisition cost) of residences which may be financed and maximum income of borrowers and other eligibility criteria shall be available through participating lending institutions.

SUBCHAPTER 7. OFFERS TO ORIGINATE; DISBURSEMENTS

330:25-7-1. Eligible participants

OHFA shall endeavor to utilize the services of competent mortgage lending institutions already doing business in Oklahoma and meeting other program qualifications as set forth in the Agreement. Fees paid to participating lenders shall be fair and reasonable commensurate with the type of services rendered and shall be comparable with origination and/or servicing fees paid in private mortgage lending transactions of a similar type. Home mortgage lending institutions, including all qualified savings and loans, commercial banks and mortgage banking institutions maintaining an office within the State, which meet the criteria established by OHFA, shall be eligible to participate in origination of loans in the 1987 Program. These criteria may include, but not necessarily be limited to, the following:

- (1) The approval of, and experience in originating and/or servicing loans under the provisions of GNMA and/or Fannie Mae.
- (2) Authority to issue GNMA Mortgage Backed Securities.
- (3) The delinquency ratios of the potential participant's loan portfolio(s).
- (4) Financial strength.
- (5) Experience with tax-exempt single family mortgage revenue bond programs.
- (6) Qualification for direct endorsement of FHA Insurance or automatic guarantee by VA.
- (7) Minimum allocation amounts.

330:25-7-2. Method of allocation

OHFA proposes to invite Offers to Originate from, and allocate lendable proceeds to, the participants based upon the following criteria:

- (1) Participants, in their Offers to Originate ("Offer"), must specify the amount of the proposed allocation to be used in Target and/or Non-target areas. Allocations to the participants by OHFA shall be made at the discretion of OHFA. Should it become necessary, after making initial allocations, for OHFA to reduce the overall issue size because of marketing or other considerations, the allocations of all participants will be reduced on a fair and equitable basis.

(2) The Offer may encompass the State as a whole, regions, or various specific areas within the State. The Offer should, however, indicate the approximate allocation of mortgage funds among the various counties, so that OHFA may monitor geographic distribution of 1987 Program funds.

(3) OHFA shall make its best reasonable efforts to make funds available for each county in the State.

330:25-7-3. Disbursement period

Funds are to be disbursed to provide for the financing of mortgage loans within a period to be specified by OHFA's Board of Trustees upon finalizing the 1987 Program.

330:25-7-4. Transfers of allocations

OHFA shall establish a procedure for re-allocation of lendable proceeds between participants and within a participant's allocation. Approvals of requested re-allocations shall be made with a view toward best satisfying the 1987 Program Guidelines.

330:25-7-5. Blocking-out

The 1987 Program may allow participants to accept or provide for Pre - commitments or Blocking-out of funds allocated to them under the Program. The Program may impose limits upon such Pre-commitments or Blocking-out.

330:25-7-6. Origination agreement

An Origination Agreement shall be executed between and among OHFA and each of the participants. This Agreement shall specify detailed procedures concerning processing, closing, and servicing the mortgage loans. The Origination Agreement will also specify numerous reporting and procedural requirements necessary for the maintenance of proper cash flows and/or measures for the preservation of the tax-exempt status of the bonds.

SUBCHAPTER 9. INTERNAL REVENUE CODE REQUIREMENTS

330:25-9-1. Limitations

(a) The Internal Revenue Code (the "Code") imposes significant requirements and restrictions upon OHFA with respect to single family mortgage loans that can be financed through proceeds from the issuance of tax-exempt obligations. Under the limitations imposed by the Code, among other things:

(1) the amount of such obligations that may be issued in Oklahoma is limited;

(2) the acquisition cost for single family residences financed by the mortgage loans is presently limited to a ceiling of between \$61,650 and \$116,380 depending on the geographical area of the

State;

(3) the mortgagor must use the residence financed as his/her principal residence;

(4) at all times, at least 95% in aggregate amount of the mortgage loans originated in Non-targeted areas must be to mortgagors who have not had any present ownership interest in a principal residence during the three-year period prior to the execution of the mortgage loan; and

(5) bond proceeds may not be applied to acquire or replace an existing mortgage, except for certain temporary initial financing.

(b) In addition, the Code imposes maximum income limitations.

Information regarding those limitations will be made available through participating lending institutions.

330:25-9-2. Bond requirements

The Code also establishes certain requirements which must be met subsequent to the delivery of the bonds in order that interest on the bonds be exempt from federal income taxes under the provisions thereof. These requirements include, but are not necessarily limited to, the following:

(1) The mortgagor(s) must execute sworn affidavit(s) (on forms to be specified by OHFA) concerning the residence requirements, the acquisition cost, conflict of interest, income and other matters. Mortgagor(s) acquiring homes in Non-target areas must also provide copies of federal income tax returns for each of the three (3) years preceding closing of the mortgage loans.

(2) Seller(s) must execute sworn affidavit(s) (on forms to be specified by OHFA) concerning the residence requirements, acquisition cost, conflict of interest and other matters.

(3) Participant(s) must independently verify and document the accuracy of the mortgagor's and seller's affidavit(s) and qualifications under provisions of the Agreement and 1987 Program Guidelines, including at least the following:

(A) Income computations as to program and credit eligibility

(B) Acquisition cost

(C) Survey location report

(D) Purchase contract

(E) Site inspection

CHAPTER 30. MULTIFAMILY HOUSING BOND PROGRAM

[**Authority:** The Amended Trust Indenture and Bylaws of the Oklahoma Housing Finance Agency]
[**Source:** Codified 12-30-91]

SUBCHAPTER 1. GENERAL PROVISIONS [REVOKED]

330:30-1-1. Purpose [REVOKED]

[**Source:** Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

330:30-1-2. Credit enhancement techniques [REVOKED]

[**Source:** Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

SUBCHAPTER 2. GENERAL PROVISIONS

330:30-2-1. Purpose

(a) The rules of this Chapter have been adopted for the purpose of complying with the provisions of the Administrative Procedures Act, 75 O.S., Section 250 et seq. This Chapter shall be applicable to Oklahoma Housing Finance Agency (OHFA) programs, transactions and activities relating to the financing of multifamily rental Developments with tax exempt bonds and/or taxable bonds (MF Bonds).

(b) OHFA provides tax exempt and taxable financing for the acquisition, construction, and/or rehabilitation of rental housing Developments which satisfy the goals and requirements of OHFA, and comply with applicable federal and State law. In any given year, the ability of OHFA to provide tax-exempt financing for Developments is contingent upon receipt by OHFA of a tax-exempt bond allocation from the Council of Bond Oversight, through the State of Oklahoma annual private activity allocation.

[**Source:** Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Amended at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 1973, eff 7-31-13 ; Amended at 33 Ok Reg 1549, eff 10-1-16]

330:30-2-1.1. Authority

OHFA derives its authority to issue MF Bonds from the Oklahoma Private Activity Bond Allocation Act (62 O.S. 695.21) and the Administrative Rules of the Council of Bond Oversight.

[**Source:** Added at 33 Ok Reg 1549, eff 10-1-16]

330:30-2-1.2. Scope

During each program year, MF Bonds will be made available to eligible entities for the purpose of implementing specific Developments

that further the stated purpose of the MF Bond program. Eligible entities include, but are not limited to, for-profit Developers, non-profits, public agencies, Native American Tribes, and local governments.

[Source: Added at 33 Ok Reg 1549, eff 10-1-16]

330:30-2-2. Definitions

Masculine words, whenever used in this Chapter, shall include the feminine and neuter, and the singular includes the plural, unless otherwise specified. The following words or terms, when used in this Chapter shall have the following meaning, unless the context clearly indicates otherwise. Additional capitalized terms used in these Chapter 30 Rules are defined in the Code and these Chapter 30 Rules. When a conflict exists between the following definitions and the Code, the more restrictive meaning shall be applied.

"Affiliate" means any Person that directly or indirectly through one (1) or more intermediaries, Controls, is Controlled By, or is Under Common Control With any other Person.

"Applicant" means any Person and each Affiliate of such Person, which has submitted an Application to OHFA seeking financing under this Chapter. Applicant includes the Owner and Owner's predecessor in interest, if any, and includes any successor in interest, Transferee of all or any portion of the Development, and the heirs, executors, administrators, devisees, successors and assigns of any purchaser, grantee, Transferee Owner or lessee (other than a Resident) of all or any portion of the Development, and any other Person or entity having any right, title, or interest in the Development.

"Application" means an Application, in the form prescribed by OHFA, from time to time, including all exhibits and other materials filed by an Applicant with OHFA in support, or in connection with financing under this Chapter.

"Application Packet" (referred to in these Rules as the "AP") means the Application in the form prescribed by OHFA annually, together with instructions and such other materials provided by OHFA to any Person requesting the same for the purpose of seeking to obtain from OHFA MF bonds. OHFA will solicit formal public input on the AP from interested parties, and provide explanation of any significant changes. Staff will present the following year's proposed AP to the Trustees for formal approval at a Trustees meeting. The AP may include definitive statements of what shall constitute Threshold Criteria, priorities, preferences, and compliance and monitoring requirements as may be authorized by or provided for in the Code and these Rules, and may include the necessary forms, instructions and requirements for Applications, market studies, Commitments, Agreements, elections, OHFA staff evaluation criteria for Threshold Criteria, compliance monitoring, and other matters deemed by Trustees, in their complete discretion, to be relevant to the process of evaluation of Applications and the Applicants in connection with the award or denial of MF Bonds.

"Area Median Gross Income" means the median Gross Income adjusted for household size, for the county or counties where each

Building in a Development is located as determined and published annually by HUD.

"Bond Documents" means and may include, but is not limited to the bond purchase agreement, Preliminary Official Statement, the Official Statement and any other official documents of the Bond Indenture.

"Bond Indenture" or "Bond Trust Indenture" means the indenture of trust or other contract pursuant to which OHFA issues MF Bonds or other forms of indebtedness to secure proceeds with which to finance the Development pursuant to this Chapter.

"Borrower" means the Person holding title to the Development and who is financially responsible to MF Bond holders through the Trustee Bank for repayment of the related MF Bonds secured by the Development.

"Building" means a property containing residential Housing Units located on the Land and included in the Development. In the event more than one Building is located on the Land, each Building must be treated as part of the Development.

"Capital Needs Assessment" (CNA) means a qualified professional's opinion of a property's current physical condition determined after a physical inspection of the interior and exterior of the units and structures.

"Closing" means the execution and delivery of the OHFA MF Bonds and the Bond Documents pursuant to, and in accordance with, the Final Resolution of the OHFA Trustees.

"Code" means the Internal Revenue Code of 1986, as amended and supplemented, together with applicable rules and regulations, revenue rulings, guidelines, releases, pronouncements, notices or procedures promulgated thereunder or referred to therein or in the applicable rules and regulations.

"Compliance Period" means the period commencing on the later of the first day on which at least ten percent (10%) of the residential rental units in the Development are occupied or the issue date of the Qualified 142(d) Bonds issued to acquire such facility and ending on the latest of the following: (A) the date that is fifteen years after the date on which at least fifty percent (50%) of the residential rental units in the Development are first occupied; (B) the first day on which no MF Bonds are outstanding.

"Control" (including the terms **"Controls"**, **"Controlling"**, **"Controlled By"**, and **"Under Common Control With"**) means the possession, directly or indirectly, or the power to direct or cause the direction of the management and policies of any other Person, whether through an ownership interest in the other Person, by contract, agreement, understanding, designation, office or position held in or with the other Person or in or with any other Person, or by coercion, or otherwise.

"Developer" means the Person or entity with the responsibility of ensuring the effective construction or rehabilitation of the Development, which may also be the Applicant and/or Owner of the Development. Developer also includes any other Person or organization affiliated with, Controlled by, in Control of or a related party to, the Developer, as

determined by OHFA.

"Development" means the Land and one (1) or more Buildings, structures, or other improvements now or hereafter constructed or located upon the Land. If more than one (1) Building is to be part of the Development, each Building must be financed under a common plan.

"Development Team" means the Applicant, Borrower, Developer, Owner, and the Affiliates and principals of each, the architect, general contractor, appraiser, market analyst, tax professional/accountant, attorney, consultant and property management company.

"Due Date" if a Due Date for submission of documents or fees falls on a weekend or a designated federal holiday, then the Due Date becomes the next business day.

"Final Resolution" or "Financing Resolution" means a Resolution duly approved and adopted by the Trustees approving a Development and its financing by OHFA. This Resolution may be combined with or represented by any other Resolution pertaining to the Development and its financing by OHFA, except the Inducement Resolution.

"HUD" means the United States Department of Housing and Urban Development.

"Inducement Resolution" means a Resolution adopted by OHFA Trustees pertaining to a specific Development which must be approved and adopted by OHFA Trustees at a separate meeting not less than thirty (30) days prior to the adoption of the Final Resolution.

"Land" means the site(s) for each Building in the Development and having the legal description set forth described in the regulatory agreement.

"OHFA" means Oklahoma Housing Finance Agency, a State beneficiary public trust.

"Nonprofit" means a private Nonprofit organization that is organized under State or local laws; has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; is neither Controlled By, nor under the direction of, individuals or entities seeking to derive profit or gain from the organization; has a tax exemption from the Internal Revenue Service under section 501(c) (3) or (4) of the Internal Revenue Code of 1986; does not include a public body; has among its purposes the provision of decent housing that is affordable to low-income persons, as evidenced in its charter, articles of incorporation, resolutions or by-laws; and, has at least a one year history of providing affordable housing, and is duly qualified to do business within the State.

"Owner" means the legal Owner of record of the Development, as set forth in the regulatory agreement and any and all successors(s) in interest. Owner also means any other Person or entity having or acquiring any right, title, or interest in the Development.

"Person" means, without limitation, any natural person, corporation, partnership, limited partnership, joint venture, limited liability company, limited liability partnership, trust, estate, association, cooperative, government, political subdivision, agency or instrumentality, Community Housing Development Organization (CHDO), interlocal cooperative, or other organization of any nature whatsoever, and shall

include any two or more Persons acting in concert toward a common goal, or any other legally recognized entity, or any combination of the foregoing acting in concert.

"Program Rules" means the various written criteria, requirements, rules, and policies adopted from time to time by the Trustees to administer the MF Bond Program and to provide for issuance of OHFA MF bonds. The Program Rules must be followed by any participant in the Program. The Program Rules may include requirements that are more stringent than those under Code or other State requirements.

"Qualifying Households" means households whose annual Incomes do not exceed the elected area median family income set-aside required in the Code.

"Rehabilitation Expenditures" means amounts that are capitalized and incurred for the addition to or improvement of an existing Building of a character subject to the allowance for depreciation under Section 167 of the Code. However, it does not include the costs of acquiring a Building or an interest in it, for example, any Developer fee properly allocated in acquiring a Building or any other soft costs or any amount not permitted by the Code.

"Resident" means an individual or group of individuals (other than an Owner) residing in a housing unit.

"Resolution" means an official action by OHFA Trustees and may include all Resolutions adopted by the Trustees with respect to a Development.

"Site Control" means the exercise of dominion or Control over the property through the execution of a purchase, sale, or long-term lease agreement (with a lease term that exceeds the Compliance Period), receipt of a deed or conveyance of the Land where the Development will be located, or an option to purchase the property (where the option is not revocable on the part of the seller). OHFA alone will decide if an Applicant or Owner has obtained Site Control.

"State" means the State of Oklahoma.

"Transfer" means any sale, Transfer, merger, consolidation, liquidation, contribution, assignment, exchange or other change in all or part of the Ownership of the Land and/or Development or any Building which is a part thereof, whether voluntary or involuntary, and also includes: a Transfer, sale, contribution or assignment by the Applicant, Owner or Developer of all or any part of its rights, title or interest in the Application, Credit, Land, Building and/or Development to another party; or a withdrawal, change or addition of any partner to a general partnership, general partner of a limited partnership, any party to a joint venture or the manager of a limited liability company.

"Transferee" means any and all successor(s) in interest of Owner and any other Person or entity having or acquiring any right, title, or interest in the Development.

"Trustee Bank" means the bank selected by OHFA to act as trustee under the Bond Indenture executed by OHFA in connection with OHFA's financing of a Development pursuant to this Chapter.

"Trustees" means the Board of Trustees of OHFA.

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Amended at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 1973, eff 7-31-13 ; Amended at 33 Ok Reg 1549, eff 10-1-16]

330:30-2-3. Owners of Project; Borrowers [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Revoked at 20 Ok Reg 2411, eff 7-11-03]

330:30-2-3.1. Application evaluations [REVOKED]

[Source: Added at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 1973, eff 7-31-13 ; Revoked at 33 Ok Reg 1549, eff 10-1-16]

330:30-2-4. Loan purposes, terms and requirements [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Revoked at 20 Ok Reg 2411, eff 7-11-03]

330:30-2-4.1. Criteria for Application and/or Applicant disapproval [REVOKED]

[Source: Added at 20 Ok Reg 2411, eff 7-11-03 ; Revoked at 30 Ok Reg 1973, eff 7-31-13]

330:30-2-5. Eligible projects [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Revoked at 20 Ok Reg 2411, eff 7-11-03]

330:30-2-5.1. Eligibility of Borrowers

- (a) The AP, as approved by the Trustees may modify, expand, or clarify the following criteria.
- (b) Eligible Borrowers may include any Person as defined in this Chapter.
- (c) Each Borrower must meet the requirements set forth in this subsection:
 - (1) If the Borrower is a business entity, the entity must be in good standing and be qualified to do business in Oklahoma under Oklahoma laws and these Rules.
 - (2) The Borrower must have all necessary legal authority to incur the obligations relating to the MF Bonds requested.
 - (3) The Borrower must demonstrate creditworthiness and repayment ability.
 - (4) The Borrower must demonstrate, it is capable of and can reasonably be expected to achieve successful completion of the proposed Development.

[Source: Added at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 1973, eff 7-31-13 ; Amended at 33 Ok Reg 1549, eff 10-1-16]

330:30-2-6. Certifications [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Revoked at 20 Ok Reg 2411, eff 7-11-03]

330:30-2-6.1. Financing requirements

- (a) The AP, as approved by the Trustees may modify, expand, or clarify the following criteria.
- (b) OHFA may finance Developments through acquisition, rehabilitation, construction and/or permanent MF Bonds.
- (c) OHFA may participate with other institutions in the issuance of MF Bonds to finance Developments under this Chapter.
- (d) OHFA MF Bonds shall meet all reasonable underwriting requirements, and will be subject to adjustment if necessary.
- (e) OHFA or one of its bond professionals shall prescribe the form and content of all Closing documents, including without limitation, the Bond Documents, construction facility documents and the regulatory agreement(s).
- (f) OHFA may require additional instruments or guarantees, in addition to the Bond Documents, to secure its MF Bonds.
- (g) For any Development to be financed by the issuance of MF Bonds, the interest on which is intended to be excluded from federal income tax under the Code, the Borrower shall be responsible to insure that all applicable requirements of the Code concerning the design, construction and operation of the Development, and the use of any proceeds of such MF Bonds, are and remain satisfied for the requisite period of time.

[Source: Added at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 1973, eff 7-31-13 ; Amended at 33 Ok Reg 1549, eff 10-1-16]

330:30-2-7. Credit enhancement requirements [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Revoked at 20 Ok Reg 2411, eff 7-11-03]

330:30-2-7.1. Insurance

The Borrower must comply with all insurance requirements of OHFA relating to the Development. The requirements will be set forth more specifically in the AP.

[Source: Added at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 1973, eff 7-31-13 ; Amended at 33 Ok Reg 1549, eff 10-1-16]

330:30-2-8. Income eligibility of residents [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Revoked at 20 Ok Reg 2411, eff 7-11-03]

330:30-2-8.1. Eligible Developments

- (a) The AP, as approved by the Trustees may modify, expand, or clarify the following criteria.

(b) In order to qualify for MF Bond financing, a proposed Development must be multifamily (in excess of one unit) housing. The Development must comply with all applicable federal, State and local laws. A Development may consist of detached housing, row houses, high-rises, or the residential portion of a mixed-use Development.

(c) The economic feasibility of the Development and the independent creditworthiness of the Borrower must demonstrate that the OHFA MF Bonds can reasonably be expected to be paid in full in accordance with the terms of the Bond Documents.

(d) The Development has or will have, a remaining useful life at least equal to the term of the regulatory agreement(s) and/or the Bond Documents.

(e) If a Development is funded in whole or in part by other federal or State programs the Development must meet all requirements and qualifications of those programs.

[Source: Added at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 23, eff 8-23-12 (emergency); Amended at 30 Ok Reg 1973, eff 7-31-13 ; Amended at 33 Ok Reg 1549, eff 10-1-16]

330:30-2-9. Non-discrimination requirements [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Revoked at 20 Ok Reg 2411, eff 7-11-03]

330:30-2-9.1. Credit enhancement requirements

(a) The AP, as approved by the Trustees may modify, expand, or clarify the following criteria.

(b) Credit enhancement techniques or mechanisms may include, but are not limited to:

- (1) Mortgage insurance, including mortgage pool insurance or payment guarantees;
- (2) Bond insurance;
- (3) Collateral pledges;
- (4) Surety or other third party guarantees;
- (5) Letters of credit; or
- (6) Combinations thereof.

(c) Credit enhancement techniques or mechanisms may be employed in connection with the issuance of MF Bonds.

(d) The form and structure of credit enhancement utilized in connection with any OHFA MF Bonds must be approved by formal action of the Trustees.

[Source: Added at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 1973, eff 7-31-13 ; Amended at 33 Ok Reg 1549, eff 10-1-16]

330:30-2-10. Income eligibility of tenants

Developments must set aside at least forty percent (40%) of the units for households with incomes of sixty percent (60%) of Area Median Gross Income, or less, or twenty percent (20%) for households with incomes of fifty percent (50%), or less per Treasury (IRS) regulations (Code) as modified from time to time.

[Source: Added at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 1973, eff 7-31-13 ; Amended at 33 Ok Reg 1549, eff 10-1-16]

330:30-2-11. Compliance with Applicable laws

(a) The Applicant, the Development, the Owner(s), Development Team and the Affiliates of each, must comply with all applicable federal, State and local laws, rules, regulations and ordinances, including but not limited to, the Code and regulations promulgated thereunder, the Oklahoma Landlord Tenant Act, Titles VI and VII of the Civil Rights Act of 1964, as amended and Title VIII of the Civil Rights Act of 1968, as amended, all disclosure requirements promulgated by the Securities Exchange Commission and/or the Municipal Securities Rulemaking Board. Neither the Applicant, the Owners(s), the Development Team nor the Affiliates of each shall discriminate on the basis of race, creed, religion, national origin, ethnic background, age, sex, familial status, or disability in the lease, use or occupancy of the Development or in connection with the employment or application for employment of Persons for the operation and/or management of any Development. Owners(s) of a Development will be required to covenant and agree in the regulatory agreement to comply fully with the requirements of the Fair Housing Act as it may from time to time be amended, for the time period promised in the Application.

(b) Any issuance of MF Bonds by OHFA is subject to compliance with all applicable federal and State laws and all rules and regulations promulgated thereunder and all local ordinances, rules and regulations applicable to the Development, its financing, or any portion or aspect thereof.

(c) The Applicant and all members of the Development Team and the Affiliates of each must be in compliance with, and good standing under, any OHFA program in which any may participate.

[Source: Added at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 1973, eff 7-31-13 ; Amended at 33 Ok Reg 1549, eff 10-1-16]

SUBCHAPTER 3. APPLICATIONS [REVOKED]

330:30-3-1. New construction requirements [REVOKED]

[Source: Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

330:30-3-2. Existing acquisition/rehabilitation requirements [REVOKED]

[Source: Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

SUBCHAPTER 4. APPLICATION AND PROCESSING PROCEDURES

330:30-4-1. Processing stages [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ;
Revoked at 20 Ok Reg 2411, eff 7-11-03]

330:30-4-1.1. Preliminary matters (Pre-Application)

- (a) The AP, as approved by the Trustees may modify, expand, or clarify the following criteria.
- (b) Prior to submission of an Application, it is advisable for the Applicant to schedule a meeting with OHFA's Executive Director or their designees to present a brief overview of the proposed Development. Any technical aspects of the Development or its proposed financing should be explained to OHFA at this meeting. OHFA should be advised of any anticipated difficulties or contingencies.
- (c) While Applications may be submitted at any time, it is essential to discuss any proposal with OHFA to establish a timeline consistent with other transactions of OHFA. The State's approval process for allocating the State's annual private activity bond volume cap may affect timing and should also be taken into consideration.
- (d) OHFA requires adequate time to review any proposal. No proposal will be taken to the Trustees unless OHFA has had adequate review time.
- (e) OHFA will engage a team of professionals, according to State procedures. If a professional substitution is approved, the amount of fees charged cannot exceed those outlined through the State process.

[Source: Added at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 1973, eff 7-31-13 ; Amended at 33 Ok Reg 1549, eff 10-1-16 ; Amended at 38 Ok Reg 2094, eff 1-1-22]

330:30-4-2. Criteria for disapproval [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ;
Revoked at 20 Ok Reg 2411, eff 7-11-03]

330:30-4-2.1. Application Processing Stages

- (a) The AP, as approved by the Trustees may modify, expand, or clarify the following criteria.
- (b) There are at least two stages in OHFA's review of Applications: The inducement stage and the final financing stage. The Inducement Resolution may not be combined with the Final Resolution.
- (c) The Applicant will be notified and informed of any additional requirements for the Trustees to consider an Inducement Resolution.

OHFA's notice to the Applicant will establish a timeline for filing additional or supplemental information.

(d) An Inducement Resolution may be issued before an Application is filed with OHFA. Specific requirements for documentation to be submitted will be in the AP.

(e) Following OHFA's review, only Applications meeting all requirements of these Rules and any additional requirements of OHFA will be submitted to the Trustees for their consideration for approval of a Final Resolution.

(f) After the Inducement Resolution is issued, a Public Hearing must be conducted by OHFA after reasonable public notice, for the purpose of receiving and evaluating comments in support of and/or in opposition to the proposed Development.

(g) An application for State bond cap must be submitted with all required documentation. The application will be submitted by OHFA or one of its bond professionals.

(h) Final financing stage.

(1) The Applicant and OHFA, together with their respective legal and financial advisors or consultants, must prepare all documents and financial analyses required to enable OHFA to adopt a Financing Resolution. The Trustees may condition same upon such conditions precedent as the Trustees deem, in their discretion, necessary to Closing.

(2) All information previously provided must be updated and supplemented, to the extent necessary. Failure to comply with this requirement may result in the denial of the Application.

(3) OHFA shall not be obligated to close on the financing on a Development unless the Board of Trustees in their respective complete discretion, are satisfied that all the requirements and standards imposed by federal and Oklahoma laws, rules and regulations and local ordinances, rules, regulations, and other applicable restrictions, and this Chapter, and the terms and conditions of all resolutions adopted by the OHFA Trustees pertaining to the Development have been, and at the time of the Closing remain, fully completed and satisfied.

(4) The final terms and conditions of OHFA MF Bonds issued must be reflected in the Bond Documents relating to the transaction.

[Source: Added at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 1973, eff 7-31-13 ; Amended at 33 Ok Reg 1549, eff 10-1-16]

330:30-4-3. Initial application stage [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Revoked at 20 Ok Reg 2411, eff 7-11-03]

330:30-4-3.1. Conferences with OHFA

During any stage of the Application process, OHFA may request one or more conferences with the Applicant and/or any Development Team member to review and clarify any aspect of the proposed Development and/or any of the information submitted.

[Source: Added at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 1973, eff 7-31-13]

330:30-4-4. Inducement application stage- [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Revoked at 20 Ok Reg 2411, eff 7-11-03]

330:30-4-4.1. Basic Application requirements

- (a) The AP, as approved by the Trustees may modify, expand, or clarify the following criteria.
- (b) The form and presentation of each item will be as prescribed in the AP. OHFA reserves the right to require additional information if the disclosures provided are deemed inadequate.
 - (1) **Development name.**
 - (2) **Borrower.**
 - (3) **Development Team.** Provide contact information of the Applicant, Borrower and each member of the Development Team.
 - (4) **Certifications and Affidavits.** Each Applicant and the Development Team may be required to provide certifications and affidavits.
 - (5) **Market Study.**
 - (6) **Development Description.**
 - (7) **Capital Needs Assessment.** For existing Developments, a Capital Needs Assessment must be provided.
 - (8) **Income and Expenses Information.**
 - (9) **Site Information.**
 - (10) **Costs/Sources.**
 - (11) **Management/Marketing.**
 - (12) **Supplemental Information.** Any and all additional information OHFA may require in order to analyze the Development and Application at any stage of its review.
- (c) Any amendment or changes to information filed with OHFA must be disclosed immediately. This is a continuing disclosure requirement. Any amendments or changes not immediately brought to the attention of OHFA, in writing, may result in the Application being rejected.

[Source: Added at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 1973, eff 7-31-13 ; Amended at 33 Ok Reg 1549, eff 10-1-16]

330:30-4-4.2. Application evaluations

- (a) In evaluating whether to authorize the issuance of OHFA MF Bonds for the purpose of financing a Development, the Trustees may take into consideration certain criteria. These criteria will be outlined in the AP.

(b) Applications may be disapproved at any stage of processing, for any of the following criteria, in addition to any other specific reason(s) which may be established by the Trustees during the review process.

(1) The financing of such Development involves a risk to OHFA that its current or future financing ability or reputation in the credit markets may generally be adversely affected.

(2) The financing of such Development is determined not to be cost-effective in terms of its proposed utilization of OHFA financing capacity and/or other financial resources.

(3) Failure to submit any information required by this Chapter, the AP, any Resolution of the Trustees and/or OHFA advisors at any stage of processing.

(4) Failure to demonstrate that the proposal is consistent with OHFA's public purposes and priorities.

(5) Failure to demonstrate that the proposed financing is reasonable and appropriate for the Development and market conditions.

(6) Failure to demonstrate that the Applicant and the other Development Team members have the good character, reputation, integrity, honesty, experience, resources and capacity to successfully execute the related financing plan and to properly manage the Development.

(7) The information at the inducement stage varies materially from the information contained in the initial Application or the information filed at the financing stage varies materially from the information filed in the initial Application and/or the inducement stage.

(8) Any condition for Closing has not been satisfied.

(c) Any Applicant, Borrower, Owner, Developer or any Affiliates of, or principals may not be eligible to obtain OHFA financing if that Person has been, within the preceding seven (7) years:

(1) The appointment of a Receiver; conviction on a felony criminal charge; or bankruptcy.

(2) Suspended or expelled from membership in, or suspended or barred from association with a member of, any securities exchange or self-regulating association; or suspended, barred or had any license revoked by any federal or state agency or local governmental unit in regard to any federal or state statute, rule, regulation, executive or administrative order, or any local governmental ordinance, rule or regulation designed to protect consumers; or any federal or state agency or local governmental unit established to protect consumers against unlawful practices involving insurance, securities, commodities or commodity futures, real estate or any interest therein, franchises, business opportunities, consumer goods, benefits under any federal state or local governmental unit program; or other services offered by federal, state or local governmental units or by private entities.

(3) Involved in uncured financing defaults, foreclosures for federal, State, or OHFA Programs, and/or placement on HUD's list of debarred contractors;

- (4) Events of material uncorrected noncompliance with any federal or State assisted housing programs in any jurisdiction;
- (5) Removed as a general partner or managing member;
- (6) Failure to comply with OHFA's requests for information or documentation on any Development funded or administered by OHFA.

(d) No Applicant, Borrower, Development Team member or any third party shall have any recourse against OHFA or any of its Trustees, employees, representatives, attorneys, financial advisors or other consultants for any failure to approve.

[Source: Added at 33 Ok Reg 1549, eff 10-1-16]

330:30-4-5. Conditional commitment stage [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Revoked at 20 Ok Reg 2411, eff 7-11-03]

330:30-4-6. Financing approval stage [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Revoked at 20 Ok Reg 2411, eff 7-11-03]

SUBCHAPTER 5. SUBMISSION REQUIREMENTS AND PROCEDURES [REVOKED]

330:30-5-1. Initial resolution [REVOKED]

[Source: Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

330:30-5-2. Second resolution [REVOKED]

[Source: Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

SUBCHAPTER 6. APPLICATIONS AND INFORMATION REQUIREMENTS [REVOKED]

330:30-6-1. Initial application stage [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Revoked at 20 Ok Reg 2411, eff 7-11-03]

330:30-6-2. Inducement application stage [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Revoked at 20 Ok Reg 2411, eff 7-11-03]

330:30-6-3. Conditional commitment stage [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Revoked at 20 Ok Reg 2411, eff 7-11-03]

330:30-6-4. Financing approval stage [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Revoked at 20 Ok Reg 2411, eff 7-11-03]

330:30-6-5. Certifications and forms [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93]

SUBCHAPTER 7. OHFA FEES [REVOKED]

330:30-7-1. Developer(s) fee [REVOKED]

[Source: Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

330:30-7-2. Total application fee [REVOKED]

[Source: Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

330:30-7-3. Other fees [REVOKED]

[Source: Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

330:30-7-4. Annual service fee [REVOKED]

[Source: Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

330:30-7-5. Assumption/transfer fee [REVOKED]

[Source: Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

SUBCHAPTER 8. FEES AND EXPENSES

330:30-8-1. Inducement Application stage

(a) When notified by OHFA the Applicant shall remit to OHFA a nonrefundable inducement Application fee in an amount equal to the greater of:

- (1) Ten basis points (.10%) of the dollar amount of OHFA MF Bonds requested; or
- (2) Five Thousand Dollars (\$5,000).

(b) If an Inducement Resolution is sought before an Application is submitted to OHFA, then One Thousand Dollars (\$1,000) is due before the Trustees consider the Inducement Resolution. The remaining balance of the fee would be due at Closing.

(c) OHFA may require an Applicant to make payments to third parties who provide services relating to OHFA's review and evaluation of the Application.

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Amended at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 1973, eff 7-31-13 ; Amended at 33 Ok Reg 1549, eff 10-1-16 ; Amended at 38 Ok Reg 2094, eff 1-1-22]

330:30-8-2. Inducement application stage [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Amended at 20 Ok Reg 2411, eff 7-11-03 ; Revoked at 30 Ok Reg 1973, eff 7-31-13]

330:30-8-3. Final Financing stage

(a) When notified by OHFA the Applicant shall remit to OHFA a nonrefundable final financing fee in an amount equal to the greater of:

(1) Forty basis points (0.40%) of the dollar amount of OHFA MF Bonds requested; or

(2) Twenty Thousand Dollars (\$20,000).

(b) OHFA may require an Applicant to make payments to third parties who provide services relating to OHFA's review and evaluation of the Application.

(c) Fees for the final financing stage and/or the fees due to third parties may be incorporated into the closing process.

(d) All fees outstanding will be due and payable by the Borrower at Closing.

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Amended at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 1973, eff 7-31-13 ; Amended at 33 Ok Reg 1549, eff 10-1-16]

330:30-8-4. Financing approval stage [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Amended at 20 Ok Reg 2411, eff 7-11-03 ; Revoked at 30 Ok Reg 1973, eff 7-31-13]

330:30-8-5. Administrative fee

(a) The Owner of each Development financed by OHFA shall be required to remit to OHFA a nonrefundable administrative fee.

(b) The administrative fee must be paid at Closing. The amount of the fee shall be equal to twenty-five basis points (.25%) of the dollar amount of MF Bonds issued.

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Amended at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 1973, eff 7-31-13 ; Amended at 33 Ok Reg 1549, eff 10-1-16 ; Amended at 38 Ok Reg 2094, eff 1-1-22]

330:30-8-6. Compliance fee [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Amended at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 1973, eff 7-31-13 ; Revoked at 33 Ok Reg 1549, eff 10-1-16]

330:30-8-7. Assumption and/or Transfer fee

(a) OHFA may require, for each Development, the Bond Documents contain a "due on sale or change of Ownership or Control" clause in the Bond Documents.

(b) In connection with the Transfer or change of Ownership or Control of a Development the Owner/Borrower or the purchaser shall remit to OHFA a nonrefundable assumption/Transfer fee in an amount equal to one percent (1.00%) of the principal amount of OHFA MF Bonds outstanding as of the date of Transfer of Ownership or \$3,000, whichever is greater.

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Amended at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 1973, eff 7-31-13 ; Amended at 33 Ok Reg 1549, eff 10-1-16]

SUBCHAPTER 9. AGENCY REQUIREMENTS- MULTIFAMILY [REVOKED]

330:30-9-1. Disclosure [REVOKED]

[Source: Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

330:30-9-2. Trustee final approval [REVOKED]

[Source: Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

330:30-9-3. Project guarantees and designs [REVOKED]

[Source: Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

330:30-9-4. Mortgage registration taxes [REVOKED]

[Source: Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

SUBCHAPTER 10. EVALUATION CRITERIA AND APPROVAL REQUIREMENTS [REVOKED]

330:30-10-1. Evaluation criteria [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Revoked at 20 Ok Reg 2411, eff 7-11-03]

330:30-10-2. Approval requirements [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Revoked at 20 Ok Reg 2411, eff 7-11-03]

330:30-10-3. Financing approval [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Revoked at 20 Ok Reg 2411, eff 7-11-03]

SUBCHAPTER 11. EVALUATION CONSIDERATIONS [REVOKED]

330:30-11-1. Board evaluations [REVOKED]

[Source: Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

330:30-11-2. Final decision [REVOKED]

[Source: Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

SUBCHAPTER 12. COMPLIANCE AND REPORTING REQUIREMENTS

330:30-12-1. Compliance with state laws [REVOKED]

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Revoked at 20 Ok Reg 2411, eff 7-11-03]

330:30-12-2. Records and accounts

(a) The Borrower must keep proper books, records and accounts in which complete and correct entries of all financial transactions relating to the Development are entered and to keep copies of all certificates required to be provided, together with all invoices, receipts, tenant certifications, complete rent roll information or other records regarding residents, and other supporting documentation reasonably sufficient to demonstrate the accuracy of such certifications.

(b) The Borrower shall be obligated to furnish to OHFA, at no expense to OHFA, true and correct copies of such books, records and accounts and other documents pertaining to the Development as OHFA, in its complete discretion and from time to time, deems necessary to determine that the federal and State laws, rules and regulations, including this Chapter and the Bond Documents and financing documents, have been complied with to OHFA's satisfaction.

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Amended at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 1973, eff 7-31-13]

330:30-12-3. Audits and examinations

OHFA shall have the right, at any time and from time to time, to examine and audit any and all of the records or accounts of the Applicant, and/or Borrower and Affiliates of each pertaining to the Development, the MF Bonds, and the direct and indirect Ownership in the Applicant and/or Borrower and the Affiliates of each.

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Amended at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 1973, eff 7-31-13 ; Amended at 33 Ok Reg 1549, eff 10-1-16]

SUBCHAPTER 13. COMPLIANCE AND REPORTING REQUIREMENTS [REVOKED]

330:30-13-1. Compliance with state laws [REVOKED]

[Source: Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

330:30-13-2. Records and accounts [REVOKED]

[Source: Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

330:30-13-3. Audits and examinations [REVOKED]

[Source: Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

SUBCHAPTER 14. SALE, TRANSFER/ASSUMPTION

330:30-14-1. Borrower's requirements

- (a) Procedures for sale, Transfer or assumptions will be established in the AP, including the necessary documentation.
- (b) The Borrower and its Affiliates and Controlling parties must covenant and agree not to sell, Transfer, or otherwise dispose of the Development, or any material portion of the Development, or any portion of their Ownership or Controlling interest in the Development without first obtaining the prior written consent of OHFA.
- (c) OHFA's criteria for approval or denial of a proposed sale or Transfer shall be at the discretion of the Trustees, based upon the facts and circumstances presented by the Borrower and prospective buyer.

[Source: Added at 10 Ok Reg 739, eff 1-4-93 (emergency); Added at 10 Ok Reg 2009, eff 5-27-93 ; Amended at 20 Ok Reg 2411, eff 7-11-03 ; Amended at 30 Ok Reg 1973, eff 7-31-13 ; Amended at 33 Ok Reg 1549, eff 10-1-16]

SUBCHAPTER 15. SALE, TRANSFER/ASSUMPTION [REVOKED]

330:30-15-1. Developer(s) requirements [REVOKED]

[Source: Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

APPENDIX A. INITIAL RESOLUTION [REVOKED]

[Source: Revoked at 10 Ok Reg 739, eff 1-4-93 (emergency); Revoked at 10 Ok Reg 2009, eff 5-27-93]

CHAPTER 35. LOW-INCOME HOUSING TAX CREDIT PROGRAM RULES [REVOKED]

[**Authority:** The Amended Trust Indenture and Bylaws of the Oklahoma Housing Finance Agency]
[**Source:** Codified 12-30-91]

SUBCHAPTER 1. GENERAL PROVISIONS [REVOKED]

330:35-1-1. Purpose [REVOKED]

[**Source:** Revoked at 34 Ok Reg 1351, eff 9-11-17]

330:35-1-2. Overview [REVOKED]

[**Source:** Revoked at 34 Ok Reg 1351, eff 9-11-17]

330:35-1-3. Authority [REVOKED]

[**Source:** Revoked at 34 Ok Reg 1351, eff 9-11-17]

330:35-1-4. Definitions [REVOKED]

[**Source:** Amended at 9 Ok Reg 47, eff 9-28-91 (emergency); Amended at 9 Ok Reg 2741, eff 7-13-92 ; Revoked at 34 Ok Reg 1351, eff 9-11-17]

SUBCHAPTER 3. LOW INCOME HOUSING TAX CREDITS [REVOKED]

330:35-3-1. General [REVOKED]

[**Source:** Amended at 9 Ok Reg 47, eff 9-28-91 (emergency); Amended at 9 Ok Reg 2741, eff 7-13-92 ; Revoked at 34 Ok Reg 1351, eff 9-11-17]

330:35-3-2. Eligible Projects [REVOKED]

[**Source:** Amended at 9 Ok Reg 47, eff 9-28-91 (emergency); Amended at 9 Ok Reg 2741, eff 7-13-92 ; Revoked at 34 Ok Reg 1351, eff 9-11-17]

330:35-3-3. Ineligible Projects [REVOKED]

[**Source:** Revoked at 34 Ok Reg 1351, eff 9-11-17]

330:35-3-4. State credit authority limit [REVOKED]

[**Source:** Amended at 9 Ok Reg 47, eff 9-28-91 (emergency); Amended at 9 Ok Reg 2741, eff 7-13-92 ; Revoked at 34 Ok Reg 1351, eff 9-11-17]

330:35-3-5. Not-for-profit set-aside [REVOKED]

[Source: Amended at 9 Ok Reg 47, eff 9-28-91 (emergency); Amended at 9 Ok Reg 2741, eff 7-13-92 ; Revoked at 34 Ok Reg 1351, eff 9-11-17]

330:35-3-6. Unit set-aside [REVOKED]

[Source: Revoked at 34 Ok Reg 1351, eff 9-11-17]

330:35-3-7. Tenant income limitations [REVOKED]

[Source: Revoked at 34 Ok Reg 1351, eff 9-11-17]

330:35-3-8. Rent limitations on subsidized units [REVOKED]

[Source: Amended at 9 Ok Reg 47, eff 9-28-91 (emergency); Amended at 9 Ok Reg 2741, eff 7-13-92 ; Revoked at 34 Ok Reg 1351, eff 9-11-17]

330:35-3-9. Credit rate [REVOKED]

[Source: Amended at 9 Ok Reg 47, eff 9-28-91 (emergency); Amended at 9 Ok Reg 2741, eff 7-13-92 ; Revoked at 34 Ok Reg 1351, eff 9-11-17]

330:35-3-10. Carryover [REVOKED]

[Source: Revoked at 34 Ok Reg 1351, eff 9-11-17]

330:35-3-11. Other provisions [REVOKED]

[Source: Revoked at 34 Ok Reg 1351, eff 9-11-17]

330:35-3-12. Advice of professionals [REVOKED]

[Source: Revoked at 34 Ok Reg 1351, eff 9-11-17]

330:35-3-13. Responsibility for LIHTC calculations [REVOKED]

[Source: Revoked at 34 Ok Reg 1351, eff 9-11-17]

SUBCHAPTER 5. ALLOCATION PROCEDURE [REVOKED]

330:35-5-1. Provisions [REVOKED]

[Source: Amended at 9 Ok Reg 47, eff 9-28-91 (emergency); Amended at 9 Ok Reg 2741, eff 7-13-92 ; Revoked at 34 Ok Reg 1351, eff 9-11-17]

330:35-5-2. Purpose [REVOKED]

[Source: Revoked at 34 Ok Reg 1351, eff 9-11-17]

330:35-5-3. Application process [REVOKED]

[Source: Amended at 9 Ok Reg 47, eff 9-28-91 (emergency); Amended at 9 Ok Reg 2741, eff 7-13-92 ; Revoked at 34 Ok Reg 1351, eff 9-11-17]

330:35-5-4. Selection criteria [REVOKED]

[Source: Amended at 9 Ok Reg 47, eff 9-28-91 (emergency); Amended at 9 Ok Reg 2741, eff 7-13-92 ; Revoked at 34 Ok Reg 1351, eff 9-11-17]

330:35-5-5. Quality of applications [REVOKED]

[Source: Revoked at 34 Ok Reg 1351, eff 9-11-17]

330:35-5-6. Conflict of interest [REVOKED]

[Source: Revoked at 34 Ok Reg 1351, eff 9-11-17]

330:35-5-7. Fees [REVOKED]

[Source: Amended at 9 Ok Reg 47, eff 9-28-91 (emergency); Amended at 9 Ok Reg 2741, eff 7-13-92 ; Revoked at 34 Ok Reg 1351, eff 9-11-17]

**APPENDIX A. LOW-INCOME HOUSING TAX CREDIT
APPLICATION [REVOKED]**

[Source: Revoked at 34 Ok Reg 1351, eff 9-11-17]

APPENDIX B. AFFIDAVIT [REVOKED]

[Source: Revoked at 34 Ok Reg 1351, eff 9-11-17]

CHAPTER 36. AFFORDABLE HOUSING TAX CREDIT PROGRAM

[**Authority:** The Amended Trust Indenture and Bylaws of the Oklahoma Housing Finance Agency]
[**Source:** Codified 7-15-94]

SUBCHAPTER 1. GENERAL PROVISIONS

330:36-1-1. Purpose

The purpose of the Oklahoma Affordable Housing Tax Credit ("OAHTC") Program is to expand the supply of new affordable rental units and rehabilitate existing rental housing for Qualifying Households.

[**Source:** Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94 ; Amended at 12 Ok Reg 1083, eff 4-5-95 (emergency); Amended at 13 Ok Reg 2965, eff 7-12-96 ; Amended at 14 Ok Reg 2642, eff 6-26-97 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 30 Ok Reg 1987, eff 1-1-14]

330:36-1-2. Overview [REVOKED]

[**Source:** Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94 ; Amended at 12 Ok Reg 1083, eff 4-5-95 (emergency)¹; Revoked at 13 Ok Reg 2965, eff 7-12-96]

Editor's Note: ¹*This emergency action also amended a rule called "Authority" (330:36-1-3), which was incorrectly numbered at this Section number (330:36-1-2). In a later permanent action, 330:36-1-3 was revoked and a rule called "Authority" was added and codified at an unused Section number (330:36-1-2.1).*

330:36-1-2.1. Authority

The federal Tax Reform Act of 1986 ("Act") and Section 42 of the Code authorize the Credits. Oklahoma Housing Finance Agency ("OHFA") has been designated by the Governor as the State's allocating agency for purposes of administering the OAHTC Program.

[**Source:** Added at 13 Ok Reg 2965, eff 7-12-96 ¹; Amended at 17 Ok Reg 1239, eff 10-1-00 ; Amended at 22 Ok Reg 2579, eff 1-2-06 ; Amended at 23 Ok Reg 2960, eff 1-2-07]

Editor's Note: ¹*This permanent action supersedes an emergency amendatory action [12 Ok Reg 1083] which was incorrectly numbered as 330:36-1-2 instead of 330:36-1-3.*

330:36-1-3. Authority [REVOKED]

[**Source:** Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94 ; Amended at 12 Ok Reg 1083, eff 4-5-95 (emergency)¹; Revoked at 13 Ok Reg 2965, eff 7-12-96]

Editor's Note: ¹*This emergency action also amended a rule called "Overview" (330:36-1-2), which was incorrectly numbered at this Section*

number (330:26-1-3). In a later permanent action, 330:36-1-2 was revoked and a rule called "Overview" was added and codified at an unused Section number (330:36-1-3.1).

330:36-1-3.1. Overview [REVOKED]

[Source: Added at 13 Ok Reg 2965, eff 7-12-96 ¹; Amended at 14 Ok Reg 2642, eff 6-26-97 ; Revoked at 17 Ok Reg 1239, eff 10-1-00]

Editor's Note: ¹*This permanent action supersedes an emergency amendatory action [12 Ok Reg 1083] which was incorrectly numbered as 330:36-1-3 instead of 330:36-1-2.*

330:36-1-3.2. Scope

During each program year, Tax Credit Allocations (TCAs) will be made available to eligible entities for the purpose of implementing specific Developments that further the stated purpose of the OAHTC Program. Eligible entities include, but are not limited to, for-profit developers, non-profits, public agencies, Native American Tribes, private developers, and local governments.

[Source: Added at 17 Ok Reg 1239, eff 10-1-00 ; Amended at 21 Ok Reg 2280, eff 1-2-05 ; Amended at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 30 Ok Reg 1987, eff 1-1-14]

330:36-1-4. Definitions

The following words and terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise. Additional capitalized terms used in these Chapter 36 Rules are defined in the Code and these Chapter 36 Rules. When a conflict exists between the following definitions and the Code the more restrictive meaning shall be applied.

"Affiliate" means any Person that directly or indirectly through one (1) or more intermediaries, Controls, is Controlled By, or is Under Common Control With any other Person.

"Allocation" means the maximum amount of TCAs available to the Development as a result of the approval of an award by the Trustees. The Credit shall be apportioned to each Qualified Building at the time such Qualified Building is Placed-In-Service.

"Applicable Fraction" means the fraction used to determine the qualified basis of a qualified low-income Building which is the smaller of the Unit Fraction or the Floor Space Fraction.

"Applicant" means any individual, Nonprofit Sponsored Development, Nonprofit organization or profit-motivated individual, corporation, general or limited partnership, limited liability company or other legal entity which has submitted an Application to OHFA for a Credit Reservation and Allocation, and its successors in interest.

"Applicant" includes the Owner and Owner's predecessor in interest, if any, and includes any successor in interest, Transferee of all or any portion of the Development, and the heirs, executors, administrators,

devises, successors and assigns of any purchaser, grantee, Transferee, Owner or lessee (other than a Resident) of all or any portion of the Development, and any other Person or entity having any right, title, or interest in the Development.

"Application" means an Application in the form prescribed by OHFA, from time to time, in the Application Packet (AP), including all exhibits and other materials filed by an Applicant with OHFA in support of or in connection with the formal request by the Applicant requesting a TCA.

"Application Packet" (referred to in these Rules as the "AP") means the Application in the form prescribed by OHFA at least annually, together with instructions and such other materials provided by OHFA to any Person requesting the same for the purpose of seeking to obtain from OHFA a TCA. OHFA will solicit formal public input on the Application Packet, and provide explanation of any significant changes. Staff will present the proposed AP to the Trustees for approval at a Trustees meeting. The AP may include definitive statements of what shall constitute Threshold Criteria, Selection Criteria, priorities, preferences, and compliance and monitoring requirements as may be authorized by or provided for in the Code and these Rules, and may include the necessary forms, instructions and requirements for Applications, market studies, Commitments, Agreements, Elections, set-asides, OHFA staff evaluation criteria for Threshold Criteria and Selection Criteria, final ranking, Credit amounts, tax-exempt bond financed projects, compliance monitoring, and other matters deemed by Trustees, in their complete discretion, to be relevant to the process of evaluation of Applications and the Applicants in connection with the award or denial of TCAs.

"Area Median Gross Income" means the median Gross Income adjusted for household size, for the county or counties where each Building in a Development is located as determined and published annually by HUD.

"Building" means a property containing residential Housing Units located on the Land and included in the Development. For purposes of the Credit Program, each Building is identified by its Building Identification Number (BIN) assigned by OHFA and its street address assigned by the United States Postal Service. The BIN shall control for Tax Credit purposes. In the event more than one Building is located on the Land, each Building must be identified in the manner required by Code Section 42(g) to be treated as part of the Development. Any Allocation of Credit shall be effective only for the Building(s) identified in a Carryover Allocation Agreement, if applicable, or in Exhibit "A" to the Regulatory Agreement.

"Capital Needs Assessment" (CNA) means a qualified professional's opinion of a property's current physical condition determined after a physical inspection of the interior and exterior of the units and structures as set out in the AP.

"Carryover Allocation" means, an Allocation which is made with respect to a Building or Development pursuant to Code Section 42(h)(1)(E) and/or Code Section 42(h)(1)(F), as the case may be, and in conformance with IRS Notice 89-1 and Treasury Regulation Section 1.42-6.

"Carryover Allocation Agreement" means the contract between Owner and OHFA, authorized and approved by the Trustees. A Carryover Allocation is made pursuant to Code Section 42(h)(1)(E) and/or Code Section 42(h)(1)(F), IRS Notice 89-1 and Treasury Regulation Section 1.42-6.

"Certifications" means the representations made under penalties of perjury by the Applicant, Owner, each Developer, each partner or general partner, party to a joint venture, and/or Resident, as applicable, including but not limited to those representations and Certifications set forth in the Applications and the Regulatory Agreement and Exhibits. Certifications also mean any and all representations made under penalties of perjury with respect to the Development at any time from the date of submission of the Application and throughout the Extended Use Period.

"Code" means the Internal Revenue Code of 1986, as amended, together with applicable rules and regulations, revenue rulings, guidelines, releases, pronouncements, notices or procedures promulgated thereunder or referred to therein or in the applicable rules and regulations.

"Commitment" means a representation or agreement of the Owner/Applicant contained in the Application, or otherwise, which in all cases shall be irrevocable and binding upon Owner/Applicant and its Transferees and successors in interest throughout the Development Compliance Period, unless otherwise noted in the Regulatory Agreement, these Rules, the Application, or any other agreements entered into by Owner/Applicant with OHFA in connection with the Credit Program.

"Compliance Period" means with respect to any Qualified Building, the continuous fifteen (15) year period over which the Qualified Building must satisfy all requirements of the Code and the Credit Program. The Compliance Period begins with the first year of the Credit Period.

"Consultant" means any Person (which is not an Affiliate of an Owner of the Development) that provides professional or expert services relating to an Application, a Development, or any activities pertaining to the filing of an Application, the award of a TCA, the Carryover Allocation, or cost Certification documents filings with OHFA.

"Control" (including the terms "Controls", "Controlling", "Controlled By", and/or "Under Common Control With") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of any other Person, whether through an ownership interest in the other Person, by contract, agreement, understanding, designation, office or position held in or with the other Person or in or with any other Person, or by coercion, or otherwise.

"Credit" (including the terms Tax Credit and Low-Income Housing Tax Credit) means the Low-Income Housing Tax Credit available for federal income tax purposes under Code Section 42 for a Qualified Building.

"Credit Period" means the ten (10) year period over which the Credit may be claimed for a Building. The Credit Period begins when the Building is Placed-In-Service, for Credit purposes, or if the Owner makes

an election under Section 42(f)(1)(B) of the Code, the next year; but only if the Building is a qualified low-income Building within the meaning of Code Section 42(c)(2), by the end of the first year of that period. For an existing Building with Rehabilitation Expenditures, the Credit Period shall not begin before the year that the rehabilitation Credit is allowed under Code Section 42(f)(5).

"Credit Program" means OHFA's program for approving Allocations and includes, without limitation, adopting the Qualified Allocation Plan and OHFA's Credit Program Rules, the AP, and all things contemplated therein or appurtenant thereto, including without limitations, monitoring Developments throughout the Extended Use Period and notifying the IRS of the Building's or a Development's failure to comply with Code requirements.

"Credit Reservation" means the reservation of a maximum amount available for Allocation to such Development and apportioned to each Qualified Building therein upon meeting the requirements of the Credit Program and Code Section 42.

"Developer" means the Person or entity with the responsibility of ensuring the effective construction or rehabilitation of the Development, including any and all responsibilities as outlined in the Development Agreement, which may also be the Applicant and/or Owner of the Development. Developer also includes any other Person or organization affiliated with, Controlled by, in Control of or a related party to, the Developer, as determined by OHFA.

"Development" means the Land and one (1) or more Buildings, structures, or other improvements now or hereafter constructed or located upon the Land. If more than one (1) Building is to be part of the Development, each Building must be financed under a common plan and identified in the manner required under Code Section 42(g).

"Development Compliance Period" means the period beginning with the first day the first Building of the Development is Placed-In-Service and continuing thereafter until the latest to end of the following periods for each Building in the Development: (i) the Compliance Period; (ii) the Extended Use Period; or (iii) the "Three Year Period."

"Development Team" means the Applicant, architect, attorney, Consultant, Developer, general contractor, market analyst and/or appraiser, property management company, Owner, tax professional, and the principals of each.

"Drug" for purposes of these OAHTC Program Rules, means "a controlled substance" as that term is defined in Section 102 of the Controlled Substances Act, 21 U.S.C., Section 802.

"Drug-Related Criminal Activity" means the illegal manufacture, sale, distribution, or use of a Drug, or the possession of a Drug with intent to manufacture, sell, distribute or use the Drug.

"Due Date" if a Due Date for submission of documents or fees falls on a weekend or a designated Federal holiday, then the Due Date becomes the next business day.

"Elderly" means housing that meets the Elderly exemptions from Fair Housing. For Credit Program purposes these exemptions only apply to household members. Definitions also only apply to Developments Allocated after the effective date of these Chapter 36 Rules.

(A) Provided under any State or Federal program that has determined to be specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or
(B) Intended for and solely occupied by persons 62 years of age or older; or
(C) Intended and operated for occupancy by persons 55 years of age or older. In order to qualify for this definition, a facility or community must satisfy each of the following requirements:

- (i) At least 80 percent of the units must have at least one occupant who is 55 years of age or older; and
- (ii) The facility or community must publish and adhere to policies and procedures that demonstrate the intent to operate as 55 or older housing; and
- (iii) The facility or community must comply with HUD's regulatory requirements for age verification of residents.

"Eligible Basis" means generally the depreciable basis in the property.

"Exchange" means returning tax credits allocated from a prior year for a subsequent year's tax credit allocation.

"Extended Use Period" means the continuous period, a minimum of fifteen (15) years, following the close of the Compliance Period during which a Qualifying Building must satisfy all requirements of the Code and the Credit Program. The Extended Use Period for the Development is set forth on Exhibit "A" to the Regulatory Agreement and may not be revoked or terminated prior to said date except as provided in the Code, these Chapter 36 Rules or in the Regulatory Agreement.

"Floor Space Fraction" means the total floor space of the Low-Income Unit in the Building divided by the total floor space of all residential units in the Building (whether occupied or not).

"Gross Rent" means the rent received for a Low-Income Housing Unit, including utility allowances but excluding (i) any payments under Section 8 or any comparable rental assistance program; (ii) any fees or supportive services (within the meaning of Code Section 42(g)(2)(B)); (iii) paid to Owner (on the basis of the low-income status of the qualified Resident of the Low-Income Unit) by a governmental assistance program or an organization exempt from federal income tax under Code Section 501(c)(3), if such program or organization provides assistance for rent and the amount of assistance provided for rent is not separable from the amount of assistance provided for supportive services; and (iv) rental payments to Owner to the extent an equivalent amount is paid to the Rural Housing Service (RHS) under Section 515 of the Housing Act of 1949. Gross Rent includes the minimum amounts paid toward purchase of a Housing Unit as described in Code Section 42(g)(6). The amount of Gross Rent is determined annually based upon the Area Median Gross Income for the locality in which the Development is located. The annual amount may decrease but such amount will not be reduced below the

amount of Gross Rent established in the Carryover Allocation Agreement. The date would be either the date of Allocation or Placed in Service date for each Building.

"Hard Construction Costs" means the following types of activities, but not limited to, earthwork/site work, on-site utilities, roads and walks, concrete, masonry, metals, carpentry (rough and finish), moisture protection, doors/windows/glass, insulation, roofing, sheet metal, drywall, tile work, acoustical, flooring, electrical, plumbing, elevators, blinds and shades, appliances, lawns & planting, fence, cabinets, carpets, and heat & ventilation. For calculations of contractor fees, a reasonable contingency can be included.

"Homeless" means (1) lacking a fixed, regular and adequate nighttime residence; and has a primary nighttime residence that is a supervised public or private shelter providing temporary accommodations or a public or private place not ordinarily used as sleeping accommodations for human beings, OR (2) displaced as a result of fleeing violence in the home; and has a temporary residence that is a supervised public or private shelter OR (3) certified by an agency involved in regularly determining Homeless status. OR (4) displaced as a result of a major disaster and receiving FEMA assistance. Homeless individuals are considered Homeless for a period of twenty-four (24) months from the date of move-in, according to Section 103 of the Stewart B. McKinney Homeless Assistance Act and 42(i)(3)(B)(iii)(I) of the Code.

"Housing Unit" means a Low-Income Unit and/or Market Rate Unit located in a Building which is available for rent or is rented by Residents. Common area units are not included.

"HUD" means the U.S. Department of Housing and Urban Development.

"Income" means the Income of one or more qualified Residents, as determined in a manner consistent with the methods under HUD's Section 8 Program.

"IRS" means the Internal Revenue Service of the Treasury.

"IRS Form 8609" means the IRS Form entitled "Low Income Housing Credit Certification". The IRS Form 8609 establishes the maximum Credit for a Building.

"IRS Form 8823" means the IRS form entitled "Low-Income Housing Credit Agencies Report of Noncompliance or Building Disposition" issued or to be issued by OHFA with respect to issues of noncompliance with the laws of the IRS and/or the sale or disposition of the Development.

"Land" means the site(s) for each Building in the Development and having the legal description set forth described in the Carryover Allocation Agreement and Exhibit "A" to the Regulatory Agreement.

"Large Development" means a Development with more than sixty (60) units.

"LIHTC Program" means the Credit Program. "LIHTC Program" may be used interchangeably with the term "Credit Program" or "OAHTC Program".

"Low-Income Unit" means a Housing Unit that is both Rent-Restricted and occupied by qualified Residents, provided that: (i) Housing Unit shall constitute a Low-Income Unit only if it is suitable for

occupancy taking into account local health, safety and building codes and it is used other than on a transient basis except in the case of Transitional Housing, all as determined under Code Section 42(i)(3); and (ii) Housing Unit in any Building which has four (4) or fewer total Housing Units shall not constitute a Low-Income Unit if any Housing Unit in the Building is occupied by an Owner or a related Person [within the meaning of Code Section 42(i)(3)(C)] unless such Building is described in Code Section 42(i)(3)(E).

"Market Rate Unit" means a Housing Unit that does not meet the definition of a Low-Income Unit.

"Minimum Low-Income Housing Set-Aside" means the minimum percent required under Code Section 42(g) of Housing Units in the Development to be both Rent-Restricted and occupied by qualified Residents, i.e., Residents whose Income is at or below a certain percentage of Area Median Gross Income. For purposes of Code Section 42(g), Owner must have selected one of the following: (i) twenty percent (20%) or more of the total Housing Units to be Rent-Restricted and occupied by Residents whose Income is at or below fifty percent (50%) percent of the Area Median Gross Income; (ii) forty percent (40%) or more of the total Housing Units to be Rent-Restricted and occupied by Residents whose Income is at or below sixty percent (60%) of the Area Median Gross Income as the Minimum Low-Income Housing Set-Aside; or (iii) Average Income Test - The project meets the minimum requirements of this test if 40 percent or more of the residential units in such Development are both rent-restricted and occupied by individuals whose income does not exceed the imputed income limitation designated by the taxpayer with respect to the respective unit. The Applicant may, however, have made a Commitment to provide greater percentages of Housing Units that are both Rent-Restricted and occupied by Residents meeting the above Income limitations and/or making Housing Units available to Residents with Income below the above limitations, i.e., an Additional Low-Income Housing Set-Aside. Owner and all Transferees, and successors in interest shall be bound by all Commitments, including the Minimum Low-Income Housing Set-Aside, or Additional Low-Income Housing Set-Aside made in the Regulatory Agreement, or included in the Carryover Agreement or any of the Resolutions of the Trustees respecting the Application, the Development, or Owner.

"National Non-Metro Area Median Income" means as determined and published annually by HUD.

"Nonprofit" means a private Nonprofit organization that is organized under State or local laws; has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; is neither Controlled By, nor under the direction of, individuals or entities seeking to derive profit or gain from the organization; has a tax exemption from the Internal Revenue Service under section 501(c) (3) or (4) of the Internal Revenue Code of 1986; does not include a public body; has among its purposes the provision of decent housing that is affordable to low-income persons, as evidenced in its charter, articles of incorporation, resolutions or by-laws; and, has at least a one year history of providing affordable housing, and is duly qualified to do business within the State.

"Nonprofit Sponsored Development" means and refers to a proposed Development that has or will have a Nonprofit that has a Controlling interest by reason of an ownership interest in a Person that is or will be the Owner of the subject Development, and has materially participated, or will materially participate (within the meaning of the Code) in the Development and operation of the Development throughout the Compliance Period.

"OAHTC Program" means the Credit Program. "OAHTC Program" may be used interchangeably with the term "LIHTC Program" or "Credit Program".

"OHFA" means Oklahoma Housing Finance Agency a State-beneficiary public trust. OHFA is the allocating agency for the State for purposes of the Credit Program.

"One Year Period (1YP)" means period commencing on the date on which OHFA and the Owner agree to the Qualified Contract Price in writing and lasting twelve (12) calendar months.

"Owner" means the legal Owner of record of the Development, as set forth on page one of the Regulatory Agreement, and any and all successor(s) in interest. Owner also means any other Person or entity having or acquiring any right, title, or interest in the Development.

"Person" means, without limitation, any natural person, corporation, partnership, limited partnership, joint venture, limited liability company, limited liability partnership, trust, estate, association, cooperative, government, political subdivision, agency or instrumentality, Community Housing Development Organization (CHDO), interlocal cooperative, or other organization of any nature whatsoever, and shall include any two or more Persons acting in concert toward a common goal.

"Placed-In-Service" means: (i) the date on which a new Building or existing Building used as residential rental property is ready and available for its specifically assigned function as evidenced by a certificate of occupancy or the equivalent; or (ii) for Rehabilitation Expenditures that are treated as a separate new Building, any twenty-four (24) month period over which such Rehabilitation Expenditures are aggregated.

"Program Rules" means the various written criteria, requirement, rules, and policies adopted from time to time by the Trustees as the State's Qualified Allocation Plan to administer the Credit Program and to provide for Allocations. The Program Rules must be followed by any participant in the Program. The Program Rules may include requirements that are more stringent than those under Code Section 42.

"Qualified Allocation Plan (QAP)" means these Chapter 36 Rules plus the Application Packet (AP) as defined and other materials provided by OHFA. The deadline for all informal input sessions and the formal public hearing for changes in the QAP will be published by OHFA Staff.

"Qualified Building" means a Building which meets the terms, conditions, obligations, and restrictions of the Program Rules, Carryover Allocation Agreement, Regulatory Agreement, Resolutions of the Trustees respecting Owner or the Development, and Code Section 42(c) (2) for an Allocation and the issuance by OHFA of IRS Form 8609.

"Qualified Contract" means a bona fide contract to acquire the portion of a Building which is not Rent-Restricted for fair market value and the portion of the Building which is Rent-Restricted for an amount not less than the Applicable Fraction for the Building or the sum of: (i) the portion of outstanding indebtedness secured by, or with respect to the Building which is allocable to such Building; (ii) adjusted investor equity in the Building; and (iii) other capital contributions invested in the Building but not reflected in the amounts described in (i) or (ii) above; reduced by cash distributed from the Development or available for distribution from the Development; provided that in all cases, the purchase price for the Building required for a contract to be a Qualified Contract shall be determined in a manner consistent with the requirements of Code Section 42(h)(6)(F), or such other regulations as prescribed by the Code to carry out this section.

"Qualified Contract Application (QCA)" means an Application containing all information and items required by the OHFA to process a request for a Qualified Contract.

"Qualified Contract Preliminary Application (QCPA)" means a request containing all information and items necessary for OHFA to determine the eligibility of an Owner to submit a Qualified Contract Application.

"Qualified Contract Price (QCP)" means calculated purchase price of the Development as defined within §42(h)(6)(F) of the Code and as further delineated in Chapter 36 Rules.

"Qualified Development" means a Development where the Housing Units are both Rent-Restricted and occupied by Residents whose Income is at or below the level selected as the Minimum Low-Income Housing Set-Aside.

"Qualifying Households" means households whose annual Incomes do not exceed the elected area median family income set-aside required in the Code.

"Regulatory Agreement" means the written and recorded agreement between a recipient of a TCA and the allocating agency, OHFA, placing restrictive covenants upon the Development and the underlying Land for a term of not less than thirty years (30) years, or such other term as may be required from time to time by provisions of the AP, these OAHTC Rules and Section 42 of the Code and the federal rules and regulations promulgated thereunder and containing other restrictions, covenants, warranties and agreements required by State, federal or local law and these OAHTC Rules.

"Rehabilitation Expenditures" means amounts that are capitalized and incurred for the addition to or improvement of an existing Building of a character subject to the allowance for depreciation under Section 167 of the Code. However, it does not include the costs of acquiring a Building or an interest in it, for example, any Developer Fee properly allocated in acquiring a Building or any other soft costs or any amount not permitted to be taken into account under Section 42(d)(3) or Section 42(d)(4) of the Code.

"Rent-Restricted" means that the Gross Rent with respect to a Low-Income Unit does not exceed thirty percent (30%) of the Income limitations for qualified Residents adjusted by the Imputed Household

Size, subject to the exception set forth in Code Section 42(g)(2)(E) (relating to certain Housing Units for which federal rental assistance decreases as Resident Income increases).

"Resident" means an individual or group of individuals (other than an Owner) residing in a Housing Unit.

"Resolution" means an official action of the Trustees and may include all Resolutions adopted by the Trustees with respect to a Development.

"Review Report" means the Threshold Criteria Review and Selection Criteria Review containing the results of OHFA's review of the Application and scoring of the Application. There are preliminary and final versions of the Review Report for each Application.

"Rural Area" means any city, town, village, area or place generally considered rural by the Secretary of Agriculture (RHS) for rural housing programs. Verification will be obtained by OHFA staff.

"Rural Development" means a Development that is, or will be located within a Rural Area as defined by USDA.

"Section 8" means Section 8(c)(2)(A) of the United States Housing Act of 1937, as amended.

"Selection Criteria" means the evaluation criteria, over and above the Threshold Criteria, set out in the AP, which shall be established and may be changed by OHFA from time to time in the AP (using the priorities for the State as they are established from time to time under and pursuant to these Rules and the AP), to determine the Development's qualifications, and which are the basis for ranking Applications and establishing a relative level of acceptability for consideration under the Rules and the AP for the possibility of the award of a TCA by OHFA. Although the Selection Criteria may be given substantial weight by the Trustees in deciding whether or not a particular Application and Applicant shall be awarded a TCA, the Trustees reserve the right to take into consideration such other factors as they, in their complete discretion, deem appropriate.

"Site Control" means the exercise of dominion or Control over the property through the execution of a purchase, sale, or long-term lease agreement (with a lease term that exceeds the Extended Use Period), receipt of a deed or conveyance of the Land where the Development will be located, or an option to purchase the property (where the option is not revocable on the part of the seller). OHFA alone will decide if an Applicant or Owner has obtained Site Control.

"State" means the State of Oklahoma.

"Targeted Populations" means such populations as may be designated from time to time in the AP by official action of the Trustees, which designations may include, but are not necessarily limited to, the Homeless, the Elderly, Veterans, Youth aging out of Foster Care, persons with mental and physical disabilities and/or disabled persons.

"Tax Credit Allocation (TCA)" means a federal Low-Income Tax Credit Allocation by OHFA to a Development Owner pursuant to Section 42 of the Code, QAP, and formal action by the Trustees.

"Three-Year Period" for a Building means the three (3) year period following: (a) the date of acquisition of such Building by foreclosure or forfeiture under a deed of trust, mortgage or real estate

contract or by deed in lieu of foreclosure; or (b) the end of the Extended Use Period, or (c) in the case of the release of the affordability restriction due to the failure of OHFA to present a QC before the expiration of the One Year Period, the recording of a Release of Regulatory Agreement by OHFA. During the Three-Year Period the Owner may not evict or terminate a tenancy of an existing tenant of any Low-Income Unit except for good cause. During the Three-Year Period the Owner may not increase the Gross Rent with respect to any Low-Income Unit except as permitted under Section 42 of the Code.

"Threshold Criteria" means the criteria set out herein and in the AP, which shall be established and may be changed by OHFA from time to time in the AP, to determine the qualifications of the Applicant and the Owner and the proposed Development, presented in each Application that are the minimum level of acceptability for consideration under the Rules and the AP for the possibility of the award of a TCA by OHFA. Failure to satisfy all Threshold Criteria set out in the AP may result in the disqualification of the Application for further consideration, and may require no further action by OHFA Staff except to notify the Applicant of the disqualification.

"Total Development Costs" means the total costs incurred in acquiring and developing the Development as set forth in the proposed budget for the Development included in the Application. Total Development Costs will be certified by an independent certified public accountant's Certification of sources and uses of funds at times prescribed by OHFA.

"Transfer" means any sale, Transfer, merger, consolidation, liquidation, contribution, assignment, exchange or other change in all or part of the Ownership of the Land and/or Development or any Building which is a part thereof, whether voluntary or involuntary, and also includes: a Transfer, sale, contribution or assignment by the Applicant, Owner or Developer of all or any part of its rights, title or interest in the Application, Carryover Allocation Agreement, Credit, Land, Building and/or Development to another party; or a withdrawal, change or addition of any partner to a general partnership, general partner of a limited partnership, any party to a joint venture or the manager of a limited liability company.

"Transferee" means any and all successor(s) in interest of Owner and any other Person or entity having or acquiring any right, title, or interest in the Development.

"Transitional Housing" for purposes of these OAHTC Program Rules means Transitional Housing for the Homeless which meets the requirements of Code Section 42(i)(3)(B)(iii)

"Treasury" means the United States Department of the Treasury.

"Trustees" means the Board of Trustees of OHFA.

"Unit Fraction" means the fraction of a Building devoted to low-income housing, the numerator of which is the number of Low-Income Housing Units in the Building, and the denominator of which is the number of total Housing Units, whether or not occupied, in the Building.

"Violent Criminal Activity" means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to

cause, serious bodily injury or property damage.

[Source: Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94 ; Amended at 12 Ok Reg 1083, eff 4-5-95 (emergency); Amended at 13 Ok Reg 2965, eff 7-12-96 ; Amended at 13 Ok Reg 3479, eff 7-19-96 (emergency); Amended at 14 Ok Reg 2642, eff 6-26-97 ; Amended at 17 Ok Reg 1239, eff 10-1-00 ; Amended at 18 Ok Reg 1003, eff 3-14-01 (emergency); Amended at 18 Ok Reg 3055, eff 7-12-01 ; Amended at 19 Ok Reg 643, eff 1-17-02 (emergency); Amended at 19 Ok Reg 1104, eff 7-11-02 ; Amended at 20 Ok Reg 2439, eff 1-1-04 ; Amended at 21 Ok Reg 2280, eff 1-2-05 ; Amended at 22 Ok Reg 2579, eff 1-2-06 ; Amended at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 26 Ok Reg 303, eff 11-20-08 (emergency); Amended at 26 Ok Reg 1208, eff 7-1-09 ; Amended at 26 Ok Reg 2540, eff 1-1-10 ; Amended at 27 Ok Reg 1812, eff 7-1-10 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 30 Ok Reg 1987, eff 1-1-14 ; Amended at 34 Ok Reg 1378, eff 1-1-18 ; Amended at 37 Ok Reg 1717, eff 1-1-21 ; Amended at 40 Ok Reg 2283, eff 1-1-24]

330:36-1-5. No discrimination [REVOKED]

[Source: Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94 ; Amended at 12 Ok Reg 1083, eff 4-5-95 (emergency); Amended at 13 Ok Reg 2965, eff 7-12-96 ; Amended at 14 Ok Reg 2642, eff 6-26-97 ; Revoked at 17 Ok Reg 1239, eff 10-1-00]

330:36-1-6. [RESERVED]

[Source: Reserved at 17 Ok Reg 1239, eff 10-1-00]

330:36-1-7. National standards incorporated by reference

(a) The national standards for development of the OAHTC Program are hereby incorporated by reference, including Code Section 42 and all federal regulations, promulgated thereunder, including, but not limited to, 26 CFR Sections 1.42-5, 1.42-6, 1.42-11, 1.42-13 and 1.42-17.

(b) Copies of Code Section 42 and applicable federal regulations may be obtained from OHFA, during regular business hours Monday through Friday 8:00 a.m. to 4:45 p.m., excluding legal holidays. They can also be accessed at www.ohfa.org.

[Source: Added at 17 Ok Reg 1239, eff 10-1-00 ; Amended at 18 Ok Reg 1003, eff 3-14-01 (emergency); Amended at 18 Ok Reg 3055, eff 7-12-01 ; Amended at 21 Ok Reg 2280, eff 1-2-05 ; Amended at 28 Ok Reg 1658, eff 1-1-12]

330:36-1-8. [RESERVED]

[Source: Reserved at 17 Ok Reg 1239, eff 10-1-00]

330:36-1-9. Regulatory Agreement/Compliance Manual/Compliance with Applicable Laws

(a) **Regulatory Agreement.** TCA recipients must enter into a written Regulatory Agreement with OHFA. Requirements, procedures, and processes provided in the applicable Regulatory Agreement and amendments to it shall apply to Developments and the Owner(s) thereof.

(b) **Compliance Manual.** OHFA shall provide each Owner, upon request, with a Compliance Manual, at a cost sufficient to defray the cost of production. The Compliance Manual will also be available on OHFA's website at www.ohfa.org.

(c) **Compliance with Applicable Laws.** The Applicant, the Development, the Owner(s) of the Development, the Development Team

and the Affiliates of each must comply with all applicable federal, State and local laws, rules, regulations and ordinances, including but not limited to, Code Section 42, and regulations promulgated thereunder, the Oklahoma Landlord Tenant Act, the Titles VI and VII of the Civil Rights Act of 1964, as amended and Title VIII of the Civil Rights Act of 1968, as amended. Neither the Applicant, the Owner(s) of a Development, the Development Team nor the Affiliates of each shall discriminate on the basis of race, creed, religion, national origin, ethnic background, age, sex, familial status or disability in the lease, use or occupancy of the Development or in connection with the employment or application for employment of Persons for the operation and/or management of any Development. The Owner(s) of a Development will be required to covenant and agree in the Regulatory Agreement to comply fully with the requirements of the Fair Housing Act as it may from time to time be amended, for the time period as promised in the Application.

[Source: Added at 17 Ok Reg 1239, eff 10-1-00 ; Amended at 18 Ok Reg 1003, eff 3-14-01 (emergency); Amended at 18 Ok Reg 3055, eff 7-12-01 ; Amended at 20 Ok Reg 2439, eff 1-1-04 ; Amended at 21 Ok Reg 2280, eff 1-2-05 ; Amended at 22 Ok Reg 2579, eff 1-2-06 ; Amended at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 30 Ok Reg 1987, eff 1-1-14 ; Amended at 34 Ok Reg 1378, eff 1-1-18]

330:36-1-10. [RESERVED]

[Source: Reserved at 17 Ok Reg 1239, eff 10-1-00]

330:36-1-11. Technical assistance

OHFA will, from time to time, provide OAHTC Program technical assistance regarding the Code, these Rules, the AP and their implementation and proposed Development concepts.

[Source: Added at 17 Ok Reg 1239, eff 10-1-00 ; Amended at 20 Ok Reg 2439, eff 1-1-04 ; Amended at 21 Ok Reg 2280, eff 1-2-05 ; Amended at 28 Ok Reg 1658, eff 1-1-12]

SUBCHAPTER 2. ALLOCATION PROCEDURES

330:36-2-12o1. Communications with OHFA during Application Review

(a) **Communications with OHFA Employees.** Following submission of an Application, neither the Applicant, any representative or Affiliate of the Applicant, nor any member of the Development Team shall contact any OHFA employee, concerning the Application nor any other Applications filed. OHFA reserves the right, in OHFA's sole discretion, to contact the contact person(s) identified by the Applicant for the purpose of clarifying any matter.

(b) **No Ex Parte Communications with the Board of Trustees of OHFA.** Neither an Applicant, any representative or Affiliate of the Applicant, any member of the Development Team, nor members of the public shall communicate, directly or indirectly, with the Trustees regarding an Application under consideration by OHFA except upon

notice and opportunity for all parties to participate. Applicants and others who wish to communicate with the Trustees must follow the specific steps as set forth in 330:36-2-13.1.

(c) **Preliminary Review Report.** Following the release of the preliminary Review Report, the Applicant may submit questions or request clarification concerning the preliminary Review Report. All such questions or inquiries must be in writing and addressed to the Staff member designated in the cover letter accompanying the preliminary Review Report. These questions may be submitted electronically. OHFA reserves the right to grant or deny requests for meetings with the Staff of OHFA at any time during the Application process. Any and all requests must be in writing.

(d) **Final Review Report.** Upon issuance of the final Review Report by OHFA, communications with OHFA shall be made in the manner and time set forth in 330:36-2-13.

(e) **Noncompliance.** Failure to comply with this subsection 330:36-2-12 may result in termination of the review process and denial of the Application.

[Source: Reserved at 20 Ok Reg 2439, eff 1-1-04 ; Added at 22 Ok Reg 2579, eff 1-2-06 ; Amended at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 24 Ok Reg 2539, eff 1-1-08 ; Amended at 26 Ok Reg 2540, eff 1-1-10 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 30 Ok Reg 1987, eff 1-1-14]

330:36-2-1. TCAs distribution

(a) OAHTCs allocated annually to the State by the IRS shall be awarded to Applicants selected through a formal Application process governed by the Qualified Allocation Plan (QAP).

(b) TCAs will be awarded according to the Act, Code, these Chapter 36 Rules, the AP, and at the discretion of the Trustees, by their formal action, giving consideration to Staff recommendation following a thorough review and financial feasibility analysis.

(c) The Trustees reserve the right, to consider and make an award of TCAs at any time as the Trustees, in their sole discretion, deem such award appropriate under the circumstances and facts presented to them. Approval of such an award shall be at a regularly scheduled or special meeting of the Trustees and shall be made by formal action, giving consideration to Staff review and recommendations.

(d) The AP shall be made available to parties considering the filing of an Application and interested parties upon request. The AP can be accessed at OHFA's website, www.ohfa.org.

[Source: Added at 17 Ok Reg 1239, eff 10-1-00 ; Amended at 20 Ok Reg 2439, eff 1-1-04 ; Amended at 21 Ok Reg 2280, eff 1-2-05 ; Amended at 22 Ok Reg 2579, eff 1-2-06 ; Amended at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 26 Ok Reg 303, eff 11-20-08 (emergency); Amended at 26 Ok Reg 1208, eff 7-1-09 ; Amended at 26 Ok Reg 2540, eff 1-1-10 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 34 Ok Reg 1378, eff 1-1-18]

330:36-2-2. Additional Credits

(a) Guidelines for Applications for additional Credits may be established in the AP. Limitations may be placed on types of Developments, amount of additional Credits, or type of Applications.

(b) The timing of acceptance of Applications for additional Credits may also be established in the AP.

[Source: Reserved at 17 Ok Reg 1239, eff 10-1-00 ; Added at 19 Ok Reg 643, eff 1-17-02 (emergency); Added at 19 Ok Reg 1104, eff 7-11-02 ; Amended at 20 Ok Reg 2439, eff 1-1-04 ; Amended at 21 Ok Reg 2280, eff 1-2-05 ; Amended at 22 Ok Reg 2579, eff 1-2-06 ; Amended at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 26 Ok Reg 303, eff 11-20-08 (emergency); Amended at 26 Ok Reg 1208, eff 7-1-09 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 34 Ok Reg 1378, eff 1-1-18]

330:36-2-3. Set-aside categories for TCAs

(a) The annual allocation of OAHTC Program tax Credits made available to the State may be divided into various set-aside categories, including but not necessarily limited to, Nonprofits, New Construction, Rehabilitation, and such other categories as the Trustees, in their complete discretion, may adopt from time to time for inclusion in the AP. Nonprofits competing in the Nonprofit set-aside must comply with the definition of Nonprofit Sponsored Development in these Chapter 36 Rules.

(b) Specific set-aside categories and amounts for each category may be determined from time to time by formal action of the Trustees and shall be set out in the AP. The Trustees may, in their sole discretion, modify the amount of the State's annual allocation of Credits devoted to any set-aside, if they determine that the housing needs of the State so warrant, except for the maximum ninety percent (90%) allocation limitation to those other than Nonprofits as required by the Code.

(b) Specific set-aside categories and amounts for each category may be determined from time to time by formal action of the Trustees and shall be set out in the annual AP. The Trustees may, in their sole discretion, modify the amount of the State's annual allocation of Credits devoted to any set-aside, if they determine that the housing needs of the State so warrant, except for the maximum ninety percent (90%) allocation limitation to those other than Nonprofits as required by the Code.

[Source: Added at 17 Ok Reg 1239, eff 10-1-00 ; Amended at 21 Ok Reg 2280, eff 1-2-05 ; Amended at 22 Ok Reg 2579, eff 1-2-06 ; Amended at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 30 Ok Reg 1987, eff 1-1-14 ; Amended at 34 Ok Reg 1378, eff 1-1-18]

330:36-2-4. [RESERVED]

[Source: Reserved at 17 Ok Reg 1239, eff 10-1-00]

330:36-2-5. Geographic Allocation of TCAs

OHFA's jurisdiction for location of Developments shall be the entire State of Oklahoma, and, subject to the priorities established from time to time in the AP, OHFA may make awards of TCAs throughout the State.

[Source: Added at 17 Ok Reg 1239, eff 10-1-00 ; Amended at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 34 Ok Reg 1378, eff 1-1-18]

330:36-2-6. [RESERVED]

[Source: Reserved at 17 Ok Reg 1239, eff 10-1-00]

330:36-2-7. Award amounts

(a) The maximum TCA for any one Development proposal shall be established in the AP.

(b) TCAs may be for amounts less than applied for based upon OHFA's financial and feasibility analyses. In order to make the most efficient, equitable and practicable utilization of the State's tax Credit allocation, the Trustees of OHFA may approve, giving consideration to the recommendations of OHFA's staff, the utilization of funding from other housing programs administered by OHFA which may also result in a decrease in the amount of the TCA approved.

[Source: Added at 17 Ok Reg 1239, eff 10-1-00 ; Amended at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 26 Ok Reg 303, eff 11-20-08 (emergency); Amended at 26 Ok Reg 1208, eff 7-1-09 ; Amended at 27 Ok Reg 1812, eff 7-1-10 ; Amended at 28 Ok Reg 1658, eff 1-1-12]

330:36-2-8. [RESERVED]

[Source: Reserved at 17 Ok Reg 1239, eff 10-1-00]

330:36-2-9. Reallocation of additional tax Credits

(a) Additional tax Credits may become available for the award of TCAs as the result of:

- (1) Development cancellations;
- (2) Developments completed under original cost estimates;
- (3) Credits Allocated but not utilized; or,
- (4) Other circumstances.

(b) In keeping with the AP, OHFA may award TCAs based on the amount of Credits available, in the calendar year any such Credits first become available.

(c) The Trustees reserve the right, to consider Allocations of TCAs outside the established reservation period(s) for a given calendar year. The Trustees, in their sole discretion, reserve the right to approve such an Allocation of TCAs, provided the facts presented to them demonstrate a special circumstance or need and said Allocation promotes the development of residential use housing within the State. Provided however, the Trustees also reserve the right to deny any request for an Allocation of TCAs made outside the established reservation period(s) for a given calendar year. Consideration of all Allocations of TCAs shall be made at a regularly scheduled or special meeting of the Trustees and shall be made by formal action, giving consideration to Staff review and recommendations.

(d) All Credits not awarded in any calendar year shall be carried over for use in the next calendar year, in accordance with the provisions of the Code, these Rules, the AP and/or the formal action of the Trustees.

[Source: Added at 17 Ok Reg 1239, eff 10-1-00 ; Amended at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 26 Ok Reg 303, eff 11-20-08 (emergency); Amended at 26 Ok Reg 1208, eff 7-1-09 ; Amended at 26 Ok Reg 2540, eff 1-1-10 ; Amended at 27 Ok Reg 1812, eff 7-1-10 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 34 Ok Reg 1378, eff 1-1-18]

330:36-2-10. [RESERVED]

[Source: Reserved at 17 Ok Reg 1239, eff 10-1-00]

330:36-2-11. OHFA Development notification

(a) OHFA shall, within fifteen (15) business days of receipt of an Application, notify, in writing, by certified mail or other form of traceable delivery system to provide proof of transmission and receipt, the Mayor or highest elected official, or if neither of the aforementioned exist, the Chief Executive Officer of each Local Governing Body of the jurisdiction within which the proposed Development is located at the time of Application and the legislators who are entitled to such Notice, regarding the characteristics of the proposed Development located within their jurisdiction/district. All comments received from said Mayor or highest elected official, or if neither of the aforementioned exists, the Chief Executive Officer and/or legislator(s) will be presented to the Trustees for their consideration when reviewing a request for an Allocation of Credits.

(b) If the Application is considered at a different Trustees meeting than in the notice, this notification requirement is considered to be met.

[Source: Added at 17 Ok Reg 1239, eff 10-1-00 ; Amended at 21 Ok Reg 2280, eff 1-2-05 ; Amended at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 26 Ok Reg 303, eff 11-20-08 (emergency); Amended at 26 Ok Reg 1208, eff 7-1-09 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 30 Ok Reg 1987, eff 1-1-14 ; Amended at 34 Ok Reg 1378, eff 1-1-18]

330:36-2-13. Preliminary Review Reports

(a) Upon completion of its review of all Applications, OHFA will forward OHFA's preliminary Review Report to the contact person identified by the Applicant in the Application.

(b) The Applicant must provide OHFA with any information requested by OHFA in the preliminary Review Report or other clarifying information by the deadline given in the cover letter accompanying the preliminary Review Report. Neither the Staff nor the Trustees will be required to consider a late response to the preliminary Review Report.

(c) In the event the Applicant disputes any matter contained in the preliminary Review Report, including without limitation any finding, determination, recommendation or scoring by OHFA, the Applicant's response to the Review Report must identify with specificity the disputed matter, finding, determination, recommendation, scoring, etc., and the Applicant's reason for disputing same, including any evidence which controverts the Review Report. Any applicable statutes, rules, regulations or ordinances should be cited. Documentary evidence should be attached.

(d) Failure to respond or dispute a finding or determination in the preliminary Review Report shall be deemed the acceptance of the finding or determination by the Applicant.

(e) The Applicant's response to the preliminary Review Report must be in writing. Refer to the AP for response submittal method.

[Source: Added at 20 Ok Reg 2439, eff 1-1-04 ; Amended at 21 Ok Reg 2280, eff 1-2-05 ; Amended at 22 Ok Reg 2579, eff 1-2-06 ; Amended at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 30 Ok Reg 1987, eff 1-1-14 ; Amended at 37 Ok Reg 1717, eff 1-1-21]

330:36-2-13.1. Final Review Report

(a) The Staff of OHFA will consider the Applicant's response to the preliminary Review Report prior to issuing the final Review Report and making its recommendations to the Trustees. The Applicant will be informed of Staff's recommendations prior to the meeting of the Trustees where the Application is being considered. OHFA will forward OHFA's final Review Report to the contact person identified by the Applicant in the Application.

(b) The final Review Report may be adopted by the Trustees, including Staff's recommendations and exclusion of any additional documentation proffered by the Applicant for consideration of the Application by the Trustees.

(c) In the event the Applicant disputes any matter contained in the final Review Report, Applicants must file ten (10) copies of any response(s) to the final Review Report or other information they wish the Trustees to consider not less than three business days prior to the commencement of the meeting where the Application will be considered. In addition to the hard copies, Applicants must submit an electronic version of the response. If both the hard copy and the electronic version are not received, the responses will not be accepted or considered by the Staff or the Trustees.

[Source: Added at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 27 Ok Reg 1812, eff 7-1-10 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 30 Ok Reg 1987, eff 1-1-14 ; Amended at 40 Ok Reg 2283, eff 1-1-24]

330:36-2-14. [RESERVED]

[Source: Reserved at 20 Ok Reg 2439, eff 1-1-04]

330:36-2-15. Communications with OHFA during Application Review [REVOKED]

[Source: Added at 20 Ok Reg 2439, eff 1-1-04 ; Amended at 21 Ok Reg 2280, eff 1-2-05 ; Revoked at 22 Ok Reg 2579, eff 1-2-06]

330:36-2-16. Carryover Allocations

(a) **Code reference.** Code Section 42(h)(1)(E) provides that an Allocation may be made to a Qualified Building, as defined by Section 42(h)(1)(E) (ii), which has not yet been Placed-In-Service, provided the Qualified Building is Placed-In-Service not later than the close of the second calendar year following the calendar year of the Allocation.

(b) **Carryover Allocation applications.** Owners must submit a carryover application and required documents at a date specified by OHFA staff. The Owner must satisfy all requirements of the Code and OHFA staff.

(c) **Carryover Allocation basis.** To qualify for a Carryover Allocation, the Owner must demonstrate that the Owner's basis in the Development, at one (1) calendar year after the date of Allocation, is more than ten percent (10%) of the Owner's reasonably expected basis in the Development. Developments that fail to meet the ten percent (10%) test will not have a valid Carryover Allocation. The ten percent (10%) test must be certified by the Owner's certified public accountant, in a form acceptable to OHFA. OHFA's determination as to the satisfaction of the ten percent (10%) requirement is not binding upon the IRS and does not constitute a representation by OHFA to the taxpayer or any other party to that effect.

(d) **Carryover Allocation Agreement.** The Owner must submit to OHFA an executed Carryover Allocation Agreement, in a form and at a date specified by OHFA.

(e) **Notification of Placed-In-Service date.** Applicant must notify OHFA within thirty (30) calendar days of the date the Building(s) is/are Placed-In-Service. Notice will consist of submission of copies of the permanent Certificates of Occupancy for each Building and completion of any and all forms as may be required in the AP.

(f) **Development based Allocation.** An Allocation pursuant to Code Section 42(h)(1)(F) must meet the requirements of Code Section 42(h)(1)(F), all applicable Treasury Regulations, and these Chapter 36 Rules.

[Source: Added at 21 Ok Reg 2280, eff 1-2-05 ; Amended at 22 Ok Reg 2579, eff 1-2-06 ; Amended at 26 Ok Reg 303, eff 11-20-08 (emergency); Amended at 26 Ok Reg 1208, eff 7-1-09 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 34 Ok Reg 1378, eff 1-1-18 ; Amended at 37 Ok Reg 1717, eff 1-1-21]

330:36-2-17. Final Allocations

(a) **Deadline for filing.** Owner's request for approval of the Final Allocation must be received by OHFA at such date as OHFA may specify in writing to the Owner. Failure to file a timely Final Allocation accompanied by all required documentation may result in the denial of the Final Allocation and a determination by the Trustees that the Credits have been returned by the Applicant.

(b) **Complete filing.** The Final Allocation must be accompanied by all evidence or documentation required by the Program Rules then in effect, and such other information or documentation which may be requested by OHFA, in its sole discretion, to verify compliance with the Code, the Program Rules and the Resolutions, and to verify the amount of the Final Allocation. A complete and executed Regulatory Agreement in the form provided by OHFA and ready for filing, together with the appropriate fees, including without limitation applicable filing, must be filed with the Final Allocation. The Regulatory Agreement shall contain provisions for regulation and enforcement by OHFA and such additional provisions as may be necessary to assure compliance with Section 42 of the Code or to give effect to the requirements of OHFA.

(c) **Additional requirements.** In addition to the opinions and Certifications of professionals which may be required to be filed with OHFA pursuant to 330:36-2-16 in connection with a request for a Carryover Allocation, prior to making a Final Allocation, OHFA will require:

(1) An audited Certification of the Total Development Costs, and the Eligible Basis and qualified basis of each Building in the Development and the sources and uses of funds for the Development prepared by an independent certified public accountant.

(2) All opinions must be in a form satisfactory to OHFA and must indicate that the professional has made an independent inquiry into the matters contained therein.

(d) **Approval.** Upon receipt of a completed Final Allocation, OHFA will conduct a final feasibility analysis. Approval of the Final Allocation is subject to Owner's continued compliance with the Code, the Program Rules, the Resolutions, all terms and conditions of this Agreement, and Owner's payment of all fees required by the Program Rule.

(e) **Issuance of Form 8609(s).** OHFA will issue IRS Form 8609(s) respecting each such Development (or each Building therein) to the extent required by, and in accordance with, the Code and the Program Rules. No Form 8609(s) shall be issued if OHFA has not received an executed Regulatory Agreement and all Exhibits thereto, applicable fees, permanent Certificates of Occupancy for each Building, and resolution of any issues to OHFA's satisfaction.

[Source: Added at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 26 Ok Reg 303, eff 11-20-08 (emergency); Amended at 26 Ok Reg 1208, eff 7-1-09 ; Amended at 26 Ok Reg 2540, eff 1-1-10 ; Amended at 27 Ok Reg 1812, eff 7-1-10 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 34 Ok Reg 1378, eff 1-1-18 ; Amended at 37 Ok Reg 1717, eff 1-1-21]

SUBCHAPTER 3. LOW INCOME HOUSING TAX CREDITS

330:36-3-1. General requirements and responsibilities [REVOKED]

[Source: Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94 ; Amended at 12 Ok Reg 1083, eff 4-5-95 (emergency); Revoked at 13 Ok Reg 2965, eff 7-12-96]

330:36-3-2. Qualification requirements [REVOKED]

[Source: Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94 ; Amended at 12 Ok Reg 1083, eff 4-5-95 (emergency); Revoked at 13 Ok Reg 2965, eff 7-12-96]

330:36-3-3. Ineligible Projects [REVOKED]

[Source: Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94 ; Amended at 12 Ok Reg 1083, eff 4-5-95 (emergency); Revoked at 13 Ok Reg 2965, eff 7-12-96]

330:36-3-4. Nonprofit set-aside [REVOKED]

[Source: Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94 ; Amended at 12 Ok Reg 1083, eff 4-5-95 (emergency); Revoked at 13 Ok Reg 2965, eff 7-12-96]

**330:36-3-5. Low-Income Unit minimum set-aside election
[REVOKED]**

[Source: Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94 ; Amended at 12 Ok Reg 1083, eff 4-5-95 (emergency); Revoked at 13 Ok Reg 2965, eff 7-12-96]

330:36-3-6. Rent limitations on subsidized Units [REVOKED]

[Source: Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94 ; Amended at 12 Ok Reg 1083, eff 4-5-95 (emergency); Revoked at 13 Ok Reg 2965, eff 7-12-96]

330:36-3-7. Credit rate [REVOKED]

[Source: Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94 ; Amended at 12 Ok Reg 1083, eff 4-5-95 (emergency); Revoked at 13 Ok Reg 2965, eff 7-12-96]

330:36-3-8. Carryover Allocations and credit returns [REVOKED]

[Source: Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94 ; Revoked at 13 Ok Reg 2965, eff 7-12-96]

330:36-3-9. HUD subsidy layering guidelines [REVOKED]

[Source: Added at 11 Ok Reg 3199, eff 7-15-94 ; Revoked at 13 Ok Reg 2965, eff 7-12-96]

330:36-3-10. Limitation on fees and costs [REVOKED]

[Source: Added at 11 Ok Reg 3199, eff 7-15-94 ; Revoked at 13 Ok Reg 2965, eff 7-12-96]

**SUBCHAPTER 4. DEVELOPMENT APPLICATIONS AND
SELECTION**

330:36-4-1. Development Applications

For the purpose of selecting Applicants and Developments for awards of TCAs all Applicants must submit an Application in the form prescribed in the AP. The Application shall set forth, in a clear and concise manner, Threshold and Selection Criteria that conform to the Code, these Chapter 36 Rules, QAP, and the AP. All Applications submitted to OHFA must contain sufficient information to permit OHFA staff to:

- (1) Make a factual determination as to whether, on its face, the Application satisfies each of the applicable Threshold Criteria, including underwriting standards set forth in the AP; and
- (2) Make a factual determination as to whether, on its face, the Application is to be evaluated under any set-aside category established by the AP; and
- (3) Conduct a review, assessment, and evaluation for selection as described in the AP.

[Source: Added at 17 Ok Reg 1239, eff 10-1-00 ; Amended at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 34 Ok Reg 1378, eff 1-1-18]

330:36-4-1.1. Bond financed Developments

- (a) Tax-exempt bond Developments financed with the proceeds of tax-exempt bonds adhering to guidelines established by federal legislation and/or the IRS, adopted by OHFA, and subject to the private activity bond volume cap are required to comply with all the requirements of these Rules with the exception of the competitive selection process.
- (b) Code requirements for bond financed Developments must be met in addition to the AHTC requirements, i.e., rental units, rents, student exemptions, Transfers on site, occupancy changes, verification of assets.
- (c) Deadlines for the submission of Applications for bond financed Developments will be established in the AP.

[Source: Added at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 24 Ok Reg 2539, eff 1-1-08 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 30 Ok Reg 1987, eff 1-1-14 ; Amended at 40 Ok Reg 2283, eff 1-1-24]

330:36-4-2. Selection of Applications for award of TCAs

(a) **General.** For the purpose of selecting Applications for awards of TCAs, OHFA shall develop Threshold and Selection Criteria that conform to the Code, the OAHTC Program purposes and these Chapter 36 Rules for inclusion in the next AP. The number, severity, or value of any one or more of the Threshold or Selection Criteria items may be increased by adoption of an AP for a given year that contains such increased Threshold or Selection Criteria items. However, each AP must contain for any AP, criteria to evaluate set-asides and all Threshold and Selection Criteria.

(b) **Minimum Threshold Criteria.** Failure to meet all Threshold Requirements set forth in the AP upon initial submission of the Application may result in the Application being rejected without further review. The Threshold Criteria may include, but are not necessarily limited to the following:

(1) **Market analysis.** All Applicants must submit a third party, independent housing market analysis conforming to the Threshold Criteria set forth in the AP, demonstrating and documenting the status of the market demand for the type and number of Housing Units proposed to be developed.

(2) **Nonprofit Owners.** Applicants proposing Developments under the Nonprofit set-aside must demonstrate and document that the Nonprofit Owner and/or Nonprofit ownership participant meet the definition of a Nonprofit Sponsored Development as defined in Section 42h(5)(C) of the Code and these Chapter 36 rules at 330:36-1-4. Applicants for Nonprofit set-aside TCAs must demonstrate that the Nonprofit participant:

(A) demonstrates more than fifty percent (50%) Ownership in the general partner or managing member;

(B) will materially participate, on a regular basis, in the planning and construction of the Development, and in the operation and management of the Development throughout the entire Compliance Period pursuant to 26 CFR § 1.469;

(C) has a Board of Directors and Officers that are independent from any for-profit Development partner; and

(D) is duly authorized to do business within the State; and

(E) has at least one year of affordable housing experience.

(3) **Capacity and prior performance.** Each Applicant must demonstrate and document the degree of expertise of Applicant and Owner, the Development Team, general partner, management, and principals thereof in the use of TCAs in the development, rehabilitation and/or conversion, management and operation of properties related to the type of the proposed Development. Instances of nonperformance include, but are not limited to:

(A) having been involved in uncured financing defaults, foreclosures, or placement on HUD's list of debarred contractors;

(B) events of material uncorrected noncompliance with any Federal or State assisted housing programs within the prior seven (7) years;

(C) the appointment of a Receiver; conviction on a felony criminal charge; or bankruptcy within the prior seven (7) years;

(D) removal as a general partner/managing member;

(E) failure to meet and maintain any material aspect of a Development as represented in a Development Application;

(F) failure to meet and maintain minimum property standards;

(G) failure to bring any Development back into compliance after receiving written notice from OHFA's Compliance Staff.

(H) failure to comply with OHFA's requests for information or documentation on any Development funded or

administered by OHFA;

(I) Extension requests depending on number and severity; and/or

(J) excessive late or incomplete reports to OHFA.

(4) **Waiver of Qualified Contract.** Applicants applying for Affordable Housing Tax Credits must waive their right to a Qualified Contract. Waiving the right to a Qualified Contract will not prohibit the Applicant from selling the Tax Credit Development after the initial 15-year compliance period. However, it will require the Tax Credit Development itself to remain Affordable for a minimum of 30 years.

(5) **Acquisition Credits.** Applicants requesting acquisition Credits must provide an opinion of independent unrelated counsel, in a form satisfactory to OHFA, that the requirements of Code Section 42(d)(2)(B) have been met or a waiver obtained from the IRS.

(6) **Financial feasibility and viability.** Applicants must demonstrate that there are Commitments to the Development's financial feasibility and viability as a qualified low-income housing Development. Applicants must demonstrate to OHFA's satisfaction that the Applicant has financing Commitments for one hundred percent (100%) of the project's total estimated construction and permanent financing. Items required to be included in financing Commitments will be established in the AP. Requirements set out in 36-4-2.1 (b)(c) and (d) are part of the analysis for financial feasibility.

(7) **Readiness to proceed.** Applicants must demonstrate readiness to proceed in a timely manner should they be awarded a TCA. Factors that may be considered regarding Development readiness may include but not be limited to:

(A) Site Control;

(B) preliminary plans or specifications;

(C) proper zoning for the proposed Development; and

(8) **Certifications.** Refer to the application for required certification attachments to be completed.

(9) **Fair Housing Training.** Refer to the application for details regarding what training sessions OHFA will accept for the Developer, Architectural firm, general contractor, and managers.

(10) **Capital Needs Assessment.** All Applications for rehabilitation will be accompanied by a Capital Needs Assessment as established in the AP.

(11) **Development amenities.** Each Application will be analyzed and evaluated as to Commitments made therein for the provision of amenities. Amenities and documentation requirements will be established in the AP. This may be considered as a Threshold or Selection item in the AP.

(c) **Selection Criteria.** The Selection Criteria, documentation, and points shall be set forth in the AP.

(d) **OHFA Trustee discretion.** Notwithstanding the point ranking under the Selection Criteria set forth above under 330:36-4-2(c), the Trustees may in their sole discretion allocate Credits to a project irrespective of its

point ranking, if Allocation is:

- (1) in compliance with Code Section 42;
- (2) in furtherance of the housing goals set forth herein, in the AP or any formally adopted Resolution of the Trustees; and
- (3) determined by the Trustees to be in the interests of the citizens of the State.

[Source: Added at 17 Ok Reg 1239, eff 10-1-00 ; Amended at 17 Ok Reg 3526, eff 8-31-00 (emergency); Amended at 18 Ok Reg 1003, eff 3-14-01 (emergency); Amended at 18 Ok Reg 3055, eff 7-12-01 ; Amended at 19 Ok Reg 643, eff 1-17-02 (emergency); Amended at 19 Ok Reg 1104, eff 7-11-02 ; Amended at 20 Ok Reg 2439, eff 1-1-04 ; Amended at 21 Ok Reg 2280, eff 1-2-05 ; Amended at 22 Ok Reg 2579, eff 1-2-06 ; Amended at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 24 Ok Reg 2539, eff 1-1-08 ; Amended at 26 Ok Reg 303, eff 11-20-08 (emergency); Amended at 26 Ok Reg 1208, eff 7-1-09 ; Amended at 26 Ok Reg 2540, eff 1-1-10 ; Amended at 27 Ok Reg 1812, eff 7-1-10 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 30 Ok Reg 1987, eff 1-1-14 ; Amended at 34 Ok Reg 1378, eff 1-1-18 ; Amended at 37 Ok Reg 1717, eff 1-1-21 ; Amended at 40 Ok Reg 2283, eff 1-1-24]

330:36-4-2.1. General program requirements and limitations

(a) **General. [RESERVED]**

(b) **Developer Fee limitations.** The amount of allowable Developer Fees shall be established in the AP.

(c) **Contractor Fee limitation.** Allowable contractor fees shall be established in the AP.

(d) **Underwriting standards.**

(1) **Total reserves.**

(A) Minimum reserves will be established in the AP.

(B) Minimum replacement reserves will be established in the AP.

(C) Developer guarantees or letters of credit may be accepted in lieu of operating reserves, at the discretion of OHFA. The Developer must demonstrate financial capacity and liquidity. OHFA will also consider the Developer's performance record and the number of other guarantees outstanding.

(2) **Debt service coverage.**

(A) Debt service coverage means the ratio of a property's net operating income to debt service obligations.

(B) The minimum acceptable debt service coverage ratio will be established in the AP.

(3) **Projections.** All projections and pro-formas must contain realistic operating expense and vacancy rate projections consistent with prevailing market conditions.

(4) **Cost limits.** Costs per unit must be realistic. Specific cost per unit criteria will be established in the AP. OHFA encourages cost efficient production, but will not give a preference solely for lowest construction costs.

(5) **Minimum Hard Construction Costs per unit for rehabilitations.** Minimum Hard Construction Costs will be established in the AP.

(6) **Buildings designated by OHFA to receive increase in Credit.** Designation of any boost will be established in the AP.

(e) **Progress reports.**

(1) Progress reports must be filed by the Owner beginning with the calendar quarter following the approval of a reservation of Credits until the Final Allocation Application is submitted to OHFA. Due Dates are January 10, April 10, July 10 and October 10. The report must contain, at a minimum, the status of site preparation and/or construction, including the percentage of completion of each Building, and costs incurred to date. The report must address any other requirements set forth in a Resolution of the Trustees and/or the Carryover Agreement, or as OHFA may designate. Within thirty (30) calendar days after the Certificate of Occupancy is issued for each Building in the project, the Owner must submit a copy of the Certificate of Occupancy and the Placed-In-Service Acknowledgement for that Building. Remedies for violation of these provisions include those denoted at 330:36-6-3, including but not limited to return of Credits.

(2) Compliance progress reports are required as outlined in the compliance manual.

(f) **Construction time period.** Guidance concerning Construction commencement will be established in the AP. 6-3, including but not limited to return of Credits.

(g) **Additional requirements.** OHFA may, as it deems necessary in its sole discretion, impose additional requirements or Program limitations on any Applicant, Owner, or Development. Said requirements or limitations may be set forth in a Resolution of the Trustees, in any contract between the Applicant or Owner and OHFA, or in any other document deemed acceptable in OHFA's sole discretion.

(h) **Timeliness and completeness of filings.** Deadlines for filing Applications will be established in the AP. Should OHFA request additional information, the deadline for filing same with OHFA will be set forth in the letter requesting same. Applicants/Owners must strictly comply with all deadlines and all filings must be complete when filed.

[Source: Added at 18 Ok Reg 1003, eff 3-14-01 (emergency); Added at 18 Ok Reg 3055, eff 7-12-01 ; Amended at 19 Ok Reg 643, eff 1-17-02 (emergency); Amended at 19 Ok Reg 1104, eff 7-11-02 ; Amended at 20 Ok Reg 2439, eff 1-1-04 ; Amended at 21 Ok Reg 2280, eff 1-2-05 ; Amended at 22 Ok Reg 2579, eff 1-2-06 ; Amended at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 26 Ok Reg 303, eff 11-20-08 (emergency); Amended at 26 Ok Reg 1208, eff 7-1-09 ; Amended at 26 Ok Reg 2540, eff 1-1-10 ; Amended at 27 Ok Reg 1812, eff 7-1-10 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 30 Ok Reg 1987, eff 1-1-14 ; Amended at 34 Ok Reg 1378, eff 1-1-18 ; Amended at 37 Ok Reg 1717, eff 1-1-21 ; Amended at 40 Ok Reg 2283, eff 1-1-24]

330:36-4-3. Fees

General. Application and TCA Fees will be used to support overall OAHTC Program delivery and operation activities. Fees are nonrefundable.

(1) **Application fees.** All Applications will pay a \$2,000 fee with each submission of an Application.

(2) **Allocation fee.** A nonrefundable Allocation fee shall be paid in an amount equal to eleven percent (11%) of the total TCA, but in any event not less than \$1,000.00. The Allocation fee is due within fourteen (14) calendar days of notification from OHFA of the approval of a TCA. A Carryover Allocation Agreement will not be executed, nor will Form 8609(s) be issued unless this fee has

been received by OHFA. Nonpayment may result in revocation of Credits.

(3) **Processing fee.** A nonrefundable processing fee of one percent (1%) of the TCA must accompany the request for a Final Allocation. Form 8609(s) will not be issued unless this fee has been received by OHFA.

(4) **Regulatory Agreement filing fee.** An executed Regulatory Agreement must be submitted to OHFA, as part of the request for Final Allocation, and be accompanied by a check payable to the County Clerk of the county or counties in which the Development is located. The check or checks shall be in an amount sufficient to cover the filing fees of the county or counties.

(5) **Compliance monitoring fees.** In addition to the documentation required by OHFA, an annual compliance monitoring fee shall be paid to OHFA. The compliance fee is payable on or before January 28th for each year during the Compliance Period and Extended Use Period subject to annual adjustment. If the Development includes scattered sites, a compliance monitoring fee for each site shall be paid to OHFA. If the compliance fee is not paid within thirty (30) calendar days of the Due Date, then a Late Fee will be assessed. The Late Fee is equal to twenty five percent (25%) of the compliance fee. Failure to remit timely payment of compliance monitoring fees may result in the filing by OHFA of a lien against the Development. The compliance monitoring fee shall be computed as follows:

(A) For Developments financed by RHS under the Section 515 (and otherwise qualify under the Code) receiving a TCA in 2011 or before where an agreement has been entered into between OHFA and RHS wherein the RHS agrees to provide OHFA with the required information respecting the Income and rent of the tenants in the Development, the fee shall be \$315.00 per Development per year, plus \$14.00 per OAHTC unit per year within any Building within the Development;

(B) For single site or contiguous site Developments of four units or less, the fee shall be \$350.00 per Development per year.

(C) For all other Developments, including those financed by RHS under Section 515 receiving a TCA in 2012 or later, the fee shall be \$450.00 per Development, plus \$23.00 per OAHTC unit per year within any Building within the Development.

(D) Single-family homes or duplexes regardless if scattered or on the same tract of land \$525.00 flat fee + \$30.00 per unit.

(E) Developments selecting Income Averaging as the Minimum-Set- Aside will have an additional flat fee of \$150.00 in addition to the applicable items in (A-D) above.

(6) **Additional monitoring fees.** In the event of noncompliance with the Code or Regulatory Agreement or these Chapter 36 Rules requiring OHFA to conduct an examination of the Owner,

any Building within the Development or any documentation to verify correction of said noncompliance, OHFA shall be reimbursed its costs by the Development or Owner for such an examination, including an hourly rate for the OHFA examiner, not to exceed \$35.00 per hour, plus any and all actual travel, lodging and per diem expenses of such examiner. Such reimbursement of expenses and costs shall be paid to OHFA within ten (10) calendar days of receipt of OHFA's statement of same.

(7) **Ownership/General Partner Transfer fee.** In the event that the Owner submits a request for approval of a Transfer of Ownership/general partner of the Development or any of the Buildings therein, a nonrefundable fee of \$7,500.00, shall be imposed to cover OHFA's costs of handling the request. This fee shall accompany the request. If additional transfers are submitted at the same time and are essentially the same parties involved, then each additional transfer will be \$4,000.

(8) **Management Transfer fees.** In the event that the Owner submits a request for approval of a Transfer of the management company of the Development, a \$650.00 fee per Development shall be imposed to cover OHFA's costs of handling the request. This fee shall accompany the request and shall be nonrefundable.

(9) **Copies of Rules.** Copies of these Chapter 36 Rules can be accessed via OHFA's website, www.ohfa.org. If a copy is requested, then a charge to defray production will be charged.

(10) **Qualified Contract fees.** Submission deadlines for these fees will be established in the Qualified Contract Application (QCA) materials. Qualified Contract Preliminary Application (QCPA) fee shall be \$1,500.00 and is nonrefundable. Additionally, the nonrefundable Qualified Contract Application fee shall be \$12,500.00 plus any third party fees and expenses incurred by OHFA and not paid directly by the Applicant. Third party fees and expenses include but are not limited to appraisals for the entire property, market study, title reports, environmental reports, accountants review and reports, and legal services. This is not an all-inclusive listing. Any third party fees and expenses incurred by OHFA will be identified and Applicants will receive notice of the charge and reason.

(11) **Late fees.** The Form 8609(s) will not be issued unless these fees have been received by OHFA.

(A) **Progress reports.** Progress reports as required in 36-4-2.1 when filed late will be assessed a late fee of \$10.00 per calendar day, per each late report.

(B) **Carryover Allocations.** Owners who fail to timely file all requirements in the AP as to Agreement, Application, ten percent (10%) cost Certifications, opinions and documents shall incur \$100.00 late fee per calendar day.

(C) **Final Allocations.** Owners who fail to timely file all requirements in the AP as to the Regulatory Agreement, Application, cost Certifications, opinions and documents shall incur \$100.00 late fee per calendar day.

(D) **Transfer Documents.** Owners who fail to timely file all requirements in regard to the Transfer of Ownership or general partnership interest (or other type of entity), and/or Management Transfers may incur \$25.00 late fee per calendar day.

(E) **Acknowledgment of Placed-In-Service Form.** Owners who fail to timely file an Acknowledgment of Placed-In-Service Form in accordance to timelines established in the AP may incur \$10 late fee per calendar day.

[Source: Amended and renumbered from 330:36-5-13 at 17 Ok Reg 1239, eff 10-1-00 ; Amended at 20 Ok Reg 2439, eff 1-1-04 ; Amended at 21 Ok Reg 2280, eff 1-2-05 ; Amended at 22 Ok Reg 2579, eff 1-2-06 ; Amended at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 26 Ok Reg 2540, eff 1-1-10 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 30 Ok Reg 1987, eff 1-1-14 ; Amended at 34 Ok Reg 1378, eff 1-1-18 ; Amended at 37 Ok Reg 1717, eff 1-1-21 ; Amended at 40 Ok Reg 2283, eff 1-1-24]

SUBCHAPTER 5. APPLICATION, RESERVATION AND ALLOCATION PROCEDURE

330:36-5-1. Application and Allocation [REVOKED]

[Source: Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94 ; Added at 12 Ok Reg 1083, eff 4-5-95 (emergency); Revoked at 13 Ok Reg 2965, eff 7-12-96]

330:36-5-1.1. Reservation and allocation [REVOKED]

[Source: Added at 13 Ok Reg 2965, eff 7-12-96 ; Amended at 13 Ok Reg 3479, eff 7-19-96 (emergency); Amended at 14 Ok Reg 2642, eff 6-26-97 ; Amended at 15 Ok Reg 1995, eff 5-26-98 ; Revoked at 17 Ok Reg 1239, eff 10-1-00]

330:36-5-2. Application requirements [REVOKED]

[Source: Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94 ; Amended at 12 Ok Reg 1083, eff 4-5-95 (emergency); Amended at 13 Ok Reg 1309, eff 3-26-96 (emergency); Amended at 13 Ok Reg 2965, eff 7-12-96 ; Amended at 13 Ok Reg 3479, eff 7-19-96 (emergency); Amended at 14 Ok Reg 2642, eff 6-26-97 ; Amended at 15 Ok Reg 1995, eff 5-26-98 ; Revoked at 17 Ok Reg 1239, eff 10-1-00]

330:36-5-3. Review of Applications [REVOKED]

[Source: Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94 ; Amended at 12 Ok Reg 1083, eff 4-5-95 (emergency)¹; Revoked at 13 Ok Reg 2965, eff 7-12-96]

Editor's Note: ¹ *This emergency action added a new rule called "Local Chief Executive Officer notice," which was incorrectly numbered at this Section number (330:36-5-3). In a later permanent action, the rule "Local Chief Executive Officer notice" was added and codified at an unused Section number (330:36-5-3.1).*

330:36-5-3.1. Local Chief Executive Officer notice [REVOKED]

[Source: Added at 13 Ok Reg 2965, eff 7-12-96¹; Amended at 13 Ok Reg 3479, eff 7-19-96 (emergency); Amended at 14 Ok Reg 2642, eff 6-26-97; Revoked at 17 Ok Reg 1239, eff 10-1-00]

Editor's Note: ¹*This permanent action supersedes an emergency action [12 Ok Reg 1083] which added a new rule at a Section number that had already been used (330:36-5-3).*

330:36-5-4. Selection criteria points [REVOKED]

[Source: Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94; Amended at 12 Ok Reg 1083, eff 4-5-95 (emergency)¹; Revoked at 13 Ok Reg 2965, eff 7-12-96]

Editor's Note: ¹*This emergency action also added a new rule called "Allocation procedures" which was incorrectly numbered at this Section number (330:36-5-4). In a later permanent action, the rule called "Allocation procedures" was added and codified at an unused Section number (330:36-5-4.1).*

330:36-5-4.1. Allocation procedures [REVOKED]

[Source: Added at 13 Ok Reg 2965, eff 7-12-96¹; Amended at 13 Ok Reg 3479, eff 7-19-96 (emergency); Amended at 14 Ok Reg 2642, eff 6-26-97; Amended at 15 Ok Reg 1995, eff 5-26-98; Revoked at 17 Ok Reg 1239, eff 10-1-00]

Editor's Note: ¹*This permanent action supersedes an emergency action [12 Ok Reg 1083] which added a new rule at a Section number that had already been used (330:36-5-4).*

330:36-5-5. Regulatory Agreement [REVOKED]

[Source: Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94; Amended as 330:36-5-10 at 12 Ok Reg 1083, eff 4-5-95 (emergency)¹; Revoked at 13 Ok Reg 2965, eff 7-12-96]

Editor's Note: ¹*This emergency action also added a new rule called "Threshold requirements," which was incorrectly numbered at this Section number (330:36-5-5). In a later permanent action, the rule called "Threshold requirements" was added and codified at an unused Section number (330:36-5-5.1).*

330:36-5-5.1. Threshold requirements [REVOKED]

[Source: Added at 13 Ok Reg 2965, eff 7-12-96¹; Amended at 13 Ok Reg 3479, eff 7-19-96 (emergency); Amended at 14 Ok Reg 2642, eff 6-26-97; Amended at 15 Ok Reg 1995, eff 5-26-98; Revoked at 17 Ok Reg 1239, eff 10-1-00]

Editor's Note: ¹*This permanent action supersedes an emergency action [12 Ok Reg 1083] which added a new rule at a Section number that had already been used (330:36-5-5).*

330:36-5-6. Conflict of interest [REVOKED]

[Source: Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94 ; Amended at 12 Ok Reg 1083, eff 4-5-95 (emergency)¹; Revoked at 13 Ok Reg 2965, eff 7-12-96]

Editor's Note: ¹*This emergency action also added a new rule called "Selection criteria points" (330:36-5-4), which was incorrectly numbered at this Section number (330:36-5-6). In a later permanent action, 330:36-5-4 was revoked and a rule called "Selection criteria" was added and codified at an unused Section number (330:36-5-6.1).*

330:36-5-6.1. Selection criteria [REVOKED]

[Source: Added at 13 Ok Reg 2965, eff 7-12-96 ¹; Amended at 14 Ok Reg 2642, eff 6-26-97 ; Amended at 15 Ok Reg 1995, eff 5-26-98 ; Revoked at 17 Ok Reg 1239, eff 10-1-00]

Editor's Note: ¹*This permanent action supersedes an emergency amendatory action [12 Ok Reg 1083] which was incorrectly numbered as 330:36-5-6 instead of 330:36-5-4.*

330:36-5-7. Fees [REVOKED]

[Source: Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94 ; Amended at 12 Ok Reg 1083, eff 4-5-95 (emergency)¹; Revoked at 13 Ok Reg 2965, eff 7-12-96]

Editor's Note: ¹*This emergency action also added a new rule called "Financial feasibility analysis," which was incorrectly numbered at this Section number (330:36-5-7). In a later permanent action, the rule called "Financial feasibility analysis" was added and codified at an unused Section number (330:36-5-7.1).*

330:36-5-7.1. Financial feasibility analysis [REVOKED]

[Source: Added at 13 Ok Reg 2965, eff 7-12-96 ¹; Amended at 14 Ok Reg 2642, eff 6-26-97 ; Revoked at 17 Ok Reg 1239, eff 10-1-00]

Editor's Note: ¹*This permanent action supersedes an emergency action [12 Ok Reg 1083] which added a new rule at a Section number that had already been used (330:36-5-7).*

330:36-5-8. Additional requirements [REVOKED]

[Source: Added at 12 Ok Reg 1083, eff 4-5-95 (emergency); Added at 13 Ok Reg 2965, eff 7-12-96 ; Amended at 14 Ok Reg 2642, eff 6-26-97 ; Revoked at 17 Ok Reg 1239, eff 10-1-00]

330:36-5-9. Carryover Allocations and Credit returns [REVOKED]

[Source: Added at 12 Ok Reg 1083, eff 4-5-95 (emergency); Added at 13 Ok Reg 2965, eff 7-12-96 ; Amended at 14 Ok Reg 2642, eff 6-26-97 ; Amended at 15 Ok Reg 1995, eff 5-26-98 ; Revoked at 17 Ok Reg 1239, eff 10-1-00]

330:36-5-10. Regulatory Agreement [REVOKED]

[Source: Amended at 12 Ok Reg 1083, eff 4-5-95 (emergency)¹; Added at 13 Ok Reg 2965, eff 7-12-96 ; Amended at 14 Ok Reg 2642, eff 6-26-97 ; Revoked at 17 Ok Reg 1239, eff 10-1-00]

Editor's Note: ¹*Previously numbered and amended at 330:36-5-5.*

330:36-5-11. Transfer restrictions [REVOKED]

[Source: Added at 12 Ok Reg 1083, eff 4-5-95 (emergency); Added at 13 Ok Reg 2965, eff 7-12-96 ; Revoked at 17 Ok Reg 1239, eff 10-1-00]

330:36-5-12. Conflict of interest [REVOKED]

[Source: Added at 12 Ok Reg 1083, eff 4-5-95 (emergency)¹; Added at 13 Ok Reg 2965, eff 7-12-96 ; Revoked at 17 Ok Reg 1239, eff 10-1-00]

Editor's Note: ¹*Previously numbered at 330:36-5-6.*

330:36-5-13. Fees [AMENDED AND RENUMBERED TO 330:36-4-3]

[Source: Added at 12 Ok Reg 1083, eff 4-5-95 (emergency)¹; Added at 13 Ok Reg 2965, eff 7-12-96 ; Amended at 14 Ok Reg 2642, eff 6-26-97 ; Amended and renumbered to 330:36-4-3 at 17 Ok Reg 1239, eff 10-1-00]

Editor's Note: ¹*Previously numbered at 330:36-5-7.*

SUBCHAPTER 6. PROGRAM ADMINISTRATION

330:36-6-1. Program violations and revocation

(a) The following are violations of OAHTC Program policies and procedures and these OAHTC Program Rules:

- (1) The filing of false information in an Application and/or a Development report;
- (2) Failure of an Applicant or Owner, as the case may be, to satisfy any of the requirements of the Code, applicable State or federal statutes, rules or regulations, these OAHTC Program Rules, or any requirements contained in the AP, or any Commitments made

in the Application upon which the award of a TCA was based;

(3) Breach of any of the terms, conditions, obligations, covenants, warranties, or representations of the Owner or Applicant contained in the Regulatory Agreement and/or the Carryover Allocation Agreement or the breach of any terms conditions, obligations or requirements set forth in any Resolution of the Trustees pertaining to the Applicant/Owner or the Development;

(4) Notice by OHFA to the Owner that significant corrective actions are necessary to protect the integrity of the Development and that such corrective actions have not been, or cannot be, effected within a reasonable time, in the judgment of OHFA staff;

(5) An administrative or judicial determination that the Applicant or Owner has committed fraud, waste, or mismanagement in any current or prior State or federally funded project;

(6) From and after the date of the filing of the Application, failure to notify OHFA of any material changes effecting the proposed Development, including, but not limited to, modifications to any representations contained in the Application, any amendments or modifications of the financing plan, syndicators or equity partners or any other Threshold requirement and/or changes in Development Team Members, contractors, property managers, etc. Notification must be filed with OHFA not less than sixty (60) calendar days prior to the proposed change. Approval by the Trustees is required for any changes or amendments involving the ownership or Control of the Development or the Owner after the Application is filed. This would include, but not be limited to, changes or Transfers of the Development, changes or modifications of the ownership or composition of the general partner entity (i.e. addition or removal of members, partners, stockholders, etc.), any addition, substitution, withdrawal or removal of any general partner. Other amendments may be handled administratively by staff, although staff reserves the right to refer any amendments to the Trustees for their consideration;

or

(b) Failure to follow all required procedures throughout the Allocation process could jeopardize the final Allocation or result in housing Credits being revoked.

(1) The following shall not be considered violations of OAHTC Program policies and procedures and these OAHTC Program Rules. The owner of any real property, including any improvements consisting of dwelling units, acquired or improved in connection with an allocation of income tax credits pursuant to the provisions of Section 42 of the Internal Revenue Code of 1986, as amended, or in connection with an allocation of income tax credits pursuant to the provisions of Section 2357.403 of Title 68 of the Oklahoma Statutes shall have the right to impose conditions in any lease agreement for the occupancy of any dwelling located on real property as described by this section which allow the owner to accept or decline to enter into the lease agreement, or to terminate a previously executed lease agreement based upon the discovery of incomplete or false

information, with respect to the prior felony conviction of any person identified as a tenant pursuant to the terms of the lease agreement, including occupants of the dwelling whether or not those occupants formally execute a lease agreement.

(2) The owner of real property as described in subsection (c) of this section may either accept or decline to enter into a lease agreement or to terminate a previously executed lease agreement based upon felony convictions, whether pursuant to federal law or the laws of any state or other governmental jurisdiction.

[Source: Added at 17 Ok Reg 1239, eff 10-1-00 ; Amended at 18 Ok Reg 1003, eff 3-14-01 (emergency); Amended at 18 Ok Reg 3055, eff 7-12-01 ; Amended at 19 Ok Reg 643, eff 1-17-02 (emergency); Amended at 19 Ok Reg 1104, eff 7-11-02 ; Amended at 20 Ok Reg 2439, eff 1-1-04 ; Amended at 21 Ok Reg 2280, eff 1-2-05 ; Amended at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 24 Ok Reg 2539, eff 1-1-08 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 30 Ok Reg 1987, eff 1-1-14 ; Amended at 34 Ok Reg 1378, eff 1-1-18 ; Amended at 40 Ok Reg 2283, eff 1-1-24]

330:36-6-2. [RESERVED]

[Source: Reserved at 17 Ok Reg 1239, eff 10-1-00]

330:36-6-3. Corrective and remedial actions

(a) Upon a determination by OHFA staff that a violation has occurred during the Application stages or prior to the filing of the Regulatory Agreement, OHFA may take any one or more of the following actions when the cited violations are not corrected in a timely manner:

- (1) Condition Regulatory Agreements;
- (2) Withhold Allocations of tax Credits;
- (3) Reduce the total amount of the tax Credit award;
- (4) Require the return of unused tax Credits;
- (5) Deny future program Applications and participation for a specified period of time as determined by OHFA;
- (6) Indefinitely suspend from program participation;
- (7) File an action for specific performance; and/or
- (8) Notify the IRS.

(b) Additionally, OHFA shall have the right, upon discovery of facts or statements indicating possible program violations by an Applicant or Owner in regard to a Development, or a proposed Development or a pending Application, or a pending TCA, to request and obtain information regarding:

- (1) The administrative, planning, budgeting, management and evaluation functions, actions being taken to correct or remove the cause of the program violation(s);
- (2) Any activities by an Applicant and/or Owner, or by an Affiliate of either of them that are, or might be in violation or breach of the Commitments made in the Application or that are, or might be, in violation of applicable laws, these Rules, the AP, and/or the applicable Carryover Agreement and/or the applicable Regulatory Agreement;
- (3) The ability of the Applicant and/or Owner to fulfill the Commitments made to OHFA in the Application and/or the applicable Carryover Agreement and/or the applicable Regulatory

Agreement, in a timely manner; and
(4) Progress schedules for completing and/or performing the Commitments made to OHFA in the Application and/or the applicable Carryover Agreement and/or the Regulatory Agreement in a timely manner.

(c) Prior to OHFA taking any corrective and/or remedial actions, OHFA, may, in its sole discretion, issue a notice of a show cause hearing. The Applicant and/or Owner shall have thirty (30) business days to appear and show cause as to why corrective and/or remedial actions should not be taken. This language shall not be construed as a limitation on the compliance monitoring and reporting requirements of the Code and these Chapter 36 Rules.

[Source: Added at 17 Ok Reg 1239, eff 10-1-00 ; Amended at 18 Ok Reg 1003, eff 3-14-01 (emergency); Amended at 18 Ok Reg 3055, eff 7-12-01 ; Amended at 21 Ok Reg 2280, eff 1-2-05 ; Amended at 22 Ok Reg 2579, eff 1-2-06 ; Amended at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 26 Ok Reg 303, eff 11-20-08 (emergency); Amended at 26 Ok Reg 1208, eff 7-1-09 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 34 Ok Reg 1378, eff 1-1-18]

330:36-6-4. [RESERVED]

[Source: Reserved at 17 Ok Reg 1239, eff 10-1-00]

330:36-6-5. Applicant and/or Owner responsibilities

(a) An Applicant and/or Owner under the OAHTC Program shall be responsible for:

- (1) Taking all action necessary to enforce the terms of the Regulatory Agreement against any private or public Owner that fails to comply with applicable provisions of the Regulatory Agreement or any subcontract or documents resulting from it, and to recover on behalf of OHFA, all costs and expenses incurred by or on behalf of OHFA. Nothing in this subsection shall restrict OHFA's right to independently enforce the terms of the Commitments made to OHFA in the Application and/or the Regulatory Agreement or in any subcontracts or documents resulting from either of them, or to recover any sums that may become due to OHFA as the result of a breach of any of the Commitments made to OHFA in the Application and/or the Regulatory Agreement, or in any such subcontracts or documents.
- (2) Complying with all applicable provisions of the Code, State and federal regulations, guidelines, circulars, rulings and notices, these Rules, the AP, the Application, the Regulatory Agreement between the Applicant and/or Owner, and/or in any subcontracts or documents resulting from either of them, and OHFA or other Program requirements that may be released by the Internal Revenue Service or OHFA from time to time.
- (3) Maintaining records and accounts, including, but not limited to, property, personnel, financial and tenant records that properly document and account for all Development funds and compliance with the tenant Income Certification requirements of the Code, these Rules, the AP, and the application and the Regulatory

Agreement. All records required by the Code or 26 CFR1.42-5, as presently effective or as may be amended in the future, must be kept and retained by the Owner. Additional requirements of OHFA respecting said records may be included in the Regulatory Agreement. OHFA may require specific types and forms of records. All such records and accounts shall be made available upon request by OHFA for the purpose of inspection and use in carrying out its responsibilities for administration of the tax Credits.

(4) Retaining all books, documents, papers, records, and other materials involving all activities and transactions related to the Owner's Commitments to OHFA found in the Application and in the Regulatory Agreement, as required by the Code, State and federal regulations, the AP, the Application and the Regulatory Agreement.

(b) OHFA may require the Applicant and/or Owner to provide special narrative and financial reports related to the elements of a written agreement in the forms and at such times as may be necessary or required by OHFA.

(c) OHFA shall have the right to perform as many audits and/or compliance inspections of any Development, from time to time, in the complete discretion of OHFA, as OHFA deems necessary or appropriate to discharge its compliance duties to the IRS in regard to each Development for which TCAs have been awarded, at least through the end of the Compliance Period and Extended Use Period of the Buildings and units in the Development. Audits and compliance inspections may include physical inspection of any Building in the Development, as well as a review of the records described in this subchapter. The cost of any such audit shall be borne by the Applicant and/or Owner. The audit and inspection provisions of this subsection are in addition to any inspection of OAHTC Certifications, supporting documentation, or inspection of records performed pursuant to annual compliance review.

[Source: Added at 17 Ok Reg 1239, eff 10-1-00 ; Amended at 18 Ok Reg 1003, eff 3-14-01 (emergency); Amended at 18 Ok Reg 3055, eff 7-12-01 ; Amended at 20 Ok Reg 2439, eff 1-1-04 ; Amended at 21 Ok Reg 2280, eff 1-2-05 ; Amended at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 34 Ok Reg 1378, eff 1-1-18]

330:36-6-6. [RESERVED]

[Source: Reserved at 18 Ok Reg 1003, eff 3-14-01 (emergency); Reserved at 18 Ok Reg 3055, eff 7-12-01]

330:36-6-7. OHFA monitoring procedures

(a) **General.** Section 42(m)(1)(B)(iii) of the Code mandates that state housing Credit agencies monitor all Placed-In-Service tax Credit projects for compliance with the provisions of Section 42. The Code also mandates that the Internal Revenue Service be notified, by the state housing agencies, of any instances of noncompliance, this includes failure to comply with the Code and federal regulations and these Chapter 36 Rules, as well as failure to pay all compliance fees in a timely manner.

OHFA will also monitor for compliance with the Regulatory Agreement provisions which contain additional Owner Commitments made to secure points in the project selection process, e.g. additional Low-Income Units or an Extended Use Period. OHFA has assembled and will make available to the Development Owners, a Compliance Manual explaining the OAHTC monitoring process in detail. An Owner representative and a management agent representative will be required to successfully complete a compliance training session conducted by OHFA or approved by OHFA and submit proof thereof with the first Quarterly report. OHFA will monitor the documents and Certifications set forth in 330:36-6-7(b) and (c) for compliance with the Code.

(b) Record keeping and record retention provisions.

(1) The Owner of a low-income housing project is required to keep records for each qualified low-income Building in the project showing:

- (A) The total number of residential units in the Building (including the number of bedrooms and the size in square feet of each residential rental unit);
- (B) The percentage of residential rental units in the Building that are Low-Income Units;
- (C) The rents charged on each residential rental unit in the Building (including any utility allowances);
- (D) The number of occupants in each Low-Income Unit;
- (E) The Low-Income Unit vacancies in the Building and information that shows when, and to whom the next available units were rented;
- (F) The initial Income Certification of each low-income tenant per unit, and any additional recertification that may be required;
- (G) Documentation to support each low-income tenant's Income Certification;
- (H) The Eligible Basis and qualified basis of the Building at the end of the first year of the Credit period;
- (I) The character and use of the nonresidential portion of the Building included in the Building's Eligible Basis under Section 42(d) of the Code (e.g. tenant facilities that are available on a comparable basis to all tenants and for which no separate fee is charged for use of the facilities, or facilities reasonably required by the project); and
- (J) Copies of all correspondence with the IRS.

(2) The Owner is required to retain the records described in this section for each Building in the project for at least six (6) years after the Due Date (with extensions) for filing the federal income tax return for that year. The records for the first year of the Credit period must be retained for at least six (6) years beyond the Due Date (with extensions) for filing the federal income tax return for the last year of the Compliance Period of the Building.

(c) Certification and review provisions.

(1) Between the Placed-In-Service date of a Building and the submission of an Application for a final Allocation of Credits, and prior to the issuance of an 8609, OHFA may physically inspect the

property. An on-site review will again be conducted within the following year as described in 330:36-6-7 (c) (6) of these Rules.

(2) In accordance with Section 42(l) (1), following the close of the first taxable year in the Credit period, the Owner must certify to the Secretary of the Treasury:

(i)

- (i) the taxable year in which such Building was Placed-In-Service,
- (ii) the adjusted basis and Eligible Basis as of the close of the first year of the Credit period,
- (iii) the maximum applicable percentage and qualified basis, and
- (iv) the election made for the low-income targeting threshold.
- (v) This Certification is accomplished by completing Part II of the 8609(s). A copy of the completed 8609(s) must also be submitted to OHFA. The Due Date for submission is May 10, or as extended by The Service or Staff, of the year due to The Service for the first Credit year.

(3) Owners must prepare and submit a quarterly report beginning with the first full calendar quarter after the last Building is Placed-In-Service, and for the subsequent three quarters. This report must be accompanied by copies of the Tenant Income Certifications for each tenant and new move-ins for the appropriate quarter. If a project is determined not to be in compliance with Program requirements or there is indication of possible noncompliance, OHFA, at its discretion, may require reports each quarter until compliance is demonstrated.

(4) The Owner of a low-income housing project is required to certify annually to OHFA for the preceding 12-month period on a form prescribed by OHFA certain questions regarding Section 42.

(5) OHFA will review the Owner Certifications submitted pursuant to 330:36-6-7(c)(4), for compliance with the requirements of Section 42 of the Code.

(6) OHFA must and will conduct on-site inspections of all Buildings in the project by the end of the second calendar year following the year the last Building in the project is Placed-In-Service, and for at least twenty (20) percent of the project's Low-Income Units, inspect the units and review the low-income Certifications, the documentation supporting the Certifications, and the rent records for the tenants in those units.

(7) At least once every three (3) years through the Extended Use Period, OHFA must conduct on-site inspections of all Buildings. Refer to the application and/or the compliance manual for number of units to be inspected based on size of property according to amended compliance monitoring regulation 1.42-5. Staff will inspect the units and review the low-income Certifications, the documentation supporting the Certifications, and the rent records for the tenants in those units.

(8) The Certifications and reviews of paragraphs 330:36-6-7(c)(2) and (c)(4) of these Chapter 36 Rules are required to be made at least annually until the end of the Extended Use Period, and the Certifications are to be made under penalty of perjury.

(9) The Owner is required to provide to OHFA, for the first Credit year, a copy of the completed Part II 8609 that is submitted to the Internal Revenue Service.

(10) The Owner is required to provide to OHFA, as it occurs, copies of all correspondence with the Internal Revenue Service.

(d) Auditing/compliance provisions. OHFA has the right to perform an audit and/or compliance inspection of any low-income housing project during the term of the Regulatory Agreement. An audit/compliance inspection includes physical inspection of any Building in the project, as well as a review of the records described in 330:36-6-7(c)(1) of these Chapter 36 Rules. The auditing/compliance inspection provisions of this paragraph is in addition to any inspection of low-income Certifications and documentation under 330:36-6-7(c)(7) of this Chapter 36 Rules.

(e) Notification of noncompliance provisions.

(1) OHFA will provide prompt written notice to the Owner of a low-income housing project if OHFA does not receive the Certification described in 330:36-6-7(c)(4) of these Chapter 36, or does not receive, or is not permitted to inspect, the tenant Income Certification supporting documentation and rent records, or discovers on audit, inspection review, or in some other manner, that the project is not in compliance with the Code or these Chapter 36 rules. The Owner shall have a period of time, not to exceed forty-five (45) calendar days, from the date of such notice (the "correction period") to supply any missing Certifications and bring the project into compliance. OHFA may extend, in its own discretion, the correction period for up to an additional thirty (30) calendar days for good cause.

(2) OHFA must file IRS Form 8823 Report of Noncompliance with the Internal Revenue Service no later than forty-five (45) calendar days after the end of the correction period whether or not the noncompliance or failure to certify is corrected. OHFA will explain on Form 8823 the nature of the noncompliance or failure to certify and indicate whether the Owner has corrected the noncompliance or failure to certify. Any change in either the Applicable Fraction or Eligible Basis that results in a decrease in the qualified basis of the project under Section 42(c)(1)(A) is an event of noncompliance that must be reported under this paragraph.

[Source: Added at 18 Ok Reg 1003, eff 3-14-01 (emergency); Added at 18 Ok Reg 3055, eff 7-12-01 ; Amended at 19 Ok Reg 643, eff 1-17-02 (emergency); Amended at 19 Ok Reg 1104, eff 7-11-02 ; Amended at 20 Ok Reg 2439, eff 1-1-04 ; Amended at 21 Ok Reg 2280, eff 1-2-05 ; Amended at 22 Ok Reg 2579, eff 1-2-06 ; Amended at 23 Ok Reg 2960, eff 1-2-07 ; Amended at 26 Ok Reg 303, eff 11-20-08 (emergency); Amended at 26 Ok Reg 1208, eff 7-1-09 ; Amended at 26 Ok Reg 2540, eff 1-1-10 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 30 Ok Reg 1987, eff 1-1-14 ; Amended at 37 Ok Reg 1717, eff 1-1-21 ; Amended at 40 Ok Reg 2283, eff 1-1-24]

SUBCHAPTER 7. COMPLIANCE MONITORING

330:36-7-1. Code compliance monitoring [REVOKED]

[Source: Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94 ; Amended at 12 Ok Reg 1083, eff 4-5-95 (emergency); Amended at 13 Ok Reg 2965, eff 7-12-96 ; Amended at 14 Ok Reg 2642, eff 6-26-97 ; Amended at 15 Ok Reg 1995, eff 5-26-98 ; Revoked at 17 Ok Reg 1239, eff 10-1-00]

330:36-7-2. Enforcement and remedies [REVOKED]

[Source: Added at 10 Ok Reg 3925, eff 6-25-93 (emergency); Added at 11 Ok Reg 3199, eff 7-15-94 ; Amended at 12 Ok Reg 1083, eff 4-5-95 (emergency); Amended at 13 Ok Reg 2965, eff 7-12-96 ; Amended at 15 Ok Reg 1995, eff 5-26-98 ; Revoked at 17 Ok Reg 1239, eff 10-1-00]

SUBCHAPTER 8. QUALIFIED CONTRACT

330:36-8-1. Purpose

Pursuant to 42(h)(6) of the Code, after the end of the 14th year of the Compliance Period, the Owner of a LIHTC Development can request OHFA as the allocating agency to find a buyer at the Qualified Contract Price (QCP). If a buyer cannot be located within one year, the Extended Use Commitment will terminate. This process provides the procedures for the submittal and review of the Qualified Contract requests.

[Source: Added at 23 Ok Reg 2980, eff 7-13-06 ; Amended at 28 Ok Reg 1658, eff 1-1-12]

330:36-8-2. [RESERVED]

[Source: Reserved at 23 Ok Reg 2980, eff 7-13-06]

330:36-8-3. Authority

In the Omnibus Budget Reconciliation Act of 1989 (1989 Act), Congress modified the LIHTC Program by creating an Extended Use Period which lengthened the affordability period of Credit Developments from 15 years to 30 years. However, the 1989 Act also provided an option for Owners to exit the LIHTC Program at the end of the 15-year Compliance Period by requesting that the state allocating agency either purchase the Development or assign the agency's purchase right to another entity for a formula price pursuant to a "Qualified Contract".

[Source: Added at 23 Ok Reg 2980, eff 7-13-06 ; Amended at 28 Ok Reg 1658, eff 1-1-12]

330:36-8-4. [RESERVED]

[Source: Reserved at 23 Ok Reg 2980, eff 7-13-06]

330:36-8-5. Policies and Procedures

(a) LIHTC Developments that received an Allocation of Credits between 1990-2018 are eligible to submit a Qualified Contract Preliminary Application (QCPA) after the end of year 14 of the Compliance Period.

This is available unless the Owner voluntarily waives the right to a Qualified Contract in the Application.

(b) OHFA will develop a Qualified Contract Application (QCA) process to administer requests from eligible Owners for a Qualified Contract pursuant to Code Section 42(h)(6)(E)(i)(II).

(c) In keeping with the clear purpose of IRS Code Section 42, OHFA will resolve every case of doubt or interpretation in determining the Qualified Contract Price (QCP), both with regard to the overall process and for particular properties, in favor of a lower value.

[Source: Added at 23 Ok Reg 2980, eff 7-13-06 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 30 Ok Reg 1987, eff 1-1-14 ; Amended at 37 Ok Reg 1717, eff 1-1-21]

330:36-8-6. [RESERVED]

[Source: Reserved at 23 Ok Reg 2980, eff 7-13-06]

330:36-8-7. Eligibility

(a) In determining the eligibility of a Development with multiple Allocations or Credit periods, OHFA will only consider the last Allocation. Owners may not submit a QCPA or QCA until after the 14th year of the Compliance Period:

- (1) for the last Building Placed-In-Service (Developments with Buildings that were Placed-In-Service in different years), or
- (2) for the last Allocation to the Development or any Building therein (Developments with multiple Allocations).

(b) OHFA will not consider a QCA until the Owner secures a complete, unconditional waiver of all purchase options, including a Nonprofit general partner's right of first refusal.

(c) Properties that do not meet the basic physical compliance standards that are (or would be) necessary to claim some or all of the Allocation are ineligible for consideration. Owners must correct all such compliance issues or violations prior to submitting a QCA.

[Source: Added at 23 Ok Reg 2980, eff 7-13-06 ; Amended at 28 Ok Reg 1658, eff 1-1-12]

330:36-8-8. [RESERVED]

[Source: Reserved at 23 Ok Reg 2980, eff 7-13-06]

330:36-8-9. Three-year Period

(a) If OHFA fails to present a Qualified Contract (QC) before the expiration of the 1YP as described herein, the Development will remain subject to the Three-Year Period requirements of Code Section 42(h)(6)(E)(ii).

(b) The Three-Year Period will commence with the recording of a Release of the Regulatory Agreement.

(c) During the Three-Year Period the Owner may not evict or terminate a tenancy of an existing tenant of any Low-Income Unit except for good cause. During the Three-Year Period the Owner may not increase the

Gross Rent with respect to any Low-Income Unit except as permitted under Section 42 of the Code.

[Source: Added at 23 Ok Reg 2980, eff 7-13-06 ; Amended at 28 Ok Reg 1658, eff 1-1-12]

330:36-8-10. [RESERVED]

[Source: Reserved at 23 Ok Reg 2980, eff 7-13-06]

330:36-8-11. Qualified Contract

(a) Under IRC §42(h)(6)(E)(i)(II), OHFA's only obligation is to present to the Owner a bona fide Qualified Contract to acquire the Development for the Qualified Contract Price. There is no requirement in the IRS Code that the prospective buyer actually purchase the Development. Whether or not the Owner and the prospective buyer execute a contract and close the transaction is beyond the responsibilities and control of OHFA.

(b) Presentation of a Qualified Contract by OHFA terminates any future possibility of terminating the Extended Use Period set forth in the Regulatory Agreement whether or not the Qualified Contract is executed and the transaction closed.

[Source: Added at 23 Ok Reg 2980, eff 7-13-06 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 30 Ok Reg 1987, eff 1-1-14]

SUBCHAPTER 9. PROCEDURES FOR INSPECTING AND/OR COPYING PUBLIC RECORDS

330:36-9-1. Purpose [REVOKED]

[Source: Added at 12 Ok Reg 1083, eff 4-5-95 (emergency); Added at 13 Ok Reg 2965, eff 7-12-96 ; Revoked at 17 Ok Reg 1239, eff 10-1-00]

330:36-9-2. Record Custodian [REVOKED]

[Source: Added at 12 Ok Reg 1083, eff 4-5-95 (emergency); Added at 13 Ok Reg 2965, eff 7-12-96 ; Revoked at 17 Ok Reg 1239, eff 10-1-00]

330:36-9-3. Hours of inspection [REVOKED]

[Source: Added at 12 Ok Reg 1083, eff 4-5-95 (emergency); Added at 13 Ok Reg 2965, eff 7-12-96 ; Revoked at 17 Ok Reg 1239, eff 10-1-00]

330:36-9-4. Procedures for inspection of records [REVOKED]

[Source: Added at 12 Ok Reg 1083, eff 4-5-95 (emergency); Added at 13 Ok Reg 2965, eff 7-12-96 ; Revoked at 17 Ok Reg 1239, eff 10-1-00]

330:36-9-5. Procedures for copying records [REVOKED]

[Source: Added at 12 Ok Reg 1083, eff 4-5-95 (emergency); Added at 13 Ok Reg 2965, eff 7-12-96 ; Revoked at 17 Ok Reg 1239, eff 10-1-00]

330:36-9-6. Copying and reproduction fees [REVOKED]

[Source: Added at 12 Ok Reg 1083, eff 4-5-95 (emergency); Added at 13 Ok Reg 2965, eff 7-12-96 ; Revoked at 17 Ok Reg 1239, eff 10-1-00]

SUBCHAPTER 10. CREDIT ASSISTANCE/STIMULUS LEGISLATION

330:36-10-1. Purpose

The purpose of this Subchapter is to outline OHFA's procedures for implementing new funding resources specifically identified for use in connection with the OAHTC Program. The American Recovery and Reinvestment Act (ARRA), enacted on February 17, 2009 provides new federal stimulus programs for eligible Owners of Credit Developments. The purpose of this Subchapter is to outline OHFA's procedures for implementing the stimulus programs of the ARRA and future programs which may be authorized and funded federally or at the State level.

[Source: Added at 26 Ok Reg 1369, eff 4-24-09 (emergency); Added at 27 Ok Reg 1812, eff 7-1-10 ; Amended at 28 Ok Reg 1658, eff 1-1-12]

330:36-10-2. Other Enactments of Law

In the event any federal or State assistance/stimulus programs benefiting the OAHTC Program become available to the State through OHFA, OHFA shall immediately implement such procedures as OHFA deems necessary, in its sole discretion, to access these funds for the purpose of Allocating, granting, awarding, etc. to Qualified Owners of Tax Credit Developments. The process developed for the current economic stimulus programs available and future enactments of law will be consistent with the goals of the Qualified Allocation Plan (QAP), the Chapter 36 Rules, Section 42 of the Code and any relevant rules, regulations, rulings or other guidance issued by the IRS and, as relevant the regulations of the HOME Program and guidance from HUD. The Application process and procedures developed will be reviewed by OHFA through normal procedures.

[Source: Reserved at 26 Ok Reg 1369, eff 4-24-09 (emergency); Reserved at 27 Ok Reg 1812, eff 7-1-10 ; Added at 40 Ok Reg 2283, eff 1-1-24]

330:36-10-3. Authority

OHFA has been designated as the State's housing credit agency responsible for the Allocation of Credits made available to the State. This authority provides that OHFA shall administer any funding resources directed to the OATHC Program. Both the "Tax Credits: Exchange" and the "Tax Credit Assistance Program (TCAP)" sections of ARRA provide

that these funds shall be administered by the "State Housing Credit Agency".

[Source: Added at 26 Ok Reg 1369, eff 4-24-09 (emergency); Added at 27 Ok Reg 1812, eff 7-1-10]

330:36-10-4. [RESERVED]

[Source: Reserved at 26 Ok Reg 1369, eff 4-24-09 (emergency); Reserved at 27 Ok Reg 1812, eff 7-1-10]

330:36-10-5. Definitions

Reference is made to 330:36-1-4 and the Section 42 of the Code for any words or terms used in this Subchapter.

[Source: Added at 26 Ok Reg 1369, eff 4-24-09 (emergency); Added at 27 Ok Reg 1812, eff 7-1-10]

330:36-10-6. [RESERVED]

[Source: Reserved at 26 Ok Reg 1369, eff 4-24-09 (emergency); Reserved at 27 Ok Reg 1812, eff 7-1-10]

330:36-10-7. Tax Credits: Exchange

(a) The ARRA provides that OHFA has the option of exchanging certain Credit Allocations to the State for a cash payment to OHFA. The cash payment received by OHFA may be used by OHFA to make ARRA sub-awards to selected Applicants who qualify under the QAP for a Credit Reservation and Allocation.

(b) OHFA shall develop an Application process for applying for ARRA funds. The Application process will be consistent with the QAP and Section 42 of the Code and any regulations provided by Treasury as to the use of the funds made available under ARRA for sub-awards.

(c) At the time of the Application for an ARRA sub-award, the Applicant must demonstrate a good faith effort to obtain investment commitments for Credits previously allocated to the Owner.

(d) The Owner of the Building(s) identified in the Carryover Allocation Agreement and/or Regulatory Agreement receiving an ARRA sub-award must maintain said Building(s) as Qualified Low-Income Building(s) during the Development Compliance Period. Failure to maintain the Building(s) as Qualified Low-Income Building(s) shall result in the recapture of the ARRA sub-award.

(e) Recipients of ARRA sub-awards will be required to enter into such agreements and documentation as OHFA, in its sole discretion, deems necessary to ensure that the provisions of any requirements of the U.S. Department of the Treasury, these Chapter 36 Rules, the Code, any relevant rules, regulations, rulings or other guidance issued by the IRS and terms of the ARRA sub-award are met throughout the Development Compliance Period. Required agreements and documentation may include without limitation, loan documentation, an amended Carryover Allocation Agreement and/or Regulatory Agreement and Owner guarantees.

[Source: Added at 26 Ok Reg 1369, eff 4-24-09 (emergency); Added at 27 Ok Reg 1812, eff 7-1-10 ; Amended at 28 Ok Reg 1658, eff 1-1-12]

330:36-10-8. [RESERVED]

[Source: Reserved at 26 Ok Reg 1369, eff 4-24-09 (emergency); Reserved at 27 Ok Reg 1812, eff 7-1-10]

330:36-10-9. Tax Credit Assistance Program (TCAP)

(a) The ARRA provides funds through the HOME Investment Partnership Program (the "HOME Program") for awards to certain Owners of Credit Developments. These funds have been designated Tax Credit Assistance Program (TCAP) by HUD.

(b) OHFA will develop an Application process for awarding TCAP funds to eligible Credit Development Owners. The Application process will be consistent with the QAP and Section 42 of the Code and any regulations provided by Treasury or HUD as to the use of funds made available under the ARRA for awards.

(c) The Application for the TCAP funds will include a competitive component. Evaluation Criteria will be developed, but will include, without limitation, a priority for Developments expected to be completed and Placed-In-Service by February 17, 2012.

(d) Any Owner failing to expend awarded TCAP funds within the time period specified in the TCAP Award Agreement between the Owner and OHFA shall return the funds to OHFA for redistribution.

(e) Recipients of ARRA TCAP funds will be required to enter into such agreements and documentation as OHFA, in its sole discretion, deems necessary to ensure that the provisions of any requirements of the U.S. Department of the Treasury, HUD, these Chapter 36 Rules, the Code, any relevant rules, regulations, rulings or other guidance issued by the IRS and terms of the ARRA TCAP are met throughout the Development Compliance Period. Required agreements and documentation may include, without limitation, loan documentation, an amended Carryover Allocation Agreement and/or Regulatory Agreement and Owner guarantees.

[Source: Added at 26 Ok Reg 1369, eff 4-24-09 (emergency); Added at 27 Ok Reg 1812, eff 7-1-10 ; Amended at 28 Ok Reg 1658, eff 1-1-12]

330:36-10-10. [RESERVED]

[Source: Reserved at 26 Ok Reg 1369, eff 4-24-09 (emergency); Reserved at 27 Ok Reg 1812, eff 7-1-10]

330:36-10-11. Asset Management

(a) OHFA shall perform asset management functions to ensure compliance with section 42 of the Code and the continued long term viability of Building(s) funded by either form of assistance identified in this Subchapter. OHFA may sub-contract this function to another entity (ies).

(b) Any Building(s) receiving funds pursuant to the Grant Program of the TCAP shall be subject to all restrictions and regulations of the OAHTC Program, Section 42 of the Code and, as applicable, the HOME Program.

[Source: Added at 26 Ok Reg 1369, eff 4-24-09 (emergency); Added at 27 Ok Reg 1812, eff 7-1-10]

330:36-10-12. [RESERVED]

[Source: Reserved at 26 Ok Reg 1369, eff 4-24-09 (emergency); Reserved at 27 Ok Reg 1812, eff 7-1-10]

330:36-10-13. Fees

(a) Fees will be calculated based on original Tax Credit award and shall comply with Subchapter 4, Section 4-3. All Fees as set out in these Chapter 36 Rules will be due and payable at such times as OHFA instructs Applicants.

(b) An annual Asset Management Fee shall be due and payable at such times as OHFA instructs Applicants for each year of the Development Compliance Period. The Fee shall be subject to Oklahoma Department of Central Services Central Purchasing guidelines.

[Source: Added at 26 Ok Reg 1369, eff 4-24-09 (emergency); Added at 27 Ok Reg 1812, eff 7-1-10]

330:36-10-14. [RESERVED]

[Source: Reserved at 26 Ok Reg 1369, eff 4-24-09 (emergency); Reserved at 27 Ok Reg 1812, eff 7-1-10]

330:36-10-15. Other Enactments of Law

In the event additional federal or State assistance/stimulus programs benefiting the OAHTC Program become available to the State through OHFA, OHFA shall immediately implement such procedures as OHFA deems necessary, in its sole discretion, to access these funds for the purpose of Allocating, granting, awarding, etc. to Qualified Owners of Tax Credit Developments. The process developed for the current economic stimulus programs available and future enactments of law will be consistent with the goals of the Qualified Allocation Plan (QAP), the Chapter 36 Rules, Section 42 of the Code and any relevant rules, regulations, rulings or other guidance issued by the IRS and, as relevant the regulations of the HOME Program and guidance from HUD. The Application process and procedures developed will be reviewed by OHFA through normal procedures.

[Source: Added at 26 Ok Reg 1369, eff 4-24-09 (emergency); Added at 27 Ok Reg 1812, eff 7-1-10 ; Amended at 28 Ok Reg 1658, eff 1-1-12 ; Amended at 34 Ok Reg 1378, eff 1-1-18]

CHAPTER 40. GUIDELINES FOR HOUSING PILOT PROGRAM

[**Authority:** The Amended Trust Indenture and Bylaws of the Oklahoma Housing Finance Agency]
[**Source:** Codified 12-30-91]

SUBCHAPTER 1. GENERAL PROVISIONS

330:40-1-1. Purpose

These Chapter 40 rules have been adopted for the purpose of complying with the provisions of the Administrative Procedures Act, 75 O.S., Sections 250, et seq. The Oklahoma Housing Finance Agency ("OHFA") is authorized under its Amended Trust Indenture and the Bylaws of the Oklahoma Housing Finance Agency and the Oklahoma Homeless Prevention Act, 74 O.S. §2900 et seq., to make available to local government agencies, local housing authorities or nonprofit agencies, certain State funds as same are mandated by the Stewart B. McKinney Homeless Assistance Act of 1987. These State funds are to be utilized in providing housing or housing assistance to homeless persons or families or mentally ill persons in need of housing. In furtherance thereof, OHFA has adopted this Chapter 40 for the implementation of a Pilot Program respecting utilization of said State funds. As funds are made available, Grants will be made to local government agencies, local housing authorities or nonprofit agencies to lease vacant housing units which are subject to government control, which have been donated by any public or private entity, or which have been purchased by any local government agency, local housing authority or nonprofit agency by for use by homeless individuals or families and mentally ill persons in need of housing.

[**Source:** Amended at 10 Ok Reg 971, eff 1-29-93 (emergency); Amended at 10 Ok Reg 4057, eff 7-26-93 ; Amended at 20 Ok Reg 2295, eff 7-12-04]

330:40-1-2. Statutory definitions

(a) The following term is defined in 43A O.S. §1-103: "mentally ill person".

(b) The following terms are defined in 74 O.S., §2900.1:

- (1) "Comprehensive Case Management"
- (2) "homeless individual or family"
- (3) "self-sufficiency program"

[**Source:** Amended at 21 Ok Reg 2295, eff 7-12-04]

330:40-1-3. Additional definitions

The following words or terms, when used in this Chapter, shall have the following meaning unless the context clearly indicates otherwise:

"**APA**" means the Administrative Procedures Act, 75 O.S. §250, et seq.

"**Applicant**" means the Authorized Agencies submitting an Application Packet.

"Application" means the information required and forms to be utilized in applying for assistance under the Pilot Program, which Application is attached to these Guidelines and incorporated herein by reference.

"Authorized Agencies" means local government agencies, local housing authorities or nonprofit agencies of the State providing housing to homeless individuals or families or the mentally ill in need of housing, authorized by the Oklahoma Homeless Prevention Act to receive assistance from OHFA through the Pilot Program.

"Grant" means the monies awarded to a Recipient pursuant to the Homeless Prevention Act.

"Grant Agreement" means the contract between the Recipient and OHFA which sets forth the conditions and terms for administering a Grant.

"Homeless Prevention Act" means 74 O.S., §§ 2900, et seq.

"HUD" means the United States Department of Housing and Urban Development.

"Nonprofit Organization" means a secular or religious organization, no part of the net earnings of which may inure to the benefit of any member, founder, contributor, or individual. The organization must:

- (A) Have a voluntary board;
- (B) Have a functioning accounting system that is operated in accordance with generally accepted accounting principles; or
- (C) Designate an entity that will maintain a functioning accounting system for the organization in accordance with generally accepted accounting principles; and
- (D) Practice nondiscrimination in the provision of assistance under the Pilot Program.

"OHFA" means Oklahoma Housing Finance Agency.

"Pilot Program" means the program authorized by the Homeless Prevention Act and developed and implemented OHFA to provide resources to Authorized Agencies for the purpose of providing housing to homeless individuals or families and mentally ill persons who are in need of housing.

"Project" means the proposal submitted by the Applicant and includes all properties for which the Applicant seeks to receive assistance under the Pilot Program.

"Property" means any vacant housing unit which is available for lease for the purpose of providing housing to homeless individuals or families and mentally ill persons who are in need of housing.

"Recipient" means the Authorized Agency(ies) approved by OHFA for funding under the Pilot Program and which executes a Grant Agreement with OHFA. The Recipient must operate the Project in accordance with these Chapter 40 rules.

"Rehabilitation" means labor, materials, tools and other costs of improving structures to a level that meets or exceeds applicable State and local government health and safety standards. Rehabilitation does not include minor or routine repairs or cosmetic repairs or improvements.

"Resident" means the homeless individual or family or mentally ill person in need of housing who occupies a Property.

"Staff" means the staff of OHFA.

"State" means the State of Oklahoma.

[Source: Amended at 10 Ok Reg 971, eff 1-29-93 (emergency); Amended at 10 Ok Reg 4057, eff 7-26-93 ; Amended at 21 Ok Reg 2295, eff 7-12-04]

330:40-1-4. Compliance with Applicable Laws

Applicants and Recipients must comply with all applicable federal, state and local laws, rules, regulations and ordinances, including but not limited to, the Oklahoma Landlord Tenant Act, the Titles VI and VII of the Civil Rights Act of 1964, as amended and Title VIII of the Civil Rights Act of 1968, as amended. No Recipient shall discriminate on the basis of race, creed, religion, national origin, ethnic background, age, sex, familial status or disability or handicap in the lease, use or occupancy of any Project, or in connection with the employment or application for employment of persons for the operation and/or management of any Project. Applicants must execute an assurance of compliance with Fair Housing Standards in a form to be provided by OHFA.

[Source: Amended at 10 Ok Reg 971, eff 1-29-93 (emergency); Amended at 10 Ok Reg 4057, eff 7-26-93 ; Amended at 21 Ok Reg 2295, eff 7-12-04]

330:40-1-5. Conflicts of interest

No person who is an employee, agent, consultant, officer, or elected or appointed official of any Recipient, and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the Pilot Program or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for him or herself or for those with whom he or she has family or business ties, during his or her tenure or for one (1) year thereafter.

[Source: Amended at 21 Ok Reg 2295, eff 7-12-04]

SUBCHAPTER 3. APPLICATION PROCEDURES

330:40-3-1. Application

Applicants must utilize an Application in a form to be provided by OHFA, in applying for assistance under the Pilot Program. The Staff will assist Applicants in completing an Application; however, an Application will not be reviewed until a complete Application, including all exhibits, is filed with OHFA. Incomplete Applications will be returned to the Applicant. Eligibility to participate in the Pilot Program does not mean an Applicant will automatically receive funding. Each Recipient must still meet the requirements set forth in this Chapter, including demonstrating

a proven capacity to operate and supervise the Project.

[Source: Amended at 10 Ok Reg 971, eff 1-29-93 (emergency); Amended at 10 Ok Reg 4057, eff 7-26-93 ; Amended at 21 Ok Reg 2295, eff 7-12-04]

330:40-3-2. Summary

The Application requires a narrative description of the overall proposed use of funds, a statement of objectives, the Applicant's expertise in property management, the Applicant's ability to inspect and monitor property, as well as the Applicant's ability to carry out the stated objectives. Certifications respecting eligibility and compliance with state and federal law are also required. Applicants are referred to the Application for a complete description of requirements in completing the Application.

SUBCHAPTER 5. SELECTION PROCESS

330:40-5-1. General

Due to limited revenues available for the Pilot Program, applications will be ranked for purposes of selecting Recipients. The ranking criteria for the Pilot Program will address the applicant's relative capacity to carry out Pilot Program activities; the applicant's ability to ensure that the properties are maintained as safe and sanitary housing; the extent to which the applicant will provide Comprehensive Case Management and coordinate the provision of a Self-sufficiency Program and other supportive services; the reasonableness and effectiveness of the Applicant's proposal; the Applicant's prior experience in property management; and the Applicant's ability to monitor the Project and the Property(ies).

[Source: Amended at 10 Ok Reg 971, eff 1-29-93 (emergency); Amended at 10 Ok Reg 4057, eff 7-26-93 ; Amended at 21 Ok Reg 2295, eff 7-12-04]

330:40-5-2. Ranking criteria

(a) **Threshold criteria.** To be eligible for evaluation under the ranking criteria set forth herein, Applications must meet each of the threshold criteria described below. Applications that fail to meet all threshold criteria will not be eligible for assistance under the Pilot Program. The threshold criteria are:

(1) **Form, time, and adequacy of the Application.** The Application must be filed in the form prescribed by OHFA within the time period established by OHFA.

(2) **Applicant eligibility to receive assistance.** The Applicant must demonstrate that it is an Authorized Agency.

(3) **Applicant's financial responsibility.** Applicants must demonstrate the financial ability to carry out the Project. OHFA will, in making its determination of financial responsibility, consider factors such as the past financial history of the Applicant, its current and anticipated financial outlook, the

amount of funding that is requested by the Applicant, and Applicant's other financial responsibilities.

(4) **Applicant capacity.** Applicant must demonstrate that it has the ability to carry out activities under the Pilot Program in a successful manner. In making this determination, OHFA will consider the extent and quality of the Applicant's past experience in establishing and operating housing. OHFA also will consider the ability of the Applicant's personnel to perform administrative, managerial, and operational functions necessary to the successful development and operation of the Project.

(5) **Applicant legal authority.** Each applicant must:

(A) Demonstrate that it has legal authority to participate in the Pilot Program and to carry out activities in accordance with Pilot Program requirements and the requirements of other applicable state and federal laws; and

(B) Certify that a resolution, motion or similar action has been duly adopted or passed as an official act by the governing body of the Applicant, authorizing the submission of the Application Packet.

(C) Nonprofit Organizations must provide proof of their nonprofit status.

(6) **Case Management and Supportive services.** Each Applicant should include a description of its Comprehensive Case Management supportive services including Self-sufficiency Programs available for the Residents.

(7) **Proposal feasibility.** Each Applicant must demonstrate that its proposal, when viewed as a whole, is operationally feasible and adequately serves the purposes of the Pilot Program.

(8) **Selection of Property(ies).** The Applicant must identify proposed Properties at the time of Application. Properties identified must meet the requirements set forth in subchapter 9 of these Guidelines.

(b) **Ranking criteria.**

(1) **In general.** Applications that fulfill each of the threshold requirements of 330:40-5-2(a) will be assigned a rating score and ranked, based upon the criteria described in paragraph (2) of this subsection.

(2) **Criteria.** Applications will be assigned a rating and will be ranked based upon the following criteria:

(A) **Applicant's capacity.** OHFA will consider the Applicant's relative ability to successfully carry out activities under the Pilot Program for the year of the commitment. OHFA will assign the greatest number of points under this criterion to Applications from Applicants with experience in establishing and operating housing for homeless persons and in providing or coordinating supportive services for its Residents. Applicants who demonstrate, through volunteers or other funding, the ability to maintain the Properties during the lease period, and who demonstrate, on the basis of prior experience, the greatest ability to carry out activities under the Pilot

Program expeditiously and successfully, will be assigned the greatest number of points.

(B) Case Management, Self-sufficiency Programs and Coordination of supportive services. While the primary focus of the Pilot Program is housing and housing assistance, Applicants must demonstrate Comprehensive Case Management and Self-sufficiency Programs. OHFA will review Applications for these services and will consider the supportive services available for the Residents of the Properties in ranking Applicants. Supportive services may include:

- (i) assistance in obtaining permanent housing;
- (ii) medical and psychological counseling and supervision;
- (iii) employment counseling;
- (iv) nutritional counseling;
- (v) assistance in obtaining other federal, state and local assistance available for Residents of transitional housing facilities, including mental health benefits, employment counseling, medical assistance, veterans' benefits, and income support assistance, such as Supplemental Security Income benefits, Temporary Assistance for Needy Families, General Assistance, and Food Stamps; and
- (vi) other services, such as child care and transportation.

(C) Cost effectiveness. OHFA will consider the extent to which the Applicant's proposed Project Budget:

- (i) is reasonable in relation to the Rehabilitation, utilities and other services to be provided; and
- (ii) is effective in accomplishing the purposes of the Project.

(D) Project quality. OHFA will consider the extent to which the Project will meet the needs of homeless persons in the State.

(c) Final selection. In the final stage of the selection process, the highest-ranked Applications will be considered for final selection in accordance with their rank order. If the top-rated Applications under the ranking criteria described above involve Projects that predominantly serve one geographic area, OHFA may substitute one or more other highly-rated Applications to ensure reasonable variety in the Pilot Program.

(d) In the event two or more Applicants receive the same ranking, funding will be made in the order of receipt of the Applications by OHFA.

[Source: Amended at 10 Ok Reg 971, eff 1-29-93 (emergency); Amended at 10 Ok Reg 4057, eff 7-26-93 ; Amended at 21 Ok Reg 2295, eff 7-12-04]

SUBCHAPTER 7. PROGRAM REQUIREMENTS

330:40-7-1. General

The responsibilities for compliance with these Chapter 40 rules will be incorporated in a Grant Agreement between OHFA and the Recipient and the Certifications required in the Application.

[Source: Amended at 10 Ok Reg 971, eff 1-29-93 (emergency); Amended at 10 Ok Reg 4057, eff 7-26-93]

330:40-7-2. Required recipient agreements

Each Recipient of funding under the Pilot Program must agree:

- (1) To operate the Project in accordance with this Subchapter.
- (2) To conduct an ongoing assessment of the needs of the Residents of the Property(ies), and assure that any supportive services represented as being available in the Application are being provided (Comprehensive Case Management);
- (3) To provide such supervision of the Properties to ensure the Residents are being provided safe and sanitary housing, and to comply with all State and local housing codes and licensing requirements, if any;
- (4) To ensure that in the operation of the Project:
 - (A) the use of alcohol or the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use of any illegal drug or controlled substance in or around the Property will be prohibited; and
 - (B) any Resident, any member of the Resident's household, or a guest or other person under the Resident's control who violates such prohibitions may be expelled from the housing;
- (5) To keep records and make reports as provided in the Application; and
- (6) To allow inspections of the Properties by OHFA as OHFA may request.

[Source: Amended at 10 Ok Reg 971, eff 1-29-93 (emergency); Amended at 10 Ok Reg 4057, eff 7-26-93 ; Amended at 21 Ok Reg 2295, eff 7-12-04]

330:40-7-3. Insurance

OHFA may require that Recipients obtain and maintain a comprehensive general liability policy with a broad form endorsement, or similar coverage, designed to hold OHFA and the State of Oklahoma harmless.

[Source: Amended at 10 Ok Reg 971, eff 1-29-93 (emergency); Amended at 10 Ok Reg 4057, eff 7-26-93]

330:40-7-4. Required resident agreements

Each Recipient must secure an enforceable agreement, approved by OHFA, from the Residents of each Property to maintain the Property and to report the need for any repairs, servicing or maintenance to or related to the Property to the Recipient immediately. The agreement must be in a form acceptable to OHFA and must state in clear and simple

terms that violation of the agreement may result in termination of the agreement and eviction from the Property pursuant to 41 O.S., Section 132. The Residents must also agree to maintain the Property in a drug-free environment.

SUBCHAPTER 9. SELECTION OF PROPERTIES

330:40-9-1. Inspection

Upon approval of an Application, OHFA and the Recipient will inspect all proposed Properties.

[Source: Amended at 21 Ok Reg 2295, eff 7-12-04]

330:40-9-2. Final approval

(a) Applicants shall identify proposed Properties for their Project in their Application. Final approval by OHFA of all Project Properties is required before funding. Properties must meet:

- (1) the minimum housing quality standards adopted by HUD and set forth at 24 CFR 882.109, which housing quality standards are specifically adopted herein by reference; and
- (2) comply with all state and local zoning requirements.

(b) If, upon inspection, Property(ies) fail to pass minimum housing quality standards, OHFA may, upon written notice to the Recipient, deobligate all or a portion of the Grant. OHFA may, in its sole discretion, permit the Recipient to substitute another property upon good cause shown.

[Source: Amended at 10 Ok Reg 971, eff 1-29-93 (emergency); Amended at 10 Ok Reg 4057, eff 7-26-93 ; Amended at 21 Ok Reg 2295, eff 7-12-04]

330:40-9-3. Miscellaneous [REVOKED]

[Source: Revoked at 21 Ok Reg 2295, eff 7-12-04]

SUBCHAPTER 11. LIMITATIONS

330:40-11-1. Funding

An Application Packet will be rejected if the proposed budget exceeds \$ 3,500 per Property per year, absent a waiver by OHFA to be granted only upon showing of extreme circumstances. A written waiver request and the reasons therefore must accompany the Application. Further, no Project may receive assistance for more than five (5) Properties.

[Source: Amended at 10 Ok Reg 971, eff 1-29-93 (emergency); Amended at 10 Ok Reg 4057, eff 7-26-93 ; Amended at 21 Ok Reg 2295, eff 7-12-04]

330:40-11-2. Eligible activities

Funds received by a Recipient shall be used to guarantee coverage of utility costs, repairs, insurance, property taxes and building and yard maintenance of the Properties. The funds in the Pilot Program may be used to provide housing assistance in conjunction with the lease of any eligible Property. However, no funds received under the Pilot Program may be used for repairs on Properties temporarily donated by a private entity for use hereunder.

[Source: Amended at 10 Ok Reg 971, eff 1-29-93 (emergency); Amended at 10 Ok Reg 4057, eff 7-26-93 ; Amended at 21 Ok Reg 2295, eff 7-12-04]

330:40-11-3. Ineligible activities

Funds received under the Pilot Program may not be used for administrative or operating expenses of the Recipient, nor to provide assistance not directly related to leased Properties.

330:40-11-4. Term of commitment [REVOKED]

[Source: Revoked at 21 Ok Reg 2295, eff 7-12-04]

SUBCHAPTER 13. FUNDING

330:40-13-1. Obligation of funds

When OHFA selects an Application for funding and notifies the Recipient, OHFA will obligate funds to cover the amount of the Grant and enters into a Grant Agreement with the Recipient.

[Source: Amended at 21 Ok Reg 2295, eff 7-12-04]

330:40-13-2. General

A Project will be funded only after the Recipient enters into a Grant Agreement with OHFA. Grant Agreements will have a term of one (1) year. OHFA will then turn over to the Recipient, in accordance with the final approved Budget for each approved Property, a sum equal to any Rehabilitation cost, initial utility deposits, if any, and utility and maintenance costs for the Property for the previous month of occupancy. Subsequent funding will be on a monthly or quarterly basis only, unless OHFA, in its sole discretion, approves additional funding. Due to possible future reductions in State or federal appropriations (or other funding), OHFA cannot guarantee the continued availability of funding. In the events funds obligated to finance the Pilot Program or any Grant Agreement become unavailable, either in total or in part, OHFA may reduce or deobligate all or a portion of any Grant.

[Source: Amended at 21 Ok Reg 2295, eff 7-12-04]

330:40-13-3. Increases [REVOKED]

[Source: Revoked at 21 Ok Reg 2295, eff 7-12-04]

330:40-13-4. Deobligation

(a) OHFA may deobligate any or all Grant amounts:

- (1) If the actual total costs of operating a Property are less than the total cost anticipated in the Application and Budget;
- (2) If the Property(ies) identified in the Application fail to meet the minimum housing standards set forth in subchapter 9 of these Guidelines;
- (3) If proposed Project activities are not begun or completed within a reasonable time after execution of a Grant Agreement;
- (4) If OHFA determines that the Recipient has expended funds for uses that are ineligible under these Chapter 40 rules;
- (5) If the Recipient fails to supervise the Properties and Residents to ensure that the Properties are drug-free and maintained in a safe and sanitary condition; or
- (6) If the Recipient fails to provide OHFA with proof of an ongoing Comprehensive Case Management Program; or
- (7) Funding to support the Pilot Program or any Grants made thereunder becomes unavailable to OHFA or is decreased in amount.

(b) The Grant Agreement may set forth in detail other circumstances under which funds may be deobligated and other sanctions that may be imposed. OHFA shall notify the Recipient in writing of its intent to deobligate ten (10) days prior to taking action to deobligate hereunder. If funds are deobligated, OHFA may:

- (1) Readvertise the availability of funds that have been deobligated under this section in a notice of fund availability;
- (2) Reconsider applications that were submitted in response to the most recently published notice of fund availability, and select applications for funding with deobligated funds. Such selections will be made in accordance with these Chapter 40 Rules; and/or
- (3) Consider allowing Recipients, upon prior approval of OHFA, to reallocate funds previously obligated to additional Projects. In such case, Recipients may be required to submit revised budgets, evidence of secured and approved Properties, and such other documentation or certifications OHFA may require.

[Source: Amended at 10 Ok Reg 971, eff 1-29-93 (emergency); Amended at 10 Ok Reg 4057, eff 7-26-93 ; Amended at 21 Ok Reg 2295, eff 7-12-04]

**APPENDIX A. OKLAHOMA HOUSING FINANCE
AGENCY HOUSE BILL 1566 PILOT PROGRAM
[REVOKED]**

[Source: Revoked at 21 Ok Reg 2295, eff 7-12-04]

CHAPTER 45. HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM

[**Authority:** The Amended Trust Indenture and Bylaws of the Oklahoma Housing Finance Agency]
[**Source:** Codified 7-15-95]

SUBCHAPTER 1. GENERAL PROVISIONS

330:45-1-1. Purpose

These Chapter 45 Rules have been adopted for the purpose of complying with the provisions of the Administrative Procedures Act, 75 O.S., Sections 250, et seq. OHFA is authorized under its Amended Trust Indenture and its Bylaws to participate in all Federal programs related to residential use housing and to apply for, accept, administer and to cooperate with, support and assist the efforts of the State, its agencies and municipalities and private entities and agencies to make the most efficient use of their resources and powers to provide residential use housing of every type and character, in accord with the needs of the State. Funding for the Federal HOPWA Program has been made available through a grant from HUD. The Federal HOPWA Program is designed to provide states and localities with resources and incentives to devise long-term comprehensive strategies for meeting the housing needs of persons with AIDS or related diseases and their families. The program authorizes entitlement grants and competitively awarded grants for housing assistance and services. In furtherance thereof, OHFA has adopted these Chapter 45 Rules for the implementation of the State HOPWA Program respecting utilization of Federal funds authorized by the AIDS Housing Opportunity Act ("AOHA"). As funds are made available to the State, competitive grants will be made to nonprofit agencies through the competitive bidding process as required by Central Purchasing to carry out eligible activities as defined within these Chapter 45 Rules.

[**Source:** Added at 12 Ok Reg 755, eff 1-5-95 (emergency); Added at 12 Ok Reg 2793, eff 7-15-95]

330:45-1-2. Definitions

The following words or terms, when used in these Chapter 45 Rules, shall have the following meaning unless the context clearly indicates otherwise:

"Acquired immunodeficiency syndrome (AIDS) or related diseases" means the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agent for acquired immunodeficiency syndrome, including infection with the human immunodeficiency virus (HIV).

"AIDS" means acquired immunodeficiency syndrome.

"AOHA" means AIDS Housing Opportunity Act, as amended by the Housing and Community Development Act of 1992 (Pub. L. 102-550, approved October 28, 1992).

"APA" means the Administrative Procedures Act, 75 O.S. §250, et seq.

"Applicant" means the Authorized Agency(ies) submitting an Application.

"Application" means the information required and forms to be utilized in applying for funding under the State HOPWA Program. The Applications must be in the form and contain the information prescribed by Central Purchasing through the RFP. Upon approval of an Application by the Evaluation Committee, Central Purchasing and the Trustees, the Application will constitute a binding contract between the Applicant and OHFA.

"Authorized Agencies" means the State, agencies of the State, municipalities, local governmental agencies and private nonprofit agencies of the State qualified under the AOHA to receive assistance from OHFA through the HOPWA Program.

"Beneficiary" means the family or person Living with HIV Disease that eventually receives assistance under the State HOPWA Program.

"Central Purchasing" means the State Department of Central Services, Central Purchasing Division.

"Chapter 45 Rules" means Chapter 45 Housing Opportunity for Persons with AIDS Program.

"Comprehensive Case Management" means:

- (A) the assessment of the needs of an individual or family;
- (B) the development and implementation of an employability plan for the individual that accounts for family circumstances;
- (C) the coordination and monitoring of service delivery;
- (D) the evaluation of service effectiveness; and
- (E) the reassessment of the needs of the individual or the family.

"Contractor" means the entity which contracts with OHFA to provide HOPWA services in the 405 and/or 918 area codes.

"Direct Care" means those services that enhance the quality and/or quantity of life for those individuals and/or families Living With HIV Disease.

"Eastern Oklahoma" means that portion of the State with the 918 area code as of the date of issuance of the RFP.

"Evaluation Committee" means the informal committee which will review Applications and make recommendations concerning the Applicants to Central Purchasing and the Trustees. The Evaluation Committee shall initially be made up of a representative of OHFA, the State Department of Mental Health, the Department of Human Services and the State Department of Health. Additionally, the AIDS Coordination and Information Services, a branch of the Department of Human Services, may appoint one self disclosed person living with HIV or Aids as an advisory, non-voting member from Eastern Oklahoma and from Western Oklahoma.

"Federal HOPWA Program" means 24 CFR part 574-Housing Opportunities for Persons with AIDS, as may be amended from time to time.

"Grant" means an approved allocation to a Recipient of a portion of the funds available under the State HOPWA Program.

"HIV" means human immunodeficiency virus.

"Homeless individual" means a homeless HIV/AIDS individual as defined by 74 O.S. §2900.1(A)(2).

"HUD" means the United States Department of Housing and Urban Development.

"Living With HIV Disease" means when an individual has contracted HIV (tests positive for HIV antibodies). This term includes persons with AIDS.

"Low-income" means when an individual has a yearly, or monthly, documented gross income of not more than 150% of the current poverty guidelines adopted by and published from time to time by the Federal government, after out of pocket documented medical expenses are deducted from the yearly, or monthly, gross income.

"Nonprofit Organization" means a secular or religious organization, no part of the net earnings of which may inure to the benefit of any member, founder, contributor, or individual. The organization must:

(A) Have a voluntary board organized pursuant to State or local laws;

(B) Either:

(i) Have a functioning accounting system that is operated in accordance with generally accepted accounting principles; or

(ii) Designate an entity that will maintain a functioning accounting system for the organization in accordance with generally accepted accounting principles;

(C) Practice nondiscrimination in the provision of assistance under the HOPWA Program; and

(D) Have among its purposes significant activities related to providing services or housing to persons with AIDS or related diseases.

"OHFA" means Oklahoma Housing Finance Agency.

"OSDH" means the Oklahoma State Department of Health.

"Project Area" means either Western Oklahoma or Eastern Oklahoma, as herein defined.

"Recipient" means the Authorized Agency(ies) approved by OHFA for funding under the State HOPWA Program and which executes a contract with OHFA.

"Rehabilitation" means labor, materials, tools and other costs of improving structures to a level that meets or exceeds applicable State and local government health and safety standards. Rehabilitation does not include minor or routine repairs or cosmetic repairs or improvements.

"RFP" means that one certain request for proposals for the State HOPWA Program issued by OHFA on October 31, 1994, and approved by Central Purchasing.

"State" means the State of Oklahoma.

"State HOPWA Program" means the HOPWA Program operated within the State of Oklahoma which is governed by the terms and requirements of the Federal HOPWA Program, the RFP and these Chapter 45 Rules.

"Trustees" means the Board of Trustees of OHFA.

"Western Oklahoma" means that portion of the State with the 405 area code as of the date of issuance of the RFP.

[Source: Added at 12 Ok Reg 755, eff 1-5-95 (emergency); Added at 12 Ok Reg 2793, eff 7-15-95]

330:45-1-3. No discrimination

(a) Applications shall be reviewed and ranked in accordance with the terms of the RFP and these Chapter 45 Rules. No Applicant shall be arbitrarily rejected for participation in the State HOPWA Program because of the race, color, religion, national origin, age, sex, marital or familial status or disability of the Applicant(s) or the persons it/they serves.

(b) Recipients shall not discriminate on the basis of race, color, religion, national origin, age, sex, marital or familial status or disability of any eligible Beneficiary or in connection with the employment or application for employment of any person retained by Recipient or funded under the State HOPWA Program. Recipients will be required to certify to OHFA that they will comply with antidiscrimination and fair housing requirements and agree to comply fully with the requirements of the fair housing requirements.

(c) Recipient must comply with the following applicable laws:

(1) The fair housing requirements of the Fair Housing Act, 42 U.S.C. 3601-19 and implementing regulations at 24 CFR part 100; Executive Order 11063 and implementing regulations at 24 CFR part 107; and Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d);

(2) Titles VI and VII of the Civil Rights Act of 1964, as amended, and Title VIII of the Civil Rights Act of 1968, as amended; and

(3) All other applicable Federal and State laws, executive orders, rules and regulations and local governmental ordinances, rules and regulations pertaining to any form of discrimination.

[Source: Added at 12 Ok Reg 755, eff 1-5-95 (emergency); Added at 12 Ok Reg 2793, eff 7-15-95]

330:45-1-4. Conflicts of interest

No person who is an employee, agent, consultant, officer, or elected or appointed official of any Recipient, and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the State HOPWA Program or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for him or herself or for those with whom he or she has family or business ties, during his or her tenure or for one (1) year thereafter.

[Source: Added at 12 Ok Reg 755, eff 1-5-95 (emergency); Added at 12 Ok Reg 2793, eff 7-15-95]

SUBCHAPTER 3. APPLICATION PROCEDURES

330:45-3-1. Summary

Applicants must utilize the RFP in applying for a grant under the HOPWA Program. The purpose of the RFP is to give guidance to and provide a format for proposals from Applicants.

[Source: Added at 12 Ok Reg 755, eff 1-5-95 (emergency); Added at 12 Ok Reg 2793, eff 7-15-95]

330:45-3-2. Proposals

The organization and format of the Application and required information is set out in the RFP. The Application requirements of the RFP are mandatory. Failure to respond to a specific requirement will result in the rejection of the Application without further review.

[Source: Added at 12 Ok Reg 755, eff 1-5-95 (emergency); Added at 12 Ok Reg 2793, eff 7-15-95]

330:45-3-3. Contractual obligations of Recipient

Approval by Central Purchasing and the Trustees of an Applicant for receipt of a Grant allocation constitutes a contractual obligation of the Applicant/Recipient to provide the services necessary to implement and administer the State HOPWA Program in either or both Project Areas in conformity with the representations set forth in the Application and with the requirements of the RFP and these Chapter 45 Rules. All Applications will be evaluated separately for each Project Area, and for both Project Areas combined. Applications submitted after the deadline date(s) established by Central Purchasing will be rejected.

[Source: Added at 12 Ok Reg 755, eff 1-5-95 (emergency); Added at 12 Ok Reg 2793, eff 7-15-95]

SUBCHAPTER 5. SELECTION PROCESS

330:45-5-1. Ranking criteria

Due to the limited revenues available for the HOPWA Program, Applications will be ranked for purposes of selecting Recipients. The ranking criteria for the HOPWA Program will address the Applicants ability to carry out the following services for low-income individuals living with HIV disease who are homeless or at imminent risk for becoming homeless:

- (1) Rental assistance payments;
- (2) Rental and utility assistance;
- (3) HIV/housing case management;
- (4) Mental health counseling;
- (5) Resource identification;
- (6) Administrative expenses.

[Source: Added at 12 Ok Reg 755, eff 1-5-95 (emergency); Added at 12 Ok Reg 2793, eff 7-15-95]

330:45-5-2. Project Area

- (a) There will be two Project Areas: Western Oklahoma and Eastern Oklahoma.
- (b) Applicants may submit Application for one or both of the Project Areas.

[Source: Added at 12 Ok Reg 755, eff 1-5-95 (emergency); Added at 12 Ok Reg 2793, eff 7-15-95]

330:45-5-3. Evaluation criteria

- (a) Evaluation criteria is fully set out in the RFP. In general terms the criteria includes but is not limited to the following:
 - (1) Applicant's demonstration of inventiveness, community support, and resources leveraged from non-HOPWA sources;
 - (2) A description of Applicant background; goals and objectives; evaluation plan; project staffing, management and organization; and budget, budget justification and existing resources;
 - (3) Applicant's demonstration of its ability to ensure complete coverage of an entire Project Area (i.e., Eastern and/or Western Oklahoma);
 - (4) Applicant's convincing evidence of cooperation and collaboration with a network of public and private agencies in the Project Area(s) for providing complementary services concerning direct care services for low-income individuals Living with HIV Disease;
 - (5) Applicant's evidence of support from entities providing direct care services to low-income individuals living with HIV disease in the Project Area(s) through the Ryan White CARE Act of 1990.
- (b) All complete and timely filed Applications submitted will be reviewed by the Evaluation Committee and scored against the criteria set forth in the RFP. The Evaluation Committee may review references, request oral presentations, and conduct on-site visits and use the results of their review or inspections in scoring the Applications. The Evaluation Committees's scoring will be tabulated and the Applications ranked on the numerical scores received.
- (c) The award will be granted to the highest scoring responsive and responsible Applicant. All Applications will be evaluated for each Project Area separately and for both Project Areas combined.
- (d) OHFA reserves the right to reject any and all Applications.

[Source: Added at 12 Ok Reg 755, eff 1-5-95 (emergency); Added at 12 Ok Reg 2793, eff 7-15-95]

SUBCHAPTER 7. STATE HOPWA PROGRAM REQUIREMENTS

330:45-7-1. General

The RFP provides a detailed list of the requirements and services necessary to demonstrate an Applicant's ability to implement and

administer the State HOPWA Program for either or both of the Project Areas. Following is a summary of the State HOPWA Program requirements which must be implemented and administered by the Recipient for each of the Project Areas, the compliance which must be certified to by Recipient(s).

- (1) Rental assistance payments;
- (2) Utility assistance payments;
- (3) HIV/Comprehensive Case Management;
- (4) Mental health counseling;
- (5) Resource identification.

[Source: Added at 12 Ok Reg 755, eff 1-5-95 (emergency); Added at 12 Ok Reg 2793, eff 7-15-95]

330:45-7-2. Supportive services

(a) As specified in the RFP, selected Recipients must have on staff or employ an adequate number of full-time managers to provide mobile Comprehensive Case Management to low-income individuals who are Living with HIV Disease, who are Homeless or at imminent risk for becoming Homeless.

(b) As specified in the RFP, selected Recipients must have on staff or employ an adequate number of full-time licensed mental health therapists to provide mental health services to low-income individuals who are living with HIV disease and are Homeless or at imminent risk for becoming Homeless in order to enhance their continuum of care needs.

[Source: Added at 12 Ok Reg 755, eff 1-5-95 (emergency); Added at 12 Ok Reg 2793, eff 7-15-95]

330:45-7-3. Discretionary activities

(a) OHFA may contract with a third-party to conduct an assessment of how both Eastern and Western Oklahoma can best devise long-range strategies so as to enhance the continuum of care for low-income individuals who are living with HIV disease and are homeless or are at imminent risk for becoming homeless.

(b) Grant funding for Area Code Recipients may be redirected to other eligible HOPWA activities (i.e., acquisition, Rehabilitation, conversion, lease, and repair of facilities to provide housing and services) based upon the third-party technical assistance consultant's findings.

[Source: Added at 12 Ok Reg 755, eff 1-5-95 (emergency); Added at 12 Ok Reg 2793, eff 7-15-95]

330:45-7-4. Insurance

OHFA may require that Contractors obtain and maintain a comprehensive general liability policy with a broad form endorsement, or similar coverage, designed to hold OHFA and the State of Oklahoma harmless.

[Source: Added at 12 Ok Reg 755, eff 1-5-95 (emergency); Added at 12 Ok Reg 2793, eff 7-15-95]

SUBCHAPTER 9. LIMITATIONS

330:45-9-1. Contract

(a) The responsibilities for compliance with these Chapter 45 Rules, the terms of the RFP, Application, and the State and Federal HOPWA Program, will be incorporated into certifications provided by OHFA, in addition to those certifications required in the Application. Such certifications will be contractually binding on the Recipient. No Grant funds will be allocated to any Recipient approved by the Trustees and Central Purchasing until the appropriate certifications are filed with OHFA.

(b) Failure of an approved Recipient to accept the following obligations may result in cancellation of the award:

(1) Recipient shall submit monthly invoices and program reports to OHFA by the 10th working day of each month for the preceding month's activities. Such reports shall be in a format specified by OHFA.

(2) Recipient shall provide to OHFA executed copies of any and all contracts or agreements with entities providing services, to be submitted to OHFA within 30 days of execution of such contracts.

(3) Recipient shall provide OHFA with the name of the supervisor(s) of personnel funded by the Grant monies. All correspondence and information will be relayed to the Recipient by OHFA through the supervisor.

(4) Recipient shall provide to OHFA resumes of all personnel supported by HOPWA funds for purposes of performance the Grant.

(5) Recipient shall maintain time and effort reports on all personnel funded by the Grant. This time and effort report will include all hours worked by employees with hours delineated to each program area. The time and effort reports must be signed by the employees and his/her supervisor to certify their accuracy.

(6) Recipient shall work cooperatively and collaboratively with the OHFA. This includes, but is not limited to, support of HOPWA, working with the assigned OHFA liaison on mutually beneficial projects and communication in a routine, regular pattern on progress toward objectives.

(7) Recipient shall notify OHFA if an employee supported by HOPWA funds will be on leave for more than 10 consecutive working days. Notification should occur as soon as the Recipient becomes aware.

(8) Recipient shall provide the services outlined in these Chapter 45 Rules and the RFP at no charge to the Beneficiary(ies).

(9) Recipient shall provide personnel for positions necessary to provide HIV Comprehensive Case Management who will have at least a bachelor's degree in an appropriately related field and at least two (2) years of full-time experience in HIV direct care and/or housing services.

(10) Recipient shall provide HIV Comprehensive Case Management which shall be primarily mobile (out of the office) HIV Comprehensive Case Management.

(11) Recipient shall provide personnel for positions necessary to provide mental health services. These mental health service personnel shall have at least a masters degree in an appropriately related field and shall be licensed by the State of Oklahoma.

(12) Recipient agrees that reimbursements for all fringe benefits, excluding leave, shall not exceed the rate of 29 percent of the employee(s) gross salary. Annual leave time shall not exceed a maximum of 12 hours per month and sick leave shall not exceed a maximum of 10 hours per month in accordance with applicable Office of Personnel Management Regulations. Recipient shall maintain a well defined explanation of the fringe benefits and leave policy on file for examination. The explanation shall include eligibility of vesting benefits, hours of leave earned per month, health insurance policies, etc.

(13) Recipient shall limit all reimbursements for travel expenditures as will be in accordance with the State Travel Reimbursement Act (74 O.S. 500.1, et.seq.).

(14) Recipient shall provide case management and/or mental health services personnel who shall successfully complete the following training offered or approved by OSDH within 90 days from the date of employment:

(A) HIV Infection Seminar (a 1 day course)

(B) Educator Skills Course (2 day course)

(C) Counseling and Testing Skills Course (2 day course)

(15) Recipient shall not discriminate in the provision of services on the basis of race, color, age, sex, national origin, religion, or handicapping condition and shall cooperate with any investigation of allegations of such discrimination.

(16) Recipient and all of its employees and other parties assisting Recipient shall maintain the confidentiality of any confidential information received and collected through the delivery of services under these Chapter 45 Rules, as required by the laws of the State of Oklahoma, the Codes of Professional Conduct, and specifically pursuant to Title 63 O.S. 1981, Section 1-502.2.

(17) Recipient shall be responsible for the acts and omissions of its agents, servants, employees, and subcontractors in the violation of any confidential or privileged communications.

(18) Recipient agrees to hold harmless OHFA of any claims, demands and liabilities resulting from any act or omission on the part of the Contractor and/or its agents, subcontractors, servants, and employees in the performance of these Chapter 45 Rules.

(19) Recipient shall post in a conspicuous place, available to employees and applicants for employment, notices setting forth the provisions of this discrimination clause and requirements of law. Failure to comply herewith shall constitute grounds for immediate deobligation.

(20) Recipient certifies that its employees are now, and at all times in the future shall be, covered under workman's compensation insurance coverage as required under Oklahoma law.

(21) Recipient shall not purchase any equipment without the written approval of OHFA. Recipient shall not be reimbursed for any such equipment for which written approval by OHFA is not obtained. Upon receipt of invoice any equipment purchases not approved by OHFA will be deducted from future funding.

(22) Recipient agrees that all property purchased or acquired with funds provided under the Grant, or for which reimbursement is made under the Grant, shall be the property of OHFA. An accurate inventory of such property shall be maintained, which property and inventory shall be subject to review or audit by OHFA at its discretion. Any property acquired with the funds provided or reimbursed under the Grant shall not (except for manufacturer's or supplier's warranty replacement or repair) be sold, traded, transferred or otherwise disposed of for any reason without the express written consent of OHFA. Any property acquired must be delivered to OHFA for the purposes of maintaining its inventory as required by Title 74 O.S 1991, Section 110.2.

(23) Recipient agrees that all supplies and materials purchased under the Grant and not used for the purposes of fulfilling the Grant shall become the property of OHFA and shall be delivered to OHFA within 30 calendar days following the termination of any agreement under the Grant.

(24) Recipient, its subcontractors and other contractual parties, shall be subject to the audit of its or their books, records, documents, accounting procedures, practices, financial records, corporate minutes, and actions on the part of Recipient at any time by the State Auditor and Inspector, OHFA or any other authorized investigatory agency of the State.

(25) Recipient agrees that all funds expended under the Grant shall be governed by the rules and regulations promulgated by the Federal Agency of the Office of Management and Budget, the Oklahoma State Statutes, and the terms of the RFP and these Chapter 45 Rules. Any variance between regulations and/or directives outlined in 330:45-9-1 will be interpreted and enforced with the most restrictive definition.

(26) Recipient shall provide OHFA with an annual independent audit of all Grant funds after the end of the Recipient's project period. Such audit shall conform to Government Auditing Standards (1933 revision) issued by the Comptroller of the United States and the Office of Management and Budget Circular A-133.

330:45-9-2. Term of commitment

The commitment of a Grant to the Recipient shall be effective the date the Recipient is formally accepted and approved by the Trustees and approved by Central Purchasing and shall run for one (1) year from the date of execution of the contract between the Applicant and OHFA. The performance period for the contract(s) shall be calendar year 1995.

[Source: Added at 12 Ok Reg 755, eff 1-5-95 (emergency); Added at 12 Ok Reg 2793, eff 7-15-95]

330:45-9-3. Record keeping and record retention

(a) The Applicant shall establish and maintain adequate records of all expenditures incurred. All records must be kept in accordance with generally accepted accounting procedures. All procedures must be in accordance with federal, State and local ordinances and these Chapter 45 Rules.

(b) OHFA shall have the right at any time to audit, examine, copy and transcribe any pertinent records or documents relating to any contract resulting from the RFP held by the Recipient. The Recipient will retain all documents applicable to the contract for a period of not less than ten (10) years after final payment is made.

[Source: Added at 12 Ok Reg 755, eff 1-5-95 (emergency); Added at 12 Ok Reg 2793, eff 7-15-95]

330:45-9-4. Miscellaneous limitations

(a) News release pertaining to the RFP or any part of the RFP shall not be made without prior approval of OHFA.

(b) All necessary reports, records and source documents will be available to the Applicant at 1140 N.W. 63rd, Suite 200, Oklahoma City, OK 73116.

(c) Applicant must certify its willingness to adhere at all times to OHFA's "Travel and Expense Guidelines and Code of Ethics for Contractors" and in addition to adhere to any amendments of these policies and to submit any disclosures requested in these Chapter 45 Rules or which may reasonably be requested by OHFA.

[Source: Added at 12 Ok Reg 755, eff 1-5-95 (emergency); Added at 12 Ok Reg 2793, eff 7-15-95]

SUBCHAPTER 11. FUNDING

330:45-11-1. Grant funding

Upon final selection of an Applicant, OHFA will obligate Grant funds quarterly based on invoices received from Recipient. Quarterly billing may be conducted on a monthly reimbursement of Recipient's costs. OHFA, at its discretion, may advance payments of Recipient's estimated costs on a monthly basis. Recipient's costs include Administrative Fees which would be allocated either monthly or quarterly based upon the appropriate billing cycle. OHFA reserves the right to obligate funds over a shorter or longer length of time if deemed necessary by OHFA.

[Source: Added at 12 Ok Reg 755, eff 1-5-95 (emergency); Added at 12 Ok Reg 2793, eff 7-15-95]

330:45-11-2. Contractual obligations

The contents of the Application submitted by the Applicant will become the contractual obligations once the Applicant is approved for a Grant. Failure of an approved Recipient to accept the obligations outlined in these Chapter 45 Rules and the RFP and to file the required certifications, or fulfill any additional conditions or requirements of the Trustees, may result in cancellation of all or a portion of the Grant.

[Source: Added at 12 Ok Reg 755, eff 1-5-95 (emergency); Added at 12 Ok Reg 2793, eff 7-15-95]

330:45-11-3. Deobligation

(a) OHFA reserves the right to cancel the Grant, in whole or in part, if performance is not made in accordance with the terms specified in these Chapter 45 Rules and the RFP.

(b) No suspension or termination will affect any expenditures or legally binding commitments made prior to receiving notice of suspension or termination. Upon suspension or termination, the disposition of unexpended Grant funds will be subjected to OHFA's discretion.

(c) OHFA may suspend or terminate the Grant, in whole or in part, with or without cause which shall include, but are not limited to the following:

- (1) Failure of the Recipient to comply with the approved Application, with the applicable Federal and State laws and the terms of the RFP or these Chapter 45 Rules, or with such directives as may become generally acceptable at the time.
- (2) Submission of reports to OHFA by the Recipient which are inconsistent with the detailed specifications.
- (3) Improper use of funds by the Recipient.

[Source: Added at 12 Ok Reg 755, eff 1-5-95 (emergency); Added at 12 Ok Reg 2793, eff 7-15-95]

CHAPTER 50. SECTION 8 EXISTING HOUSING PROGRAM RULES

[**Authority:** The Amended Trust Indenture and Bylaws of the Oklahoma Housing Finance Agency]
[**Source:** Codified 7-12-99]

SUBCHAPTER 1. STATEMENT OF POLICIES AND OBJECTIVES

330:50-1-1. Introduction

(a) The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which recodified the U.S. Housing Act of 1937. The U.S. Department of Housing and Urban Development (HUD) regulations, 24 C.F.R. §982.54, require that the Oklahoma Housing Finance Agency (OHFA) have an Administrative Plan by which OHFA must administer the Section 8 Housing Choice Voucher Program. This regulation prescribes certain policies that must be in the Administrative Plan. The Act has been amended from time to time. Further, the Section 8 Housing Choice Voucher Program is pervasively regulated by federal statutes and regulations, which are added to, deleted, or modified from time to time.

(b) The OHFA Board of Trustees are charged with the general policy-making and superintendence over the Agency. The Trustees may, from time to time and at the recommendation of staff, authorize revisions to the Administrative Plan as may be required by changing laws and regulations or upon lessons learned or external circumstances that make it advisable to alter OHFA's ways and means of operating the Section 8 Program to be more effective, efficient, and a better steward of the public resources entrusted to it.

[**Source:** Added at 16 Ok Reg 2905, eff 7-12-99 ; Amended at 37 Ok Reg 1730, eff 1-1-21]

330:50-1-2. OHFA Objectives

(a) Rather than engaging in extensive and ongoing rulemaking to attempt to keep up with changes in controlling federal law or circumstances affecting the Agency and its performance, the Trustees have elected to set forth the federal, state, and prudential requirements of the Section 8 Program in the Administrative Plan itself as it may be amended from time to time. The Administrative Plan is available to the public on OHFA's website and is available for review at OHFA's office in Oklahoma City.

(b) Administration of the Section 8 Program and the functions and responsibilities of the Oklahoma Housing Finance Agency staff shall be in compliance with the Administrative Plan, OHFA's Personnel Policy and the Department of Housing and Urban Development's (HUD) Regulations as well as all Federal, State and local Fair Housing Laws and Regulations as interpreted and directed by the Trustees and implemented by OHFA staff. If HUD's regulatory requirements conflict with these rules, HUD regulations will have precedence.

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Amended at 37 Ok Reg 1730, eff 1-1-21]

330:50-1-3. Purpose [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-1-4. Definitions [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-1-5. Fair housing policy [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-1-6. Service policy/accommodations [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-1-7. Translations of documents [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-1-8. Family outreach [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-1-9. Owner outreach [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-1-10. Privacy rights [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-1-11. Equal employment opportunity [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-1-12. Rules and regulations [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-1-13. Jurisdiction [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-1-14. Monitoring program performance [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

**SUBCHAPTER 3. ELIGIBILITY FOR ADMISSION
[REVOKED]**

330:50-3-1. Introduction [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-3-2. Eligibility factors [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-3-3. Family composition [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-3-4. Head of household [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-3-5. Spouse head [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-3-6. Live-in attendants [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

**330:50-3-7. Split households prior to certificate/voucher issuance
[REVOKED]**

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-3-8. Multiple families in the same household [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-3-9. Joint custody of children [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-3-10. Income limitations [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-3-11. Mandatory Social Security Numbers [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-3-12. Citizenship/eligible immigration status [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-3-13. Other criteria for admission [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-3-14. Suitability of family [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-3-15. Changes in eligibility prior to effective date of the contract [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-3-16. Ineligible families [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

SUBCHAPTER 5. APPLYING FOR ADMISSION [REVOKED]

330:50-5-1. Introduction [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-5-2. How to apply [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-5-3. Opening of application taking [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-5-4. When application taking is suspended [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-5-5. Limits on who may apply [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-5-6. "Initial" application procedures [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-5-7. Notification of applicant status [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-5-8. Time of selection [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-5-9. Completion of a full application [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-5-10. Requirement to attend interview [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-5-11. Selection of certificate or voucher [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-5-12. Final determination and notification of eligibility [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

**SUBCHAPTER 7. ESTABLISHING PREFERENCES AND
MAINTAINING THE WAITING LIST [REVOKED]**

330:50-7-1. Introduction [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-7-2. Application pool [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-7-3. Special admissions [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-7-4. Waiting list preferences [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-7-5. Local preferences [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-7-6. Exceptions for special admissions [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-7-7. Targeted funding [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-7-8. Preference eligibility [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-7-9. Order of selection [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-7-10. Final verification of preferences [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-7-11. Preference denial [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-7-12. Removal from waiting list and purging [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-7-13. Reinstatement from waiting list [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

SUBCHAPTER 9. SUBSIDY STANDARDS [REVOKED]

330:50-9-1. Introduction [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-9-2. Determining Certificate/Voucher size [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-9-3. Changes in Certificate/Voucher size for applicants [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-9-4. Changes in Certificate/Voucher size for Participants [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-9-5. Unit size selected [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

SUBCHAPTER 11. FACTORS RELATED TO TOTAL TENANT PAYMENT DETERMINATION [REVOKED]

330:50-11-1. Introduction [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-2. Income and allowances [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-3. Definition of temporarily/permanently absent [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-4. Absence of entire family [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-5. Absence of any member [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-6. Absence due to medical reasons [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-7. Absence due to incarceration [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-8. Foster care and absences of children [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-9. Absence of adult [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-10. Visitors [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-11. Reporting additions to owner and OHFA [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-12. Reporting absences to OHFA [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-13. Averaging income [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-14. Minimum income [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-15. Income of person permanently confined to nursing home [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-16. Regular contributions and gifts [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-17. Alimony and child support [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-18. Lump-sum receipts [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-19. Contributions to retirement funds - assets [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-20. Assets disposed of for less than fair market value [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-21. Child care expenses [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-22. Medical expenses [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-23. Proration of assistance for "mixed" families [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-24. Reduction in benefits [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-11-25. Utility allowance and utility reimbursement payments [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

SUBCHAPTER 13. VERIFICATION PROCEDURES [REVOKED]

330:50-13-1. Introduction [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-13-2. Methods of verification and time allowed [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-13-3. Third-party written verification [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-13-4. Third-party oral verification [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-13-5. Review of documents [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-13-6. Self-certification/Self-declaration [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-13-7. Release of information [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-13-8. Computer matching [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-13-9. Items to be verified [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-13-10. Verification of Income (Income Types) [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-13-11. Income from Assets [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-13-12. Verification of assets [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-13-13. Verification of allowable deductions from income [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-13-14. Verifying Non-Financial Factors [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-13-15. Waiting list preferences [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

SUBCHAPTER 15. CERTIFICATE/VOUCHER ISSUANCE AND BRIEFINGS [REVOKED]

330:50-15-1. Introduction [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-15-2. Issuance of Certificates/Vouchers [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-15-3. Initial applicant briefing [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-15-4. Applicant's required attendance [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-15-5. Briefing packet [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-15-6. Other information to be provided at the briefing [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-15-7. Encouraging participation in areas without low income or minority concentration [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-15-8. Assistance to families who claim discrimination [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-15-9. Security deposit requirements [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-15-10. Term of Certificate/Voucher [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-15-11. Suspensions of Certificate/Voucher [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-15-12. Expirations of Certificate/Voucher [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-15-13. Extensions of Certificate/Voucher [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-15-14. Interchangeability between Certificate and Voucher [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-15-15. Certificate/Voucher issuance determination for split households [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-15-16. Remaining member of tenant family - Retention of Certificate/Voucher [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

**SUBCHAPTER 17. REQUEST FOR LEASE APPROVAL
AND CONTRACT EXECUTION [REVOKED]**

330:50-17-1. Introduction [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-17-2. Request for Lease Approval [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-17-3. Eligible types of housing [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-17-4. Lease review [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-17-5. Initial inspections [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-17-6. Rent limitations [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-17-7. Disapproval of proposed rent [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-17-8. Information to owners [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-17-9. Owner disapproval [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-17-10. Change in Total Tenant Payment (TTP) prior to housing assistance payment effective date [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-17-11. Contract execution process [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-17-12. Change in ownership [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

**SUBCHAPTER 19. HOUSING QUALITY STANDARDS
AND INSPECTIONS [REVOKED]**

330:50-19-1. Introduction [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-19-2. Guidelines/types of inspections [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-19-3. Acceptability criteria and exceptions to HQS [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-19-4. Inspections [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-19-5. Emergency repair items [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-19-6. Consequences if owner is responsible (non-emergency items) [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-19-7. Determination of responsibility [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-19-8. Consequences if family is responsible [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-19-9. Initial HQS inspection [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-19-10. Annual HQS inspection [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-19-11. Special/Complaint inspections [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-19-12. Quality Control inspections [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

**SUBCHAPTER 21. OWNER RENTS, RENT
REASONABLENESS, AND PAYMENT STANDARDS**

[REVOKED]

330:50-21-1. Introduction [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-21-2. Owner payment in the certificate program [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-21-3. Owner payment in the voucher program [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-21-4. Making payments to owners [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-21-5. Rent reasonableness determinations [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-21-6. Payment Standards for the Voucher program [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-21-7. Adjustments to Payment Standards [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-21-8. Rent adjustments for certificate program [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-21-9. Rent Adjustments for Voucher Program [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

SUBCHAPTER 23. RECERTIFICATIONS [REVOKED]

330:50-23-1. Introduction [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-2. Annual activities [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-3. Annual recertification/reexamination [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-4. Reexamination notice to the family [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-5. Collection of information [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-6. Requirements to attend [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-7. Failure to respond to notification to recertify [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-8. Verification of information [REVOKED]

[Source: Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-9. Tenant rent increases [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-10. Tenant rent decreases [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-11. Reporting interim changes [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-12. Increases in income [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-13. Decreases in income [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-14. OHFA errors [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-15. Other interim reporting issues [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-16. Notification of results of recertifications [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-17. Implementing changes in income (and assets) [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-18. Procedures when the change is reported in a timely manner [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-19. Procedures when the change is not reported by the tenant in a timely manner [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-20. Procedures when the change is not processed by OHFA in a timely manner [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-21. Reporting of changes in family fomposition [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-22. Increases in family size [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-23-23. Continuance of assistance for "Mixed" families [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

SUBCHAPTER 25. MOVES WITH CONTINUED ASSISTANCE/PORTABILITY [REVOKED]

330:50-25-1. Introduction [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-25-2. Allowable moves [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-25-3. Restrictions on moves [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-25-4. Procedure for moves [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-25-5. Portability [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-25-6. Outgoing portability [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-25-7. Incoming portability [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

SUBCHAPTER 27. CONTRACT TERMINATIONS [REVOKED]

330:50-27-1. Introduction [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-27-2. Contract termination [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-27-3. Termination by the family: moves [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-27-4. Termination by the owner: evictions [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-27-5. Termination of the contract by OHFA [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-27-6. Terminations due to ineligible immigration status [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-27-7. Termination due to owner disapproval [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

SUBCHAPTER 29. DENIAL OR TERMINATION OF ASSISTANCE [REVOKED]

330:50-29-1. Introduction [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-29-2. Grounds for denial/termination [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-29-3. Family obligations [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-29-4. Housing Finance Agency discretion [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-29-5. Enforcing family obligations [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-29-6. Notice of termination of assistance [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-29-7. Procedures for non-citizens [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-29-8. \$0 assistance tenants [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-29-9. Option not to terminate for misrepresentation [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-29-10. Misrepresentation in collusion with owner [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-29-11. Missed appointments and deadlines [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

SUBCHAPTER 31. OWNER DISAPPROVAL AND RESTRICTION [REVOKED]

330:50-31-1. Introduction [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-31-2. Disapproval of owner [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-31-3. Owner restrictions and penalties [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-31-4. Other remedies for owner violations [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

SUBCHAPTER 33. CLAIMS, MOVE-OUT AND CLOSE-OUT INSPECTIONS [REVOKED]

330:50-33-1. Introduction [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-33-2. Owner claims [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-33-3. Unpaid rent [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-33-4. Vacancy loss in the Certificate Program [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-33-5. Processing Claims [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

SUBCHAPTER 35. OWNER OR FAMILY DEBTS TO OHFA [REVOKED]

330:50-35-1. Introduction [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-35-2. Repayment agreement for families [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-35-3. Debts owed for claims [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-35-4. Debts due to fraud/non-reporting of information [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-35-5. Owner debts to OHFA [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-35-6. Writing off debts [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

SUBCHAPTER 37. COMPLAINTS AND APPEALS [REVOKED]

330:50-37-1. Introduction [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-37-2. Complaints to OHFA [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-37-3. Preference denials [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-37-4. Eligibility for informal review [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-37-5. Informal review procedures [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-37-6. Informal hearing procedures [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-37-7. Notification of hearing [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-37-8. OHFA's hearing procedures [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-37-9. Hearing and appeal provisions for "Restrictions on Assistance to Non-Citizens" [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-37-10. Mitigating circumstances for applicants/participants with disabilities [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

SUBCHAPTER 39. PROGRAM INTEGRITY [REVOKED]

330:50-39-1. Introduction [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-39-2. Criteria for investigation of suspected abuse and fraud [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-39-3. Steps OHFA will take to prevent program abuse and fraud [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-39-4. Steps OHFA will take to detect program abuse and fraud [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-39-5. OHFA's handling of allegations of possible abuse and fraud [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-39-6. How OHFA will investigate allegations of abuse and fraud [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-39-7. Placement of documents, evidence and statements obtained by OHFA [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-39-8. Conclusion of OHFA's investigative review [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-39-9. Evaluation of the findings [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-39-10. Action procedures for violations which have been documented [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

SUBCHAPTER 41. SPECIAL HOUSING TYPES [REVOKED]

330:50-41-1. Introduction [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-41-2. Verification of need for reasonable accommodation [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-41-3. Congregate housing [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

330:50-41-4. Group homes [REVOKED]

[Source: Added at 16 Ok Reg 2905, eff 7-12-99 ; Revoked at 37 Ok Reg 1730, eff 1-1-21]

CHAPTER 55. HOME INVESTMENT PARTNERSHIP PROGRAM RULES

[**Authority:** The Amended Trust Indenture and Bylaws of the Oklahoma Housing Finance Agency]
[**Source:** Codified 7-12-99]

SUBCHAPTER 1. GENERAL PROVISIONS

330:55-1-1. Purpose

The intent of the Home Investment Partnerships Program (HOME) Program is to strengthen public private partnerships and increase the supply of decent, safe, sanitary, and affordable housing opportunities, for low-income and very low-income persons.

[**Source:** Added at 16 Ok Reg 539, eff 11-17-98 (emergency); Added at 16 Ok Reg 2906, eff 7-12-99 ; Amended at 30 Ok Reg 2004, eff 7-31-13]

330:55-1-2. Authority

The HOME Program is authorized by the Cranston-Gonzalez National Affordable Housing Act (Title II, Pub. L. 101-625,42 U.S.C., 12701-12839). The Oklahoma Housing Finance Agency (OHFA) has been designated as the State Participating Jurisdiction for the State of Oklahoma for purposes of administering the State's HOME Program.

[**Source:** Added at 16 Ok Reg 539, eff 11-17-98 (emergency); Added at 16 Ok Reg 2906, eff 7-12-99 ; Amended at 30 Ok Reg 2004, eff 7-31-13]

330:55-1-3. Scope

(a) During each Program Year, financial assistance will be made available to eligible units of local government, non-profit organizations and other eligible entities for the purpose of implementing specific activities that further the stated purpose of the HOME Program.

(b) Eligible units of local government are incorporated cities/towns and counties that are not designated Participating Jurisdictions in the HOME Program. Eligible non-profit organizations are Community Action Agencies and those entities which have been officially acknowledged by OHFA as Community Housing Development Organizations (CHDOs) pursuant to CFR Part 92.2, and other nonprofit housing development organizations.

(c) Under certain circumstances, for-profit housing developers may be permitted to utilize HOME Program Funds as set forth in the Action Plan and/or the Annual HOME Program Application Packet. However, OHFA reserves the right to restrict for-profit developers from the use of some or all of OHFA's annual allocation of HOME Program funds as OHFA deems in the best interest of the State of Oklahoma.

[**Source:** Added at 16 Ok Reg 539, eff 11-17-98 (emergency); Added at 16 Ok Reg 2906, eff 7-12-99 ; Amended at 30 Ok Reg 2004, eff 7-31-13]

330:55-1-4. Definitions

The following words and terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise. Additional capitalized terms used in this Chapter 55 Rules are defined in the Act. When a conflict exists between the following definitions and the Act, the Act shall control.

"Act" means the Cranston-Gonzalez National Affordable Housing Act (Title II, Pub. L. 101-625, 42 U.S.C., 12701-12839).

"Action Plan" means the State's Annual Program Description for the Administration of HOME Funds received by the State. The Action Plan is included in the Consolidated Plan and must be reviewed and approved by HUD.

"Annual Home Program Application Packet" means the packet of instructions and forms necessary to apply for an award of HOME Program funds. The Annual Home Program Application Packet will be updated annually for each successive Program Year. Notice will be provided to the public of any proposed changes and the public will have the opportunity to comment on said changes prior to their implementation.

"Annual Program Description" means the federally required program document stating the HOME Program objectives and method of distribution of HOME Program Funds (including Program Income and recaptured funds). The Annual Program Description, as set forth in the annual Action Plan, must be reviewed by OHFA annually, included in the State's Consolidated Plan, and submitted to HUD for review.

"Applicant" means any eligible entity that applies for an award of HOME Program funds through OHFA.

"Awardee" means any eligible entity receiving an award of HOME Program funds through OHFA.

"CHDO" means a Community Housing Development Organization. To qualify as a CHDO an entity must be a private, nonprofit organization that meets the qualifications prescribed in the HOME Program Regulations at 24 CFR Part 92.2.

"Consolidated Plan" means a plan prepared in accordance with the requirements of 24 CFR Part 91 which describes community needs, resources, priorities and proposed activities to be undertaken under certain HUD programs, including the HOME Program.

"Final Rule" means the Final Regulations at 24 CFR, Part 92, as amended.

"HOME Funds" means all appropriations for the HOME Program, plus all repayments and interest or other returns on the investment of these funds.

"HOME Program" means the HOME Investment Partnerships Program.

"HOME Program Regulations" means the regulations at 24 CFR Part 92.

"HUD" means the United States Department of Housing and Urban Development.

"IDIS" means HUD's Integrated Disbursement and Information System. As a nationwide database, IDIS provides HUD with current information regarding the program activities underway across the nation, including funding data. HUD uses this information to report to Congress

and to monitor grantees. IDIS is the draw down and reporting system for the HOME Program and other Community Planning and Development formula grant programs.

"Implementation Manual" means the HOME Program Implementation Manual as set forth in these rules.

"Low-income Households" means households whose annual household incomes do not exceed eighty percent (80%) of the median household income for the area, as determined by HUD, with adjustments for household size.

"OHFA" means the Oklahoma Housing Finance Agency. OHFA has been designated by the Governor to administer the State's HOME Program on behalf of the State of Oklahoma.

"Participating Jurisdiction" means any state or local government or consortium that has been designated by HUD to administer a HOME Program. HUD designation as a Participating Jurisdiction occurs if a state or local government meets the funding thresholds, notifies HUD that they intend to participate in the program and has a HUD-approved Consolidated Plan.

"Period of Affordability" means the time period, mandated by the HOME Program Final Rule during which any housing assisted by HOME Program funds is subject to the rent and income restrictions and occupancy requirements as set forth in the HOME Program Final Rule.

"Program Income" means gross income received by OHFA, a State recipient or a Subrecipient directly generated from the use of HOME funds or matching contributions, as further defined in 24 CFR Part 92.2.

"Program Year" means the period selected by the Participating Jurisdiction in which it shall administer its formula allocation for the Home Investment Partnerships Program, which for the State of Oklahoma HOME Program runs from April 1 through March 31 of each calendar year.

"Project" means a site or sites, together with any building or buildings that are to be assisted with HOME Funds as a single undertaking.

"State" means the State of Oklahoma.

"State Recipient" means any unit of local government designated by a state to receive HOME Funds. The state is responsible for ensuring that HOME funds allocated to state recipients are used in accordance with the HOME regulations at 24 CFR Part 92 and other applicable laws.

"Subrecipient" means a public agency or nonprofit organization selected by a Participating Jurisdiction to administer all or a portion of the Participating Jurisdiction's HOME Program. Subrecipients run programs, not projects, and therefore a public agency or nonprofit organization awarded funds for a single project is not a subrecipient.

"Very-low-income Households" means households whose annual incomes do not exceed 50% of the median household income for the area, as determined by HUD, with adjustments for household size.

"Written Agreement" means the contract between OHFA, as the Participating Jurisdiction, and an Awardee of HOME funds, setting forth the terms and conditions that must be met by the Awardee to satisfactorily complete a HOME Program Project and comply with the

HOME Program Final Rule.

[Source: Added at 16 Ok Reg 539, eff 11-17-98 (emergency); Added at 16 Ok Reg 2906, eff 7-12-99]

330:55-1-5. National standards incorporated by reference

(a) The national standards for development of the Annual Program Description are hereby incorporated by reference. The standards are codified at 42 U.S.C. 12701-12839; and in the regulations promulgated thereunder by HUD to implement the HOME Program, as amended, published at 24 CFR Part 92 Sections 92.1 et seq.

(b) Copies of these federal laws and regulations may be obtained from OHFA, during regular business hours Monday through Friday 8:00 a.m. to 4:45 p.m., excluding legal holidays.

[Source: Added at 16 Ok Reg 539, eff 11-17-98 (emergency); Added at 16 Ok Reg 2906, eff 7-12-99 ; Amended at 30 Ok Reg 2004, eff 7-31-13]

330:55-1-6. Implementation Manual

(a) Awardees must enter into a Written Agreement with OHFA containing all requirements of the Final Rule. OHFA shall make available to each Awardee a HOME Program Implementation Manual. All or part of the Implementation Manual may be made available in the form of electronic documents if deemed appropriate by OHFA.

(b) Requirements, procedures, and processes provided in the HOME Program Implementation Manual, and amendments to same shall apply to all HOME Program funded Projects.

[Source: Added at 16 Ok Reg 539, eff 11-17-98 (emergency); Added at 16 Ok Reg 2906, eff 7-12-99 ; Amended at 30 Ok Reg 2004, eff 7-31-13]

330:55-1-7. Technical assistance

OHFA shall designate staff members who shall be available to provide general HOME Program technical assistance regarding proposed Project concepts and HOME Program implementation.

[Source: Added at 16 Ok Reg 539, eff 11-17-98 (emergency); Added at 16 Ok Reg 2906, eff 7-12-99 ; Amended at 30 Ok Reg 2004, eff 7-31-13]

SUBCHAPTER 3. FUNDS

330:55-3-1. Funds distribution

(a) HOME Funds allocated annually to the State by HUD shall be awarded to eligible Applicants through a formal application process. Submission requirements for Project applications will be developed annually by OHFA in connection with the Annual Program Description and described in the Annual HOME Program Application Packet.

(b) HOME Funds will be awarded according to the Act, federal regulations and guidelines, the Annual Program Description, and the Annual HOME Program Application Packet.

(c) The Annual Program Description and the Annual HOME Program Application Packet shall be made available to eligible Applicants and interested parties upon request. The Annual HOME Program Application Packet will also be available on OHFA's website, www.ohfa.org. Requests for the Annual Program Description and/or application packets should be directed to OHFA HOME Program Staff.

[Source: Added at 16 Ok Reg 539, eff 11-17-98 (emergency); Added at 16 Ok Reg 2906, eff 7-12-99 ; Amended at 30 Ok Reg 2004, eff 7-31-13]

330:55-3-2. Funding activities

(a) The annual allocation of HOME Program Funds made available to the State by HUD shall be divided into various eligible program activities. The amount of the annual State allocation devoted to each eligible activity will be determined by HUD and OHFA and will be set out in the Annual Program Description.

(b) Administrative funds will be used to support overall HOME Program delivery and operation activities.

[Source: Added at 16 Ok Reg 539, eff 11-17-98 (emergency); Added at 16 Ok Reg 2906, eff 7-12-99 ; Amended at 30 Ok Reg 2004, eff 7-31-13]

330:55-3-3. Geographic allocation of funds

OHFA will make awards of HOME Program Funds throughout the State. OHFA will not award HOME funding to entitlement cities that receive their own annual allocation of HOME Program funds.

[Source: Added at 16 Ok Reg 539, eff 11-17-98 (emergency); Added at 16 Ok Reg 2906, eff 7-12-99 ; Amended at 30 Ok Reg 2004, eff 7-31-13]

330:55-3-4. Award amounts

(a) Maximum award amounts for each eligible activity may be established annually to insure maximum utilization of the State's allocation of HOME Funds and the widest distribution of HOME assistance.

(b) Award maximums applicable to program activities shall apply to all applications and awards made in that Program Year.

[Source: Added at 16 Ok Reg 539, eff 11-17-98 (emergency); Added at 16 Ok Reg 2906, eff 7-12-99]

330:55-3-5. Partial funding

OHFA reserves the right within its discretionary authority to adjust HOME Program application award maximums based on the most efficient, equitable and practicable utilization of the State's allocated funds.

[Source: Added at 16 Ok Reg 539, eff 11-17-98 (emergency); Added at 16 Ok Reg 2906, eff 7-12-99]

330:55-3-6. Reallocation of additional program funds

(a) Annually, additional funds for HOME Program projects may become available as the result of:

- (1) Project cancellations;

- (2) Projects completed under original cost estimates;
- (3) Funds allocated but not utilized; or,
- (4) Other circumstances.

(b) In keeping with the Annual Program Description, OHFA shall reallocate these funds based on the amount of funds available and the reallocation plan described in the Annual Program Description.

[Source: Added at 16 Ok Reg 539, eff 11-17-98 (emergency); Added at 16 Ok Reg 2906, eff 7-12-99]

SUBCHAPTER 5. PROJECT APPLICATION AND SELECTION

330:55-5-1. Project applications

Eligible Applicants seeking HOME Program funding must submit a written application in the form prescribed in the Annual HOME Program Application Packet. All applications will be required to contain sufficient information to permit OHFA to conduct a review and assessment, and selection as described in the Annual HOME Program Application Packet and Annual Program Description.

[Source: Added at 16 Ok Reg 539, eff 11-17-98 (emergency); Added at 16 Ok Reg 2906, eff 7-12-99 ; Amended at 30 Ok Reg 2004, eff 7-31-13]

330:55-5-2. Applicant selection

(a) For the purpose of selecting HOME Applicants for funding award, OHFA shall annually develop selection criteria, which conform to the program objectives and method of distribution described in The Annual Program Description.

(b) The criteria will be set forth in the Annual HOME Program Application Packet. The public will be informed of any proposed changes in the criteria and will have the opportunity to provide verbal and/or written comment on any changes prior to their implementation.

[Source: Added at 16 Ok Reg 539, eff 11-17-98 (emergency); Added at 16 Ok Reg 2906, eff 7-12-99 ; Amended at 30 Ok Reg 2004, eff 7-31-13]

SUBCHAPTER 7. PROGRAM ADMINISTRATION

330:55-7-1. Program Income

(a) OHFA and all recipients of HOME funds shall comply with all federal regulations regarding Program Income.

(b) OHFA may restrict the use of Program Income as set forth in the Annual Program Description and/or the Annual HOME Program Application Packet.

[Source: Added at 16 Ok Reg 539, eff 11-17-98 (emergency); Added at 16 Ok Reg 2906, eff 7-12-99 ; Amended at 30 Ok Reg 2004, eff 7-31-13]

330:55-7-2. Program violations

Violations of HOME Program policies and procedures include but are not limited to the following:

- (1) The filing of false information in an application and/or Project report;
- (2) Failure of an Awardee to meet requirements of a federal statute, federal regulation, or these Title 330 Chapter 55 rules;
- (3) Deviation from the Written Agreement;
- (4) Notice by OHFA that significant corrective actions are necessary to protect the integrity of the Project funds, and that these corrective actions are not or cannot be effected within a reasonable time, in the judgment of OHFA staff;
- (5) An administrative or judicial determination that the Awardee has committed fraud, waste, or mismanagement in any current or prior State or federally funded project.

[Source: Added at 16 Ok Reg 539, eff 11-17-98 (emergency); Added at 16 Ok Reg 2906, eff 7-12-99 ; Amended at 30 Ok Reg 2004, eff 7-31-13]

330:55-7-3. Corrective and remedial actions

(a) Under any of the circumstances previously described as violations during the application stage or Written Agreement execution, the actions OHFA may take include but are not limited to the following:

- (1) Condition Written Agreements;
- (2) Withhold funds;
- (3) Reduce the total amount of the HOME Program award;
- (4) Require the return of unexpended funds;
- (5) Cancel a Written Agreement and recover all funds expended in an ineligible manner prior to the date of notice of cancellation;
- (6) Deny future HOME Program applications and participation in the HOME Program for a specified period of time as determined by OHFA.
- (7) Indefinitely suspend from HOME Program participation.
- (8) Notify HUD of violation of HOME Program policies and procedures.

(b) Additionally, OHFA reserves the right under circumstances of possible HOME Program violations to request any and all information necessary to fully determine the extent of any possible violations of federal law, contractual terms and/or rules and regulations pertaining to the HOME Program including but not limited to the following:

- (1) The administrative, planning, budgeting, management and evaluation functions, actions being taken to correct or remove the cause of the HOME Program violation(s);
- (2) Any activities undertaken that were not in conformance with the approved HOME Program or application process or that are in non-compliance with applicable laws or regulations;
- (3) The Awardee's capacity to carry out the approved or proposed Project in a timely manner; and,
- (4) Progress schedules for completing approved or proposed activities.

[Source: Added at 16 Ok Reg 539, eff 11-17-98 (emergency); Added at 16 Ok Reg 2906, eff 7-12-99 ; Amended at 30 Ok Reg 2004, eff 7-31-13]

330:55-7-4. Awardee responsibilities

Including but not limited to the following, an Awardee under the HOME Program shall be responsible for:

- (1) Taking all action necessary to enforce the terms of the Written Agreement against any private or public participant that fails to comply with applicable provisions of the Written Agreement or any subcontract or documents resulting from it, and to recover on behalf of OHFA, any liabilities that may arise as a result of a breach of the Written Agreement by any participant. Nothing in this subsection shall restrict OHFA's right to independently enforce the terms of any Written Agreement or any subcontracts or documents resulting from it, or to recover any sums that may become due as the result of a breach of such Written Agreements or subcontracts.

(2) Complying with all State and federal regulations, guidelines, circulars and notices as set forth in the Final Rule, these HOME Program Rules, the Action Plan, the Annual HOME Program Application Packet, the Written Agreement between the Awardee and OHFA and/or the HOME Program Implementation Manual, as well as any other guidance which may be released by HUD or OHFA from time to time.

(3) Maintaining records and accounts, including, but not limited to, property, personnel, and financial records that properly document and account for all Project funds. OHFA may require specific types and forms of records. All such records and accounts shall be made available upon request by OHFA for the purpose of inspection and use in carrying out its responsibilities for administration of the funds.

(4) OHFA may require the Awardee to provide special narrative and financial reports related to the elements of a Written Agreement in the forms and at such times as may be necessary or required by OHFA.

(5) Retaining all books, documents, papers, records, and other materials involving all activities and transactions related to its Written Agreement for at least three (3) years beyond the ending date of the Period of Affordability as specified in the Written Agreement and/or as mandated by the HOME Program Regulations. Awardee shall, as often as deemed necessary by OHFA, permit authorized representatives of OHFA, HUD, and the Comptroller General to have full access to and the right to fully examine all such materials. Records may be maintained electronically if permitted by HUD.

(6) Promptly returning to OHFA, any funds received under its Written Agreement that are not obligated as of the final date of the Written Agreement time period. Funds shall be obligated only if goods and services have been received as of the final date of the Written Agreement time period.

(7) Complying with OHFA's audit policy including the single Audit Act of 1984 (P.L. 98-502, 31 U.S.C., 7501 et seq.), as applicable to the Awardee or as mandated by OHFA.

(8) Providing OHFA timely copies of reports on any audits that include funds received from OHFA.

(A) Audits shall be performed by a by a licensed public accountant or public accounting firm or a certified public accountant or certified public accounting firm.

(B) The audit shall be performed in accordance with Government Auditing Standards; Compliance Supplement for Single Audits or State and Local Governments; generally accepted auditing standards established by the American Institute of Certified Public Accountants; and OHFA.

(9) Complying with all applicable federal requirements.

330:55-7-5. Review and appeals process

(a) Applicants for HOME Program funding awards may review their applications and OHFA's application review documents any time after OHFA Staff has publicly released its funding recommendations. Written notice must be given to OHFA, and OHFA will have at least three (3) working days to grant any such requests for review. Written notice may be in electronic form.

(b) OHFA's Board of Trustees makes the final decisions regarding awards of HOME Program funds. Therefore, appeals of the funding recommendations of OHFA Staff must be made at the Board of Trustees meeting at which the applications are considered. Appeals cannot introduce new documentation that was not included with the original application for funds.

(c) The OHFA Board of Trustees will consider the Application, OHFA Staff's recommendations, the presentation of the Applicant, these HOME Program Rules (OAC 330:55), the Consolidated Plan, the HOME Program Description for the applicable Program Year, and the application process for the applicable Program Year for HOME funds. The procedures set forth in OAC 330:1 and Article II of the Oklahoma Administrative Procedures Act, 75 O.S., Sections 309, *et seq.* (the "OAPA") will be followed. The meeting will be considered an individual proceeding under the OAPA and the decision of the OHFA Board of Trustees will constitute a Final Order. No further appeals will be considered.

(d) The public may appear at any OHFA Board of Trustees meeting to speak on behalf of or in opposition to an award of HOME funds. Presentations by members of the public are subject to the limitations of time and scope imposed by the OHFA Board of Trustees pursuant to the procedures set forth in paragraph (c) above.

[Source: Added at 16 Ok Reg 539, eff 11-17-98 (emergency); Added at 16 Ok Reg 2906, eff 7-12-99 ; Amended at 30 Ok Reg 2004, eff 7-31-13]

CHAPTER 60. HOUSING TRUST FUND PROGRAM

[**Authority:** The Amended Trust Indenture and Bylaws of the Oklahoma Housing Finance Agency]
[**Source:** Codified 7-12-99]

SUBCHAPTER 1. GENERAL PROVISIONS

330:60-1-1. Purpose

The purpose of the Oklahoma Housing Trust Fund ("OHTF") is to assist moderate and low-income people in obtaining safe, decent and affordable housing with priority for such housing being given to low-income households.

[**Source:** Added at 16 Ok Reg 2910, eff 7-12-99 ; Amended at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 31 Ok Reg 1785, eff 9-12-14 ; Amended at 34 Ok Reg 1393, eff 9-11-17]

330:60-1-2. Authority

The OHTF is authorized by Senate Bill number 786/74 O.S. Supp 1997, Sections 2901.1-2901.4, as amended. Oklahoma Housing Finance Agency ("OHFA") has been designated as the State's administrative agency for purposes of administering the Housing Trust Fund. When a conflict exists between these Rules and the State Statute, the State Statute shall control.

[**Source:** Added at 16 Ok Reg 2910, eff 7-12-99 ; Amended at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 31 Ok Reg 1785, eff 9-12-14]

330:60-1-3. Scope

During each year, Funding will be made available to eligible Applicants for the purpose of implementing specific Activities that further the purpose of the Program.

[**Source:** Added at 16 Ok Reg 2910, eff 7-12-99 ; Amended at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 31 Ok Reg 1785, eff 9-12-14 ; Amended at 34 Ok Reg 1393, eff 9-11-17]

330:60-1-4. Definitions

Masculine words, whenever used in this Chapter, shall include the feminine and neuter, and the singular includes the plural, unless otherwise specified. The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Activity" means any Development or eligible Funding Activity allowed under this Chapter's Rules.

"Affiliate" means any Person that directly or indirectly through one (1) or more intermediaries, Controls, is Controlled By, or is Under Common Control With any other Person.

"Applicant" means any Person and each Affiliate of such Person, which has submitted an Application to OHFA seeking Funding under this Chapter. Applicant includes the Owner, any other Person or entity having any right, title, or interest in the Development or Activity, and any other

successors in interest.

"Application" means an Application, in the form prescribed by OHFA, from time to time, including all exhibits and other materials filed by an Applicant with OHFA in support, or in connection with Funding under this Chapter. OHFA will solicit formal public input on the Application, and provide explanation of any significant changes. Staff will present the proposed Application to the Trustees for approval at a Trustee's meeting.

"Awardee" means any Person receiving OHTF Funding through OHFA.

"Control" (including the terms "Controls", "Controlling", "Controlled By", and/or "Under Common Control With") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of any other Person, whether through an ownership interest in the other Person, by contract, agreement, understanding, designation, office or position held in or with the other Person or in or with any other Person, or by coercion, or otherwise.

"Development" means the Land and one (1) or more buildings, structures, or other improvements now or hereafter constructed or located upon the Land. If more than one (1) building is to be part of the Development, each building must be financed under a common plan.

"Extremely low-income" means a household whose total annual income does not exceed thirty percent (30%) of median household income for the area as determined by HUD, with adjustments for household size.

"Homeless and Chronically Homeless" means the definition(s) as set by HUD and which may be updated from time to time.

"Housing Trust Fund Documents" (including the terms "Documents", and "OHTF Documents") means and may include, but is not limited to, the written agreement, loan agreement, promissory note, and OHTF Application Packet.

"HUD" means the United States Department of Housing and Urban Development.

"Land" means the site(s) for each building in the Development.

"Low-income" means a household whose total annual income does not exceed eighty percent 80% of the median household income for the area as determined by HUD, with adjustments for household size.

"Moderate-income" means a household whose total annual income does not exceed one hundred twenty percent (120%) of the median household income for the area as determined by HUD, with adjustments for household size.

"OHFA" means Oklahoma Housing Finance Agency, a State beneficiary public trust.

"OHTF Application Packet" means the Application and accompanying forms developed periodically by OHFA staff.

"OHTF Funds" (including the term "Funds" or "Funding") means any monies for the OHTF Program.

"OHTF Program" (including the term "Program") means the Oklahoma Housing Trust Fund Program.

"Person" means, without limitation, any natural person, corporation, partnership, limited partnership, joint venture, limited liability company, limited liability partnership, trust, estate, association, cooperative, government, political subdivision (including, but not limited to, incorporated towns, cities, and counties, their trusts and authorities, and state trusts), agency or instrumentality, Community Housing Development Organization (CHDO), interlocal cooperative, nonprofit and for-profit organizations, Native American Tribes (including, but not limited to, housing authorities and trusts) or other organization of any nature whatsoever, and shall include any two or more Persons acting in concert toward a common goal, or any other legally recognized entity, or any combination of the foregoing acting in concert.

"State" means the State of Oklahoma.

"State Statute" means 74 O.S. Supp 1997, Sections 2901.1-2901.4, as amended.

"Term of Affordability" means the length of time a Development or Activity must satisfy the OHTF requirements as determined in the OHTF Application Packet.

"Trustees" means the Board of Trustees of OHFA.

"Very low-income" means a household whose total annual income does not exceed fifty percent (50%) of median household income for the area as determined by HUD, with adjustments for household size.

[Source: Added at 16 Ok Reg 2910, eff 7-12-99 ; Amended at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 21 Ok Reg 2596, eff 7-18-05 ; Amended at 31 Ok Reg 1785, eff 9-12-14 ; Amended at 34 Ok Reg 1393, eff 9-11-17]

330:60-1-5. Housing Trust Fund Contractors Implementation Manual [REVOKED]

[Source: Added at 16 Ok Reg 2910, eff 7-12-99 ; Revoked at 21 Ok Reg 2322, eff 8-1-04]

330:60-1-6. Technical assistance

OHFA will designate staff members who shall be available to provide general technical assistance regarding proposed Activity concepts and OHTF Program implementation.

[Source: Added at 16 Ok Reg 2910, eff 7-12-99 ; Amended at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 31 Ok Reg 1785, eff 9-12-14]

330:60-1-7. Compliance with applicable laws

(a) The Applicant, the Development, the Owner(s), Development Team and the Affiliates of each, must comply with all applicable federal, State and local laws, rules, regulations and ordinances, including but not limited to, the Oklahoma Landlord Tenant Act, Titles VI and VII of the Civil Rights Act of 1964, as amended and Title VIII of the Civil Rights Act of 1968, as amended. Neither the Applicant, the Owners(s), the Development Team nor the Affiliates of each shall discriminate on the basis of race, creed, religion, national origin, ethnic background, age, sex, familial status, or disability in the lease, use or occupancy of the Development or in connection with the employment or application for

employment of Persons for the operation and/or management of any Development. Owners(s) of a Development will be required to covenant and agree in the regulatory agreement to comply fully with the requirements of the Fair Housing Act as it may from time to time be amended, for the time period promised in the Application.

(b) Any awards by OHFA are subject to compliance with all applicable federal and State laws and all rules and regulations promulgated thereunder and all local ordinances, rules and regulations applicable to the Development, its financing, or any portion or aspect thereof.

(c) The Applicant and all members of the Development team and the Affiliates of each must be in compliance with, and good standing under, any OHFA program in which any may participate.

[Source: Added at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 31 Ok Reg 1785, eff 9-12-14 ; Amended at 34 Ok Reg 1393, eff 9-11-17]

SUBCHAPTER 3. FUNDS

330:60-3-1. Funds distribution

(a) OHFA shall award Funds through a formal Application process. Submission requirements for Applications will be developed periodically by OHFA and described in the published OHTF Application Packet.

(b) OHTF Funds will be awarded according to the State Statute, this Chapter's Rules, and the OHTF Application Packet.

[Source: Added at 16 Ok Reg 2910, eff 7-12-99 ; Amended at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 21 Ok Reg 2596, eff 7-18-05 ; Amended at 31 Ok Reg 1785, eff 9-12-14 ; Amended at 34 Ok Reg 1393, eff 9-11-17]

330:60-3-2. Funding activities

Eligible Funding Activities may include, but are not limited to:

- (1) New construction of rental and homeownership units.
- (2) Conversion of non-residential buildings or structures into rental or homeownership units.
- (3) Acquisition and/or rehabilitation of rental and homeownership units.
- (4) Infrastructure development, when it is part of an affordable housing development.
- (5) Rental assistance.
- (6) Supportive services directly related to providing housing.
- (7) Activities which make housing more accessible for Persons with disabilities.
- (8) Down payment and/or closing costs assistance for eligible first time homebuyers.
- (9) Other activities related to affordable housing.

[Source: Added at 16 Ok Reg 2910, eff 7-12-99 ; Amended at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 21 Ok Reg 2596, eff 7-18-05 ; Amended at 31 Ok Reg 1785, eff 9-12-14 ; Amended at 34 Ok Reg 1393, eff 9-11-17]

330:60-3-3. Award of Funds

OHFA will make awards of OHTF Program Funds to Activities located throughout the State. A minimum of sixty-five percent (65%), but not more than seventy-five percent (75%) of all awards shall be made to Activities located in counties with populations of less than four hundred ninety thousand (490,000) according to the most recent U.S. Census.

[Source: Added at 16 Ok Reg 2910, eff 7-12-99 ; Amended at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 31 Ok Reg 1785, eff 9-12-14 ; Amended at 34 Ok Reg 1393, eff 9-11-17]

330:60-3-4. Application fees

All Applicants shall be charged a non-refundable fee of \$500.00. All Application fees will be used by OHFA to pay for overall Program delivery and operation activities.

[Source: Added at 16 Ok Reg 2910, eff 7-12-99 ; Amended at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 31 Ok Reg 1785, eff 9-12-14 ; Amended at 34 Ok Reg 1393, eff 9-11-17]

330:60-3-5. Forms of assistance

Funding may be in the form of either grants or collateralized below market rate loans. The maximum amounts will be established in the OHTF Application Packet. OHFA staff reserves the right to adjust loan maximums and terms based on the availability of Funds and the most efficient and practical utilization of available resources.

[Source: Added at 16 Ok Reg 2910, eff 7-12-99 ; Amended at 19 Ok Reg 2947, eff 3-6-02 (emergency); Amended at 19 Ok Reg 2659, eff 7-14-02 ; Amended at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 21 Ok Reg 2596, eff 7-18-05 ; Amended at 31 Ok Reg 1785, eff 9-12-14 ; Amended at 34 Ok Reg 1393, eff 9-11-17]

330:60-3-6. Terms and Conditions

The terms for all awards made shall be subject to the specific requirements of any given Application. The terms will be established in the OHTF Application Packet. Requests for extensions and/or modifications may be subject to a fee established at three percent (3%) of the award at the time of request.

[Source: Added at 16 Ok Reg 2910, eff 7-12-99 ; Amended at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 21 Ok Reg 2596, eff 7-18-05 ; Amended at 31 Ok Reg 1785, eff 9-12-14 ; Amended at 34 Ok Reg 1393, eff 9-11-17]

330:60-3-7. Affordability for OHTF Funding

OHTF Funding must remain affordable to for a period established in the Application. Affordability periods must be secured by deed restrictions, covenants running with the land, or other forms.

[Source: Added at 16 Ok Reg 2910, eff 7-12-99 ; Amended at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 31 Ok Reg 1785, eff 9-12-14 ; Amended at 34 Ok Reg 1393, eff 9-11-17]

330:60-3-8. Reallocation of OHTF Program Funds

- (a) From time to time Funds may become available as the result of:
- (1) Activity cancellations;

- (2) Activities completed under original cost estimates
 - (3) Loan pay-offs;
 - (4) Other circumstances;
- (b) In keeping with the State Statute, this Chapter's rules, and the OHTF Application Packet, OHFA shall reallocate these Funds to eligible Activity proposals.

[Source: Added at 16 Ok Reg 2910, eff 7-12-99 ; Amended at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 31 Ok Reg 1785, eff 9-12-14 ; Amended at 34 Ok Reg 1393, eff 9-11-17]

SUBCHAPTER 5. APPLICATIONS AND SELECTION

330:60-5-1. Application timing

Applications for Funding shall be accepted based on deadlines or processes in the Application Packet. Awards will be subject to Funds availability, and the full satisfaction of all key Application requirements. OHFA reserves the right to suspend acceptance of Applications at any time.

[Source: Added at 16 Ok Reg 2910, eff 7-12-99 ; Amended at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 31 Ok Reg 1785, eff 9-12-14 ; Amended at 34 Ok Reg 1393, eff 9-11-17]

330:60-5-2. Applications

Eligible Applicants seeking OHTF Funds must submit an Application in the form prescribed in the OHTF Application Packet. Certain types of Persons may not be eligible for all Activities. All Applications will be required to contain sufficient information to permit OHFA to conduct a review, assessment, and selection as described in the OHTF Application Packet.

[Source: Added at 16 Ok Reg 2910, eff 7-12-99 ; Amended at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 31 Ok Reg 1785, eff 9-12-14 ; Amended at 34 Ok Reg 1393, eff 9-11-17]

330:60-5-3. OHTF Application Packets

- (a) OHTF Application Packets may include, but not be limited to, information such as Activity descriptions, timelines and schedules, Activity evaluation criteria, and Activity budgets.
- (b) Applications shall be required for all Funding requests.

[Source: Added at 16 Ok Reg 2910, eff 7-12-99 ; Amended at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 31 Ok Reg 1785, eff 9-12-14 ; Amended at 34 Ok Reg 1393, eff 9-11-17]

330:60-5-4. Application selection

For the purpose of selecting Applications for assistance, OHFA shall use criteria established in the OHTF Application Packet. These criteria may include, but are not necessarily limited to the following:

- (1) Development description.
- (2) Organizational Structure and Capacity.
- (3) Financial Management.
- (4) Market Analysis/Study.

- (5) Development Management Control.
- (6) Financial Feasibility and Viability.
- (7) Partnerships.
- (8) Development Readiness.

[Source: Added at 16 Ok Reg 2910, eff 7-12-99 ; Amended at 19 Ok Reg 2947, eff 3-6-02 (emergency); Amended at 19 Ok Reg 2659, eff 7-14-02 ; Amended at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 31 Ok Reg 1785, eff 9-12-14 ; Amended at 34 Ok Reg 1393, eff 9-11-17]

SUBCHAPTER 7. PROGRAM ADMINISTRATION

330:60-7-1. Program violations

The following are violations of the Housing Trust Fund Program policies and procedures:

- (1) The filing of false information in an Application and/or any report;
- (2) Failure of an Applicant and/or Awardee to meet requirements of the State Statute, and/or Chapter 60 Rules and/or the Application Packet;
- (3) Deviation from any OHTF Documents;
- (4) Notice by OHFA that significant corrective actions are necessary and that those corrective actions are not or cannot be affected within a reasonable time, in the judgment of OHFA staff;
- (5) An administrative or judicial determination that an Applicant and/or Awardee has committed fraud, waste, or mismanagement in any current or prior Activity, or federal or State program.

[Source: Added at 16 Ok Reg 2910, eff 7-12-99 ; Amended at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 31 Ok Reg 1785, eff 9-12-14 ; Amended at 34 Ok Reg 1393, eff 9-11-17]

330:60-7-2. Corrective and remedial actions

(a) Under any of the circumstances previously described as violations during any stage in the process OHFA may, but is not limited to, take the following actions:

- (1) Condition OHTF Documents;
- (2) Withhold Funds;
- (3) Reduce the total amount of the award;
- (4) Require immediate return of unexpended Funds;
- (5) Require immediate repayment of all Funding provided by the OHTF Program;
- (6) Cancel an award and recover all Funds expended in an ineligible manner prior to the date of notice of cancellation;
- (7) Deny future Program Applications and participation for a specified period of time as determined by OHFA;
- (8) Debarment from Program;

(b) Additionally, OHFA reserves the right under circumstances of possible Program violations to request information regarding:

- (1) The administrative, planning, budgeting, management, and evaluation function actions being taken to correct or remove the cause of the Program violation(s);

- (2) Any activities undertaken that were not in conformance with the approved Program or Application process, or that are in non-compliance with applicable laws or rules;
- (3) The Applicant and/or Awardee capacity to carry out the approved or proposed Program in a timely manner; and,
- (4) Progress schedules for completing approved or proposed activities.

(c) Prior to OHFA taking any corrective and/or remedial actions, OHFA, may, in its sole discretion, issue a notice of show cause hearing. The Applicant and/or Awardee shall have thirty (30) business days to appear and show cause as to why the corrective and/or remedial actions should not be taken. This language shall not be construed as a limitation on the compliance monitoring and reporting requirements of the OHTF Program and these Chapter 60 Rules.

[Source: Added at 16 Ok Reg 2910, eff 7-12-99 ; Amended at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 31 Ok Reg 1785, eff 9-12-14 ; Amended at 34 Ok Reg 1393, eff 9-11-17]

330:60-7-3. Awardee responsibilities

- (a) An Awardee under the OHTF Program shall be responsible to:
- (1) Take all actions necessary to enforce the terms of the OHTF Documents against any private or public participant that fails to comply with applicable provisions of the OHTF Documents, or any subcontract or documents resulting from them, and to recover on behalf of OHFA, any liabilities that may arise as a result of a breach of the OHTF Documents by any participant. Nothing in this subsection shall restrict OHFA's right to independently enforce the terms of any OHTF Document or any subcontracts or documents resulting from it, or to recover any sums that may become due as the result of a breach of such document.
 - (2) Comply with all State Statutes, these OHTF rules, and any OHTF Documents that may be released by OHFA from time to time.
 - (3) Maintain records and accounts, including, but not limited to property, personnel, and financial records that properly document and account for all Funds. OHFA may require specific types and forms of records. All such records and accounts shall be made available upon request by OHFA for the purpose of inspection and use in carrying out its responsibilities for administration of the Funds.
 - (4) Retain all books, documents, papers, records, and other materials involving all activities and transactions related to the award of the OHTF Funds for at least three (3) years from the date of the end of the Term Affordability Period, or until any audit findings have been resolved, whichever is later. As often as deemed necessary by OHFA, shall permit OHFA to have full access to and the right to fully examine all such materials.
 - (5) Promptly return to OHFA, any Funds received under its OHTF Documents that are not obligated as of the final date of the OHTF Documents. Funds shall be obligated only if goods and services have been received as of the final date of the OHTF Document

period.

(6) Comply with all applicable State requirements.

(b) OHFA may require a special narrative and/or financial reports in the forms and at such times as may be necessary or required by OHFA. Also OHFA may require audits pertaining to Awardee as necessary.

[Source: Added at 16 Ok Reg 2910, eff 7-12-99 ; Amended at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 31 Ok Reg 1785, eff 9-12-14 ; Amended at 34 Ok Reg 1393, eff 9-11-17]

330:60-7-4. Review and appeals process and Trustee discretion

(a) Applicants for OHTF funding may review their Applications and OHFA's review documents any time after OHFA has publicly released funding decisions.

(b) Appeals cannot introduce new documentation that would change the basis on which a funding decision was made. Additionally, requests for appeals shall be made within thirty (30) days after the Applicant has been notified that the Application was not funded.

(c) The Trustees may in their sole discretion allocate Funds to an Activity if the Activity is determined by the Trustees to be in the interests of the State.

(d) A decision by the Trustees will constitute a final order.

[Source: Added at 16 Ok Reg 2910, eff 7-12-99 ; Amended at 21 Ok Reg 2322, eff 8-1-04 ; Amended at 31 Ok Reg 1785, eff 9-12-14 ; Amended at 34 Ok Reg 1393, eff 9-11-17]

330:60-7-5. OHFA's responsibilities

OHFA will review and verify, but is not limited to, the following duties:

(1) OHFA will verify the Awardee is maintaining records for each qualified affordable housing unit in the Development.

(2) Possession of valid Certificate(s) of Occupancy.

(3) Physical inspection of 100% of the OHTF Developments/units according to HUD inspection standards as set forth in the Application. Owner must allow OHFA to perform inspections throughout the Term of Affordability for rental Developments. For homebuyer Developments, only an initial inspection may be performed.

(4) Correct income limits were used in selection and on-going compliance requirements for rental Developments. For homebuyer Developments, only an initial review may be performed.

(5) A copy of the deed restrictions, covenant running with land or other forms approved by OHFA ensuring the Term of Affordability.

(6) OHFA will notify in writing the Awardee if staff discovers that the Activity does not comply with the OHTF Rules. In such event, a correction period to supply missing documentation or to correct noncompliance may be allowed.

[Source: Added at 31 Ok Reg 1785, eff 9-12-14 ; Amended at 34 Ok Reg 1393, eff 9-11-17]

CHAPTER 70. PERFORMANCE BASED CONTRACT ADMINISTRATION PROGRAM RULES

[**Authority:** The Amended Trust Indenture and Bylaws of the Oklahoma Housing Finance Agency]
[**Source:** Codified 7-12-04]

SUBCHAPTER 1. GENERAL PROVISIONS

330:70-1-1. Purpose

OHFA, pursuant to an ACC between HUD and OHFA, administers HUD's Contract Administration Program within the State. The purpose of these Contract Administration Program Rules is to provide guidelines OHFA will utilize in administering the Contract Administration Program and monitoring assisted units and Owners participating in the Contract Administration Program.

[**Source:** Added at 21 Ok Reg 2327, eff 7-12-04]

330:70-1-2. [RESERVED]

[**Source:** Reserved at 21 Ok Reg 2327, eff 7-12-04]

330:70-1-3. Authority

OHFA is authorized by HUD to administer the Contract Administration Program in accordance with the ACC and any renewals thereof. Pursuant to the ACC, HUD has assigned to OHFA, HUD's contractual rights and responsibilities under individual HAP Contracts with Owners participating in the Contract Administration Program.

[**Source:** Added at 21 Ok Reg 2327, eff 7-12-04]

330:70-1-4. [RESERVED]

[**Source:** Reserved at 21 Ok Reg 2327, eff 7-12-04]

330:70-1-5. Definitions

The following words and terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise. Additional capitalized terms used in the Contract Administration Program are defined in the Federal Register, Volume 64, Number 96, 27357 (5/19/99), amendment no. 1 (8/2/99) and amendment no. 2 (11/15/99). When a conflict exists between the following definitions and the Federal Register, the Federal Register shall control.

"**ACC**" means the Annual Contributions Contract awarded to OHFA by HUD.

"**Administrative Fees**" refer to the fees paid to OHFA by HUD under the ACC.

"**Contract Administration Program**" means the federal (HUD) Performance Based Contract Administration Program administered by

OHFA pursuant to the ACC.

"Covered individual or entity" means an individual or entity that is a member of any of the following classes:

(A) a member, officer or director of OHFA, or other OHFA official with administrative functions or responsibility concerning contract administration under the ACC.

(B) an employee of OHFA.

(C) an OHFA contractor, subcontractor or agent with administrative functions or responsibility concerning contract administration under the ACC, or any principal or other interested party of such contractor, subcontractor or agent.

(D) an individual who has administrative functions or responsibility concerning contract administration under the ACC, including an employee of an OHFA contractor, subcontractor or agent.

(E) a public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities concerning contract administration under the ACC.

"Covered Units" means the Section 8 assisted units under HAP contracts assigned to OHFA for contract administration under the ACC during the ACC term.

"Guidebook" refers to the current and published HUD manual for the Contract Administration Program, as may be amended from time to time.

"HAP" means Housing Assistance Payment.

"HUD" means the United States Department of Housing and Urban Development.

"Immediate family member" means the spouse, parent, child, grandparent, grandchild, sister, or brother of any covered individual.

"OHFA" means Oklahoma Housing Finance Agency.

"Owner(s)" means the property owner(s) of covered units receiving project-based Section 8 assistance payments.

"Performance Based Contract Administrator" means a PHA administering the Contract Administration Program pursuant to an ACC. OHFA is the Performance Based Contract Administrator for the State.

"PHA" means **"public housing agency"** as defined in Section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)).

"Program Center" means the HUD Office of Oklahoma City.

"Section 8" means Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

"Service Area" means the area where OHFA provides contract administration services under the ACC.

"State" means the State of Oklahoma.

"Voucher" means a request submitted to OHFA from a project-based Section 8 owner for payment of eligible covered units. The format of the owner's submission must be an electronic file followed by a mailed copy with the owner's original signature.

330:70-1-6. [RESERVED]

[Source: Reserved at 21 Ok Reg 2327, eff 7-12-04]

330:70-1-7. Standards incorporated by reference

(a) The Guidebook provides requirements, procedures, regulations, and processes for the Performance Based Contract Administrator. The Guidebook and all revisions or amendments to the Guidebook shall apply to all Covered Units and are incorporated by reference to these rules.

(b) Final Rule [24 CFR Part 5 et al, *Screening and Eviction for Drug Abuse and Other Criminal Activity*, Docket No. FR-4495-F-02, Federal Register Vol. 66, No. 101, beginning on page 28776] released on May 23, 2001, or as may be amended.

[Source: Added at 21 Ok Reg 2327, eff 7-12-04]

330:70-1-8. [RESERVED]

[Source: Reserved at 21 Ok Reg 2327, eff 7-12-04]

330:70-1-9. Technical assistance

OHFA will designate staff members to provide general technical assistance regarding project-based Section 8 guidelines, procedures, and implementation of the Contract Administration Program. The names of staff members designated to provide technical assistance may be obtained by contacting the OHFA Contract Administration Program. General technical assistance will also be provided by the Program Center regarding Contract Administration guidelines and procedures.

[Source: Added at 21 Ok Reg 2327, eff 7-12-04]

SUBCHAPTER 3. FUNDS

330:70-3-1. Fund distribution

Contract Administration Program funds shall be distributed by HUD and OHFA in accordance with the ACC.

[Source: Added at 21 Ok Reg 2327, eff 7-12-04]

330:70-3-2. [RESERVED]

[Source: Reserved at 21 Ok Reg 2327, eff 7-12-04]

330:70-3-3. Fund activities

(a) The Contract Administration Program funds shall consist of program receipts and administrative fees.

(b) Program receipts will be paid monthly by OHFA to owners after review, verification, and certification of Voucher accuracy.

(c) Administrative fees will be used by OHFA to support the overall Contract Administration Program delivery and operation activities.

[Source: Added at 21 Ok Reg 2327, eff 7-12-04]

330:70-3-4. [RESERVED]

[Source: Reserved at 21 Ok Reg 2327, eff 7-12-04]

330:70-3-5. Geographic distribution of program receipts

OHFA will distribute the Contract Administration Program receipts to Owners throughout the State.

[Source: Added at 21 Ok Reg 2327, eff 7-12-04]

SUBCHAPTER 5. GENERAL PROGRAM REQUIREMENTS

330:70-5-1. Exclusion of third party rights

(a) A family that is eligible for housing assistance under the ACC is not a party to or a third party beneficiary of the ACC.

(b) Nothing in the ACC shall be construed as creating any right of any third party to enforce any provision of the ACC, or to assert any claim against HUD or OHFA.

[Source: Added at 21 Ok Reg 2327, eff 7-12-04]

330:70-5-2. [RESERVED]

[Source: Reserved at 21 Ok Reg 2327, eff 7-12-04]

330:70-5-3. Program records

OHFA shall maintain complete and accurate accounts and other records related to operations under the ACC. The records shall be maintained in the form and manner required by HUD, including requirements governing computerized or electronic forms of record-keeping. The accounts and records shall be maintained in a form and manner that permits a speedy and effective audit.

[Source: Added at 21 Ok Reg 2327, eff 7-12-04]

330:70-5-4. [RESERVED]

[Source: Reserved at 21 Ok Reg 2327, eff 7-12-04]

330:70-5-5. Conflict of Interest

(a) Neither OHFA, nor any OHFA contractor, subcontractor or agent for operations under the ACC, nor any other entity or individual with administrative functions or responsibility concerning the Contract Administration Program, may enter into any contract, subcontract, or other arrangement in connection with the Contract Administration Program in which any Covered Individual or Entity has any direct or indirect interest (including the interest of any Immediate Family Member), while such person is a covered individual or entity or during one year thereafter.

(b) OHFA shall require any Covered Individual Or Entity to disclose his, her or its interest or prospective interest in any contract, subcontract or other arrangement in connection with the Contract Administration Program to OHFA and HUD.

(c) During the term of the ACC, OHFA shall not own or otherwise possess any direct or indirect interest in any covered unit (including a unit owned or possessed, in whole or in part, by an entity substantially controlled by OHFA), and shall not claim or receive any administrative fee for contract administration of a unit in which OHFA has any such interest.

(d) Notwithstanding paragraph (c), if OHFA provides or has provided financing for development, repair or improvement of covered units, and holds a mortgage of the real property to secure such financing, the existence of such mortgage or interest shall not be considered a conflict of interest under paragraph (c), (provided that OHFA has not obtained any other ownership interest in the property, by exercise of its remedies as mortgagee or otherwise), and in such case, paragraph (c) shall not bar OHFA from claiming or receiving an administrative fee for contract administration of such covered units.

[Source: Added at 21 Ok Reg 2327, eff 7-12-04]

330:70-5-6. [RESERVED]

[Source: Reserved at 21 Ok Reg 2327, eff 7-12-04]

330:70-5-7. Compliance with applicable laws

(a) Owner shall comply with all equal opportunity requirements imposed by federal law, including applicable requirements under:

- (1) The Fair Housing Act, 42 U.S.C. 3601-3619 (implementing regulations at 24 CFR parts 100 et seq.).
- (2) Title VI of the Civil rights Act of 1964, 42 U.S.C. 2000d (implementing regulations at 24 CFR part 1).
- (3) The Age Discrimination Act of 1975, 42 U.S.C. 6101-6107 (implementing regulations at 24 CFR part 146).
- (4) Executive Order 11063, Equal Opportunity in Housing (1962), as amended, Executive Order 12259, 46 FR 1253 (1980), as amended, Executive Order 12892, 59 FR 2939 (1994) (implementing regulations at 24 CFR part 107).
- (5) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (implementing regulations at 24 CFR part 8).

(6) Title II of the Americans with Disabilities Act, 42 U.S.C. 12101 et seq.

(b) Owner shall comply with all applicable State and local laws.

(c) Owner shall cooperate with OHFA and HUD in the conducting of compliance reviews and complaint investigations pursuant to applicable civil rights statutes, Executive Orders, and related rules and regulations.

[Source: Added at 21 Ok Reg 2327, eff 7-12-04]

SUBCHAPTER 7. CRIMINAL BACKGROUND SEARCHES

330:70-7-1. Request for criminal background search

At the request of an Owner, OHFA will conduct a criminal background search on any tenant in a Covered Unit or any applicant for housing in a Covered Unit, to the extent permitted under applicable State and federal laws and regulations.

[Source: Added at 21 Ok Reg 2327, eff 7-12-04]

330:70-7-2. [RESERVED]

[Source: Reserved at 21 Ok Reg 2327, eff 7-12-04]

330:70-7-3. Consent and fee

The Owner must file a written request for a criminal background search. The request must be accompanied by a consent form executed by the tenant or applicant and the fee set forth in 330:70-9-1 of these Rules. A written request must be submitted for each tenant or applicant.

[Source: Added at 21 Ok Reg 2327, eff 7-12-04]

330:70-7-4. [RESERVED]

[Source: Reserved at 21 Ok Reg 2327, eff 7-12-04]

330:70-7-5. Procedures to be followed by OHFA

(a) OHFA will conduct the criminal background research following the procedures set forth in the Final Rule.

(b) OHFA will disclose information obtained pursuant to criminal background research to an Owner only upon a showing by said Owner that the information will be used to screen applicants or is being requested in connection with lease enforcement or judicial eviction proceedings.

(c) The Owner must certify in writing that the Owner will use the records disclosed only for the purpose of screening applicants or for the purpose of lease enforcement or eviction.

(d) The request for criminal background research must also include the Owner's standards for prohibiting admission of criminals, the Owner's standards for evicting criminals, or the Owner's standard for lease enforcement, as applicable.

(e) OHFA will, upon receipt of any criminal records, review the records to determine that whether the records received may a basis for eviction from a Covered Unit. Prior to the release of any information to an Owner, the Owner must also certify, in writing, that the information requested will be kept confidential and only used in the manner, and to the extent permitted, in the Final Rule.

(f) OHFA will rely upon the Owner's certifications.

[Source: Added at 21 Ok Reg 2327, eff 7-12-04]

330:70-7-6. [RESERVED]

[Source: Reserved at 21 Ok Reg 2327, eff 7-12-04]

330:70-7-7. Opportunity to dispute

In the event a criminal record search indicates that a household member has been convicted of a crime relevant to applicant screening, lease enforcement or eviction, the Owner must notify the household of any proposed action based on such information and provide a copy of the criminal report to the subject household member. OHFA will ensure compliance to 330:70-7-7 through the monitoring process.

[Source: Added at 21 Ok Reg 2327, eff 7-12-04]

SUBCHAPTER 9. FEES

330:70-9-1. Criminal Background Search Fee

A \$50.00 (fifty dollar) fee must accompany each request for a Criminal Background Search for each individual for whom a request is made.

[Source: Added at 21 Ok Reg 2327, eff 7-12-04 ; Amended at 21 Ok Reg 2598, eff 7-18-05]

CHAPTER 75. NATIONAL HOUSING TRUST FUND PROGRAM

[**Authority:** The Amended Trust Indenture and Bylaws of the Oklahoma Housing Finance Agency]
[**Source:** Codified 9-11-17]

SUBCHAPTER 1. GENERAL PROVISIONS

330:75-1-1. Purpose

The intent of the National Housing Trust Fund Program is to complement existing federal, State and local efforts to increase and preserve the supply of decent, safe, and sanitary affordable Housing for Very Low-Income Families and Extremely Low-Income Families, including homeless families. As set forth in the Interim Rule, Very Low-Income Families may only be assisted if the total funding for the entire federal Program exceeds \$1 Billion. In all instances, at least seventy-five percent (75%) of the funding must assist Extremely Low-Income Families or families with incomes at or below the Poverty Line, whichever is greater. If less than \$1 Billion is available to fund the entire Program, one hundred percent (100%) of the funds must assist Extremely Low-Income Families or families with incomes at or below the Poverty Line, whichever is greater.

[**Source:** Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

330:75-1-2. Authority

The National Housing Trust Fund Program was established under Title I of the Housing and Economic Recovery Act of 2008, Section 1131 (Public Law 110-289). The Oklahoma Housing Finance Agency (OHFA) has been designated as the State's administrative agency for purposes of administering the State's National Housing Trust Fund Program.

[**Source:** Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

330:75-1-3. Scope

During each Program Year, financial assistance will be made available to eligible Applicants for the purpose of implementing specific activities that further the stated purpose of the National Housing Trust Fund Program. Financial assistance will be made available in the form of grants or loans as set forth in the Allocation Plan and the Application Packet.

[**Source:** Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

330:75-1-4. Definitions

The following words and terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise. Additional capitalized terms used in these Chapter 75 Rules may be defined in the Act. When a conflict exists between the following

definitions and the Act, the Act shall control.

"**Act**" means Title I of the Housing and Economic Recovery Act of 2008, Section 1131 (Public Law 110-289).

"**Allocation Plan**" means the State's annual Program description for the Administration of National Housing Trust Fund Program Funds received by the State. The Allocation Plan is included in the Consolidated Plan and must be reviewed and approved by HUD.

"**Applicant**" means an eligible entity that has applied for or will apply for National Housing Trust Fund Program funding.

"**Application**" means an Application from an eligible entity for funding from the State's allocation of funds for the National Housing Trust Fund.

"**Application Packet**" means the required Program documents stating the National Housing Trust Fund Program objectives, the State-specific objectives for the National Housing Trust Fund, and method of distribution of National Housing Trust Fund Program Funds (including program income and recaptured funds), as well as the required forms for filing an Application for National Housing Trust Fund Program Funds.

"**Consolidated Plan**" means a plan prepared in accordance with the requirements of 24 CFR Part 91 which describes community needs, resources, priorities and proposed activities to be undertaken under certain HUD programs, including the National Housing Trust Fund Program.

"**Extremely Low-Income Families**" means low-income families whose annual incomes do not exceed thirty percent of the median family income for the area, as determined by HUD, with adjustments for family size.

"**Housing**" means manufactured housing and manufactured housing lots, permanent housing for disabled and homeless persons, single-room occupancy housing, and group homes. "Housing" does not include emergency shelters (including shelters for disaster victims) or facilities such as nursing homes, convalescent homes, hospitals, residential treatment facilities, halfway houses, housing for students, or dormitories (including farmworker dormitories).

"**HUD**" means the United States Department of Housing and Urban Development.

"**Interim Rule**" means the National Housing Trust Fund Program requirements as set forth in 24 CFR Part 93, Sections 93.1 et seq.

"**National Housing Trust Fund Program**" means the National Housing Trust Fund Program as established under Title 1 of the Housing and Economic Recovery Act of 2008, as set forth therein.

"**National Housing Trust Fund Program Regulations**" means the regulations pursuant to the Interim Rule at 24 CFR Part 93.

"**OHFA**" means the Oklahoma Housing Finance Agency. OHFA has been designated by the Governor to administer the State's National Housing Trust Fund Program on behalf of the State.

"**Poverty Line**" means the Poverty Line as defined in Section 673 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902).

"**Program Funds**" means all appropriations for the National Housing Trust Fund Program, plus all Program Income and other returned and recaptured funds.

"Program Income" means gross income received by OHFA or the Recipient that is directly generated by the use of Program Funds, as further defined in the Interim Rule.

"Program Year" means the period selected by OHFA in which it shall administer its formula allocation for the National Housing Trust Fund Program.

"Project" means a site or sites, together with any building or buildings that are to be assisted with National Housing Trust Fund Program Funds as a single undertaking.

"Recipient" means any eligible Applicant or entity receiving National Housing Trust Fund Program Funds through OHFA. The use of the term "Recipient" instead of "Awardee" as used in most of OHFA's funding programs, is to maintain consistency with the Program terminology as used by HUD in the Interim Rule.

"State" means the State of Oklahoma.

"Very low-income families" means families whose annual incomes are in excess of 30 percent but not greater than 50 percent of the median family income for the area, as determined by HUD, with adjustments for family size.

"Written Agreement" means the contract between OHFA and an Recipient of Program Funds, setting forth the terms and conditions that must be met by the Recipient to satisfactorily complete a NHTF Program Project and comply with the Interim Rule and these Chapter 75 Rules.

[Source: Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

330:75-1-5. National standards incorporated by reference

(a) The national standards for development of the Program description are hereby incorporated by reference. The standards are set forth in the regulations promulgated thereunder by HUD to implement the Program, as amended, published at 24 CFR Part 93 Sections 93.1 et seq.

(b) Copies of these federal laws and regulations may be obtained from OHFA, during regular business hours Monday through Friday 8:00 a.m. to 4:45 p.m., excluding legal holidays.

[Source: Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

330:75-1-6. Recipients' implementation manual

(a) Recipients must enter into a Written Agreement with OHFA containing all requirements of the Interim Rule. OHFA shall provide each Recipient a Program implementation manual.

(b) Requirements, procedures, and processes provided in the Program implementation manual and amendments to same shall apply to all Program funded Projects.

[Source: Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

330:75-1-7. Technical assistance

OHFA shall designate staff members who shall be available to provide general Program technical assistance regarding proposed Project

concepts and Program implementation.

[Source: Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

330:75-1-8. Process to establish funding priorities

The National Housing Trust Fund Program falls under the Community Planning and Development division of HUD, and must be included in the State's Consolidated Plan. Each Program year, OHFA will hold informal and formal public input sessions for the Program as part of the Consolidated Planning process. OHFA will take comments and suggestions from interested parties and consider possible changes to funding priorities for the Program. In addition, OHFA will consider data provided by HUD and obtained by other local and federal sources. Once the Consolidated Plan update has been submitted to HUD and has been approved, OHFA will draft an Application Packet for use by potential Applicants. OHFA will hold a public input session on the Application Packet and consider any public comments and suggestions. After a final version of the Application Packet has been drafted, it will be formally approved by OHFA's Board of Trustees before any Applications are accepted.

[Source: Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

330:75-1-9. Compliance requirements

(a) The Applicant, the Development, the Owner(s), Development Team and the Affiliates of each, must comply with all applicable federal, State and local laws, rules, regulations and ordinances, including but not limited to, the Oklahoma Landlord Tenant Act, Titles VI and VII of the Civil Rights Act of 1964, as amended and Title VIII of the Civil Rights Act of 1968, as amended. Neither the Applicant, the Owners(s), the Development Team nor the Affiliates of each shall discriminate on the basis of race, creed, religion, national origin, ethnic background, age, sex, familial status, or disability in the lease, use or occupancy of the Development or in connection with the employment or application for employment of Persons for the operation and/or management of any Development. Owners(s) of a Development will be required to covenant and agree in the regulatory agreement to comply fully with the requirements of the Fair Housing Act as it may from time to time be amended, for the time period promised in the Application.

(b) Any awards by OHFA are subject to compliance with all applicable federal and State laws and all rules and regulations promulgated thereunder and all local ordinances, rules and regulations applicable to the Development, its financing, or any portion or aspect thereof.

(c) The Applicant and all members of the Development team and the Affiliates of each must be in compliance with, and good standing under, any OHFA program in which any may participate.

[Source: Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

SUBCHAPTER 3. FUNDS

330:75-3-1. Funds distribution

(a) Program Funds allocated annually to the State by HUD shall be awarded to eligible Applicants through a formal Application process. Submission requirements for Project Applications will be developed periodically by OHFA in the Application Packet and described in Program Application materials.

(b) Program Funds will be awarded according to the Act, federal regulations and guidelines, the Consolidated Plan, the annual Allocation Plan, and the Application Packet.

(c) The Application Packet shall be made available to eligible Applicants and interested parties upon request. Requests for the Application Packet should be directed to OHFA. The Application Packet will be made available on OHFA's website, www.ohfa.org.

[Source: Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

330:75-3-2. Funding activities

(a) The annual allocation of Program Funds made available to the State by HUD shall be divided into various eligible Program activities. The amount of the annual State allocation devoted to each eligible activity will be determined by OHFA and will be set out in the annual Allocation Plan and the Application Packet.

(b) OHFA will use Administrative funds as permitted by HUD, the Act, and the Interim Rule to support overall Program delivery and operation activities.

[Source: Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

330:75-3-3. Geographic allocation of funds

OHFA will make awards of Program Funds throughout the State. Awards of Program Funds will be consistent with OHFA's mandate to affirmatively further fair housing choice, and any applicable Analysis of Impediments to Fair Housing Choice or Affirmatively Furthering Fair Housing Plan. An award of Program Funds for an Application proposing to newly construct rental housing will require a review of Site and Neighborhood Standards as required by HUD.

[Source: Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

330:75-3-4. Award amounts

(a) Maximum award amounts for each eligible activity may be established periodically in the Application Packet, to insure maximum utilization of the State's allocation of Program Funds.

(b) Award maximums applicable to Program activities shall apply to all Applications and awards made in that Program Year.

[Source: Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

330:75-3-5. Partial funding

OHFA reserves the right within its discretionary authority to adjust Program Application award maximums based on the most efficient, equitable and practicable utilization of the State's allocated funds.

[Source: Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

330:75-3-6. Reallocation of additional Program funds

(a) Annually, additional funds for Program Projects may become available as the result of:

- (1) Project cancellations;
- (2) Projects completed under original cost estimates;
- (3) Funds awarded but not utilized; or,
- (4) Other circumstances.

(b) As set forth in the Application Packet, OHFA shall reallocate these funds based on the amount of funds available and the reallocation plan described in the Application Packet.

(c) Any reallocation of Program Funds will follow all the provisions of the Interim Rule, these Chapter 75 Rules, and the Application Packet.

[Source: Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

SUBCHAPTER 5. PROJECT APPLICATION AND SELECTION

330:75-5-1. Project applications

(a) Eligible Applicants seeking Program funding must submit a written Application in the form prescribed in Application Packet. All Applications will be required to contain sufficient information to permit OHFA to conduct a review and assessment, and selection as described in the Application Packet.

(b) The documentation as set forth in the Application Packet will be required of all Applicants, and will contain all necessary information to assist potential Applicants in the preparation of Applications.

[Source: Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

330:75-5-2. Applicant selection

(a) For the purpose of selecting Program Applicants for funding award, OHFA shall periodically develop selection criteria, which conform to the Program objectives and method of distribution described in the annual Allocation Plan and the Application Packet. The selection criteria will be set forth in the Application Packet.

(b) Some of the selection criteria are mandated by HUD in the Interim Rule.

[Source: Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

SUBCHAPTER 7. PROGRAM ADMINISTRATION

330:75-7-1. Program income

OHFA and all recipients of Program Funds shall comply with all federal regulations regarding Program Income.

[Source: Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

330:75-7-2. Program violations

Violations of Program policies include, but are not limited to, the following:

- (1) The filing of false information in an Application and/or Project report;
- (2) Failure of a Recipient to meet requirements of a federal statute, federal regulation, the Interim Rule, or these Title 330 Chapter 75 rules;
- (3) Deviation from the Written Agreement terms or failure to meet the Written Agreement terms;
- (4) Notice by HUD and/or OHFA that significant corrective actions are necessary to protect the integrity of the Project funds, and that these corrective actions are not or cannot be completed within a reasonable time, in the judgment of HUD and/or OHFA staff;
- (5) An administrative or judicial determination that the Recipient has committed fraud, waste, or mismanagement in any current or prior State or federally funded project.

[Source: Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

330:75-7-3. Corrective and remedial actions

(a) Under any of the circumstances previously described as violations during the Application stage or Written Agreement execution, OHFA may take the following actions, or other actions it deems necessary:

- (1) Condition Written Agreements;
- (2) Withhold funds;
- (3) Reduce the total amount of the Program award;
- (4) Require the return of unexpended funds;

(5) Cancel a Written Agreement and recover all funds expended in an ineligible manner prior to the date of notice of cancellation;

(6) Deny future Program Applications and participation for a specified period of time as determined by OHFA.

(7) Indefinitely suspend from Program participation.

(b) Additionally, OHFA reserves the right under circumstances of possible Program violations to request information regarding the following, or other information it deems necessary:

(1) The administrative, planning, budgeting, management and evaluation functions, actions being taken to correct or remove the cause of the Program violation(s);

(2) Any activities undertaken that were not in conformance with the approved Program or Application process or that are in non-compliance with applicable laws or regulations;

(3) The Recipient's capacity to carry out the approved or proposed Project in a timely manner; and,

(4) Progress schedules for completing approved or proposed activities.

[Source: Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

330:75-7-4. Recipient responsibilities

A Recipient under the National Housing Trust Fund Program shall be responsible for:

(1) Taking all action necessary to enforce the terms of the Written Agreement against any private or public participant that fails to comply with applicable provisions of the Written Agreement or any subcontract or documents resulting from it, and to recover on behalf of OHFA, any liabilities that may arise as a result of a breach of the Written Agreement by any participant. Nothing in this subsection shall restrict OHFA's right to independently enforce the terms of any Written Agreement or any subcontracts or documents resulting from it, or to recover any sums that may become due as the result of a breach of such Written Agreement.

(2) Complying with all state and federal regulations, guidelines, circulars and notices as set forth in the Interim Rule, these National Housing Trust Fund Program Rules, the Written Agreement between the Recipient and OHFA and/or the Implementation Manual, or other guidance, circulars and notices that may be released by HUD and/or OHFA from time to time.

(3) Maintaining records and accounts, including, but not limited to, property, personnel, and financial records that properly document and account for all Project funds. OHFA may require specific types and forms of records. All such records and accounts shall be made available upon request by OHFA for the purpose of inspection and use in carrying out its responsibilities for administration of the funds.

(4) OHFA may require the Recipient to provide special narrative and financial reports related to the elements of a Written Agreement in the forms and at such times as may be necessary or

required by OHFA.

(5) Retaining all books, documents, papers, records, and other materials involving all activities and transactions related to its Written Agreement for at least five years from the date of submission of the final expenditure report or until any audit findings have been resolved, whichever is later. Recipient shall, as often as deemed necessary by OHFA, permit authorized representatives of OHFA, HUD, and the Comptroller General to have full access to and the right to fully examine all such materials.

(6) Promptly returning to OHFA, any funds received under its Written Agreement that have not been obligated as of the final date of the Written Agreement period. Funds shall be obligated only if goods and services have been received as of the final date of the Written Agreement period.

(7) Complying with OHFA's audit policy as applicable to the Recipient.

(8) Providing OHFA timely copies of reports on any audits that include funds received from OHFA.

(A) Audits shall be performed by a by a public accountant or public accounting firm, or a certified public accountant or certified public accounting firm.

(B) The audit shall be performed in accordance with Government Auditing Standards; Compliance Supplement for Single Audits or State and Local Governments; generally accepted auditing standards established by the American Institute of Certified Public Accountants; and OHFA.

(9) Complying with all applicable federal requirements.

[Source: Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

330:75-7-5. OHFA's responsibilities

OHFA's responsibilities include, but are not necessarily limited to, the following duties:

(1) OHFA will verify that the Recipient is maintaining records for each qualified affordable housing unit in the Project.

(2) Verification of whether Recipient is in possession of valid Certificate(s) of Occupancy.

(3) Physical inspection of the Project pursuant to HUD's Uniform Physical Condition Standards as set forth in the Interim Rule. Owner must allow OHFA to perform inspections throughout the affordability period as stated in the Written Agreement.

(4) Verification of Recipient's use of the correct and most current income limits and rent limits as established by HUD.

(5) Verify that the Recipient has filed the necessary deed restriction, covenants running with the land, or other approved forms of protection of the affordability period.

(6) OHFA will notify in writing the Recipient if staff discovers that the Activity does not comply with the NHTF Rules. In such event,

a correction period to supply missing documentation or to correct noncompliance may be allowed.

[Source: Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

330:75-7-6. Review and appeals process

(a) Applicants for Program Funds may review their Applications and OHFA's application review documents any time after OHFA Staff has publicly released its funding recommendations. Written notice must be given to OHFA, and OHFA will have at least three (3) working days to grant any such requests for review. Written notice may be in electronic form.

(b) OHFA's Board of Trustees makes the final decisions regarding awards of Program Funds. Therefore, appeals of the funding recommendations of OHFA Staff must be made at the Board of Trustees meeting at which the Applications are considered. Appeals cannot introduce new documentation that was not included with the original Application for Program Funds.

(c) The OHFA Board of Trustees will consider the Application, OHFA Staff's recommendations, the presentation of the Applicant, these NHTF Program Rules (OAC 330:75), the Consolidated Plan, the Allocation Plan, and the Application Packet. The procedures set forth in OAC 330:1 and Article II of the Oklahoma Administrative Procedures Act, 75 O.S., Sections 309, *et seq.* (the "OAPA") will be followed. The meeting will be considered an individual proceeding under the OAPA and the decision of the OHFA Board of Trustees will constitute a Final Order. No further appeals will be considered.

(d) The public may appear at any OHFA Board of Trustees meeting to speak on behalf of or in opposition to an award of Program Funds. Presentations by members of the public are subject to the limitations of time and scope imposed by the OHFA Board of Trustees pursuant to the procedures set forth in paragraph (c) above.

[Source: Added at 33 Ok Reg 559, eff 6-21-16 (emergency); Added at 34 Ok Reg 1397, eff 9-11-17]

CHAPTER 80. HOUSING STABILITY PROGRAM

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

SUBCHAPTER 1. GENERAL PROVISIONS

330:80-1-1. Purpose

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

330:80-1-2. Authority

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

330:80-1-3. Scope

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

330:80-1-4. Definitions

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

330:80-1-5. Technical assistance

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

330:80-1-6. Compliance with applicable laws

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

SUBCHAPTER 3. FUNDS

330:80-3-1. Funds distribution

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

330:80-3-2. Funding activities

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

330:80-3-3. Award of funds

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

330:80-3-4. Forms of assistance

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

330:80-3-5. Terms and conditions

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

330:80-3-6. Affordability for OHSP funding

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

330:80-3-7. Allocation of OHSP program funds

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

SUBCHAPTER 5. APPLICATIONS AND SELECTION

330:80-5-1. Application timing

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

330:80-5-2. Applications

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

330:80-5-3. OHSP Application Packets

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

330:80-5-4. Application selection

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

SUBCHAPTER 7. PROGRAM ADMINISTRATION

330:80-7-1. Program violations

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

330:80-7-2. Corrective and remedial actions

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

330:80-7-3. Awardee responsibilities

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

330:80-7-4. Review and appeals process and Board of Trustees' discretion

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

330:80-7-5. OHFA's responsibilities

[Source: Added at 41 Ok Reg, Number 13, effective 2-20-24 (emergency)]

