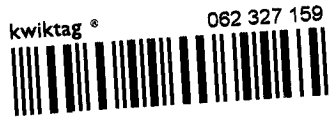


ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 12-247

"Housing Finance Agency Amendment Act of 1998"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill 12-300 on first and second readings, December 1, 1998 and December 15, 1998, respectively. Following the signature of the Mayor on December 24, 1998, pursuant to Section 404(e) of "the Act", the bill became Act 12-584 and it was published in the February 12, 1999 edition of the D.C. Register (Vol. 46, page 1100). The Act was transmitted to Congress on February 10, 1999 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has expired, and the Act is now D.C. Law 12-247, effective April 20, 1999.



LINDA W. CROPP
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Feb. 10,11,12,22,23,24,25

Mar. 1,2,3,4,5,8,9,10,11,15,16,17,18,19,22,23,24,25

Apr. 12,13,14,15,19

AN ACT

D.C. ACT 12-584

Codification
District of
Columbia
Code
1999 Supp.

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 24, 1998

To amend the District of Columbia Housing Finance Agency Act to clarify the authority of the Agency to develop and finance all types of housing projects, to eliminate defunct provisions, to update certain provisions, and to permit the Agency to purchase or lease its own offices.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Housing Finance Agency Amendment Act of 1998".

Sec. 2. The District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code § 45-2101 *et. seq.*), is amended as follows:

(a) Section 101(b) (D.C. Code § 45-2101(b)) is amended by adding a new sentence after the phrase "available housing opportunities." to read as follows:

Section
45-2101

"The Council further determines that this purpose can also be accomplished through a program whereby the Agency issues bonds and lends the proceeds thereof to Eligible State and Local Government Units to enhance the Agency's ability to generate revenues to fulfill its duties under this act."

(b) Section 102 (D.C. Code § 45-2102) is amended as follows:

Section
45-2102

(1) Paragraph (8) is amended to read as follows:

"(8) "Eligible persons" means individuals and families who qualify for housing under a given program according to the requirements of the program as established by the Agency.

"(8A) "Eligible State or Local Government Unit" means any state or political subdivision thereof within the meaning of Section 103 of the Internal Revenue Code of 1986 (or successor provisions), including any agency, authority, body, commission or entity that acts on behalf of any such state or political subdivision, which is authorized under applicable law to issue bonds or enter into other obligations for the purpose of providing low and moderate income housing.

"(8B) "State or Local Government Loan" means a loan or other advance of monies by the Agency to an Eligible State or Local Government Unit to be used as permitted by refunding agreements between the Eligible State or Local Government Unit and the Department

of Housing and Urban Development."

(2) Paragraphs (10) and (11) are amended to read as follows:

"(10) "Homeownership program" means any type of program through which a person can achieve an ownership position in a residential unit including, but not limited to, cooperatives and condominiums.

" (11) "Housing project or project" means any undertaking to plan, develop, construct or rehabilitate one or more dwelling units located in the District of Columbia which meets the requirements of this act. Such undertaking may include, but is not limited to any building, land, equipment, facilities or other real or personal property which are necessary, convenient or desirable appurtenances, streets, sewers, utilities, parks, site preparation or landscaping; and other non-housing facilities, such as offices, stores, commercial facilities, community, medical, educational, social, health, recreational, and welfare facilities, which are reasonably related to and subordinate to the housing project, consistent with the applicable Internal Revenue Code provisions, as amended, and the regulations thereunder, as determined to be necessary, convenient or desirable by the Agency. Any facility which incorporates the residence and care of persons with special needs, including but not limited to the aged, youth, students, homeless, persons with disabilities, persons requiring health and medical care, shall be deemed an undertaking for purposes of this act.

(3) A new paragraph (11A) is added to read as follows:

"(11A) "Loan" means a secured or unsecured obligation issued for the purposes of financing a housing project or homeownership program."

(4) Paragraphs (12), (13), and (14) are amended to read as follows:

"(12) "Low income persons" means those persons and families whose annual income as determined by the Agency does not exceed the income requirements for low income persons as established by the Internal Revenue Service or the Department of Housing and Urban Development from time to time as applicable to the particular housing project or homeownership program under the Agency's plan of financing.

"(13) "Moderate income persons" means those persons and families whose annual income as determined by the Agency does not exceed the income requirements for moderate income persons established by the Internal Revenue Service or the Department of Housing and Urban Development from time to time as applicable to the particular housing project or homeownership program under the Agency's plan of financing.

"(14) "Mortgage " means a mortgage deed, deed of trust, or other security instrument which shall constitute a lien in the District on improvements and real property in fee simple, on a lease having a remaining term, which at the time such mortgage is acquired does not expire for at least that number of years beyond the maturity date of the obligation secured by such mortgage."

(5) Paragraph (16) is amended to read as follows:

ENROLLED ORIGINAL

"(16) "Mortgage loan" means an obligation secured by a mortgage financing a housing project."

(6) A new paragraph (20) is added to read as follows:

"(20) "Very-Low Income" means those persons and families whose annual income as determined by the Agency does not exceed the income requirements for very-low income persons as established by the Internal Revenue Service or the Department of Housing and Urban Development from time to time as applicable to the particular housing project or homeownership program under the agency's plan of financing."

(c) Section 202(D.C. Code § 45-2112) is amended as follows:

Section
45-2112

(1) Subsection (a) is amended by striking the word "public" in the third and fifth sentences and by striking the phrase "Public members" in the fourth sentence and inserting the word "Members" in its place.

(2) Subsection (b) is amended by striking the word "public" wherever it appears.

(3) Subsection (d) is amended to read as follows:

"(d) The powers of the Agency shall be vested in the Board. A majority of the incumbent Board members shall constitute a quorum for the transaction of business, and an affirmative vote of three members shall be necessary for valid Agency action. Members of the Board may participate in a meeting of the Board or a committee thereof by means of conference telephone or similar communication equipment so long as all Board members participating in the meeting and members of the public can be heard by each other. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all rights and perform all duties of the Agency. Members of the Board shall be reimbursed for actual and necessary expenses incurred while engaged in services for the Agency. A member of the Board not otherwise employed by the District may also receive per diem compensation at the rate equal to the daily equivalent of step 1 of Grade 15 of the General Schedule established under 5 U.S.C. §5332, with a limit of \$8,000 per annum."

(4) Subsection (e) is repealed.

(d) Section 203(c)(D.C. Code § 45-2113(c)) is amended to read as follows:

Section
45-2113

"(c) The Executive Director may employ on a permanent or temporary basis such employees, including, but not limited to, technical advisors, financial advisors, accountants, legal counsel, appraisers, underwriters, and such other officers, agents and employees deemed necessary to operate the Agency efficiently, and shall determine their qualifications, duties, and compensation.

(e) Section 204 (D.C. Code § 45-2114) is amended to read as follows:

Section
45-2114

"Sec. 204. Conflict of Interest; disclosure; waiver of bar against participation by interested party.

"Any member, officer, or employee of the Agency who is interested either directly or indirectly, or who is an officer or employee of, or has an ownership interest in any firm or agency interested directly or indirectly in any transaction with the Agency including, but not

ENROLLED ORIGINAL

limited to, any loan to any sponsor, builder or developer, shall disclose this interest to the Agency. This interest shall be set forth in the minutes of the Agency, and the member, officer, or employee having the interest shall not participate on behalf of the Agency in the authorization or implementation of any such transaction. The Board by two-thirds majority vote may allow a waiver of a member's, officer's or employee's inability to participate in circumstances where the interest falls within guidelines adopted as rules promulgated by the Board."

(f) Section 206 (D.C. Code § 45-2116) is amended to read as follows:

Section
45-2116

"Sec. 206. Delegation of Council authority to issue revenue bonds, notes and other obligations for Agency undertakings.

"The Council delegates to the Agency the authority of the Council under section 47-334 to issue revenue bonds, notes and other obligations to borrow money to finance or assist in the financing of undertakings authorized by this act. An undertaking financed or assisted by the Agency shall constitute an undertaking in the area of primarily low and moderate income housing if the housing project or homeownership program complies with the income restriction, rent limitations, tenant income mixtures and other restrictions as established by the Internal Revenue Service, or the Department of Housing and Urban Development as applicable under the plan of financing determined by the Agency at the time it approves the undertaking for financing or assistance, or State or Local Government Loans are made that generate revenues which benefit programs authorized under this act."

(g) Section 207 (D.C. Code § 45-2117) is amended as follows:

Section
45-2117

(1) Subsection (a) is amended to read as follows:

"(a) The Board of Directors of the Agency shall determine, by enactment of an eligibility resolution that a housing project or homeownership program contemplated to be financed through a bond issuance meets the requirements of this act. Subsequent to enactment of an eligibility resolution, the Agency shall send to the Chairman of the Council of the District of Columbia written notification thereof, describing the nature of the housing project, the benefits designed to result therefrom, as related to the public purposes of the Agency, and the criteria under which funds will be made available."

"(1) Each notification transmitted to the Chairman of the Council of the District of Columbia shall set forth information pertaining to the :

"(1) Date of application;

"(2) Name and description of the project;

"(3) Address and ward location of the project;

"(4) Developer of the project;

"(5) Amount and type of financing requested;

"(6) Amount and type of federal or District funds involved; and

"(7) The number of units reserved for very low, low and moderate income persons, income restrictions, and rent levels."

(2) Subsection (b)(1) is repealed.

ENROLLED ORIGINAL

(h) Section 301 (D.C. Code § 45-2121) is amended as follows:

Section
45-2121

(1) Paragraph (4) is amended by striking the phrase "an office "and inserting the phrase", through purchase or lease an office or offices" in its place.

(2) Paragraph (6) is amended to read as follows:

"(6) To make and execute contracts and all other instruments for the performance of its duties under this act;"

(3) A new paragraph (6A) is added to read as follows:

"(6A) To originate and service mortgage loans or contract for the origination and servicing of mortgage loans and loans."

(4) Paragraph (8) is amended by adding the phrase ", including State and Local Government Loans" after the word "loans."

(5) Paragraphs (10) and (11) are amended by striking the phrase "evidences of indebtedness" and inserting the word "obligations" in its place.

(6) Paragraph (13A) is added to read as follows:

"(13A) To make state and local government loans and enter into such agreements with the respective Eligible State and Local Government Units for the purpose of making a State or Local Government Loan on such terms and conditions as the Agency determines to be appropriate;"

(7) Paragraph (20) is amended to read as follows:

"(20) to make grants, or to convert loans to grants or to forgive loans, to make loans or mortgage loans, either directly or through mortgage lenders, for the purpose of assisting in developing, acquiring, constructing, rehabilitating or improving any housing project financing under this act; and"

(i) Section 302 (D.C. Code § 45-2122) is amended to read as follows:

Section
45-2122

"Sec. 302. Financing of housing projects.

"The Agency may make, issue commitments for, participate in making loans or mortgage loans to sponsors for the financing of housing projects for eligible persons. Such housing projects shall comply with all applicable requirements regarding tenant income mixtures, tenant income, the number of units reserved for very low, low and moderate income persons, and other requirements established by the Internal Revenue Service, the Department of Housing and Urban Development or other laws, rules and guidelines applicable under the Agency's plan of financing."

(j) Section 303 (D.C. Code § 45-2123) is amended to read as follows:

Section
45-2123

"Sec. 303. Financing of homeownership programs.

"The Agency may invest in, purchase, make commitments to purchase, take assignments from mortgage lenders, originate, and service mortgage loans either directly or through mortgage lenders pursuant to criteria established by the Agency under a Homeownership program. Such criteria shall comply with the requirements of the Internal Revenue Service, the Department of Housing and Urban Development or other laws, rules and guidelines applicable

ENROLLED ORIGINAL

under the Agency's plan of financing."

(k) Section 304 (D.C. Code § 45-2124) is repealed.

Section

45-2124

(l) Section 305 (D.C. Code § 45-2125) is amended to read as follows:

Section

45-2125

"Sec. 305. Supportive programs.

"The Agency may establish, administer or contract for the administration of any program which assists sponsors or eligible persons, "or Eligible State or Local Government Units", as determined by the Agency consistent with the declarations of policy under section 101 and the delegation of authority under section 206."

(m) Section 306 (D.C. Code § 45-2126) is amended to read as follows:

Section

45-2126

"Sec. 306. Rulemaking.

"The Agency shall establish rules and regulations to effectuate the purposes of this act."

(n) Section 307 (D.C. Code § 45-2127) is amended to read as follows:

Section

45-2127

"Sec. 307. Technical assistance, consultant services or loans.

"The Agency may provide eligible persons, sponsors or such individual, private or public corporation, association, group, organization, Eligible State or Local Government Unit, or any other entity with technical assistance, loans, grants or consultant services consistent with the authority of this act."

(o) section 402 (D.C. Code § 45-2132) is amended as follows:

Section

45-2132

(1) Subsection (a) is amended to read as follows:

"(a) Borrowing authority, -- The Agency may, by resolution, authorize the issuance of bonds and notes or other obligations ("bonds or notes") for undertakings authorized by this act. In addition, the Agency may issue notes to renew notes and bonds to pay notes, including, the interest thereon. Whenever expedient, the Agency may refund bonds, including bonds previously issued by other than the Agency, by the issuance of new bonds, regardless of whether the bonds to be refunded have matured. The Agency is the successor to any and all District of Columbia Section 11(b) bond issuing authority. The Agency may also issue bonds for a combination of refund, renewal, and financing programs authorized by this act."

(2) Subsection (b) is amended to read as follows:

"(b) Obligations of the Agency, --- Except as expressly provided otherwise by the Agency, bonds and notes of the Agency are obligations payable solely from revenues derived from the respective housing projects which such obligations are issued to finance, provided that bonds and notes of the Agency issued, in whole or in part, for the purpose of enabling the Agency to make State and Local Government Loans are obligations payable solely, to the extent issued for such purpose, from revenues derived from repayment of State and Local Government Loans made from proceeds of such bonds and notes. The Agency may expressly provide additional security by pledge or contribution from any source in accordance with D.C. Code § 47-327."

(3) Subsection (d) is amended to read as follows:

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"(d) No personal Liability. ---No director, employee or agent of the Agency is personally liable solely because a bond, note or other obligation is issued. The Agency shall indemnify any person who shall have served as a commissioner, officer, or employee of the Agency against financial loss or litigation expense arising out of or in connection with any claim or suit involving allegations that pecuniary harm has been sustained as a result of any transaction authorized by this chapter, unless such person is found by a final judicial determination not to have acted in good faith and for a purpose which he reasonably believed to be lawful and in the best interest of the Agency."

(p) Section 403 (c)(2)(D.C. Code § 45-2133(c)(2)) is amended to read as follows:

Section
45-2133

"(2) The pledge of revenue securing payment;"

(q) Section 404(a) (D.C. Code § 45-2134(a)) is amended to read as follows:

Section
45-2134

"(a) Authority. --- The Agency may secure bonds, notes, or other obligations by a trust indenture between the Agency and a corporate trustee which has the authority to exercise corporate trust powers within the District."

(r) Section 405 (D.C. Code § 45-2135) is amended to read as follows:

Section
45-2135

"Sec. 405. Agency's purchase of its own bonds and notes; maximum price.

"Subject to pre-existing agreements with the holders of bonds, notes, or other obligations, the Agency may purchase its own bonds, notes, or other obligations which may then be cancelled upon such terms and conditions as established by the Agency.

"(1) if the bonds, notes, or other obligations are redeemable, the price cannot exceed the redemption price then applicable plus accrued interest to the next interest payment; or

"(2) If the bonds, notes, or other obligations are not redeemable, the price cannot exceed the redemption price applicable on the 1st date after the purchase upon which the bonds, notes or other obligations become subject to redemption plus accrued interest to that date."

(s) Section 408 (D.C. Code § 45-2138) is amended to read as follows:

Section
45-2138

"Sec. 408. Faith and credit and taxing power of District not pledged on obligation; statement thereto.

"Bonds, notes, and other obligations issued under the provisions of this act do not constitute an obligation of the District, but are payable solely from the revenues or assets of the Agency. Each bond, note, or other obligation issued under this act must contain on its face a statement that the Agency is not obligated to pay principal or interest except from the revenues or assets pledged and that neither the faith and credit nor the taxing power of the District is pledged to the payment of the principal or interest on a bond, note, or other obligation."

(t) Section 502 (D.C. Code § 45-2152) is amended to read as follows:

Section
45-2152

"Sec. 502. Advisory committees.

"The Agency, from time to time, may establish advisory committees or groups to advise the Agency with respect to matters the Agency shall designate and may appoint persons to serve

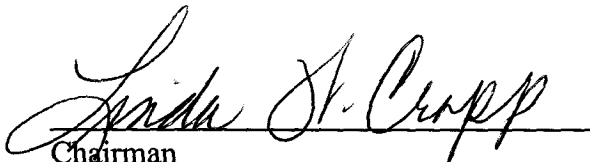
on such advisory committees or groups as the Agency may deem necessary consistent with the provisions of this act. The function of such committees or groups shall be solely advisory in nature, and no such committee or group shall have authority to act for, or on behalf, of the Agency."

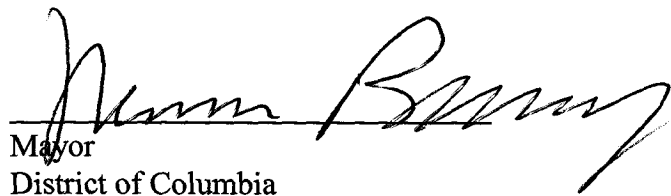
Sec. 3. Fiscal impact statement.

The Housing Finance Agency is an independent, public instrumentality of the District of Columbia and supported by fees for service and grants. No local fiscal appropriation supports either the operating or capital budget of the Agency. Therefore, the proposed legislation will have no fiscal impact on the District's budget.

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia

Approved: December 24, 1998



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

B12-300

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 12-01-98

VOICE VOTE
RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ALL PRESENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

[Signature] December 17, 1998
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 12-15-98

VOICE VOTE
RECORDED VOTE ON REQUEST

APPROVED

ABSENT

THOMAS

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

[Signature] December 17, 1998
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE
RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
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X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

AN ACT

*Codification
District of
Columbia
Code
1999 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Housing Finance Agency Act to clarify the authority of the Agency to develop and finance all types of housing projects, to eliminate defunct provisions, to update certain provisions, and to permit the Agency to purchase or lease its own offices.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Housing Finance Agency Amendment Act of 1998".

Sec. 2. The District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code § 45-2101 *et. seq.*), is amended as follows:

(a) Section 101(b) (D.C. Code § 45-2101(b)) is amended by adding a new sentence after the phrase "available housing opportunities." to read as follows:

Section
45-2101

"The Council further determines that this purpose can also be accomplished through a program whereby the Agency issues bonds and lends the proceeds thereof to Eligible State and Local Government Units to enhance the Agency's ability to generate revenues to fulfill its duties under this act."

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ENROLLED ORIGINAL

of Housing and Urban Development."

(2) Paragraphs (10) and (11) are amended to read as follows:

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ENROLLED ORIGINAL

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ENROLLED ORIGINAL

limited to, any loan to any sponsor, builder or developer, shall disclose this interest to the Agency. This interest shall be set forth in the minutes of the Agency, and the member, officer, or employee having the interest shall not participate on behalf of the Agency in the authorization or implementation of any such transaction. The Board by two-thirds majority vote may allow a waiver of a member's, officer's or employee's inability to participate in circumstances where the interest falls within guidelines adopted as rules promulgated by the Board."

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Section
45-2116

"Sec. 206. Delegation of Council authority to issue revenue bonds, notes and other obligations for Agency undertakings.

"The Council delegates to the Agency the authority of the Council under section 47-334 to issue revenue bonds, notes and other obligations to borrow money to finance or assist in the financing of undertakings authorized by this act. An undertaking financed or assisted by the Agency shall constitute an undertaking in the area of primarily low and moderate income housing if the housing project or homeownership program complies with the income restriction, rent limitations, tenant income mixtures and other restrictions as established by the Internal Revenue Service, or the Department of Housing and Urban Development as applicable under the plan of financing determined by the Agency at the time it approves the undertaking for financing or assistance, or State or Local Government Loans are made that generate revenues which benefit programs authorized under this act."

(g) Section 207 (D.C. Code § 45-2117) is amended as follows:

Section
45-2117

(1) Subsection (a) is amended to read as follows:

"(a) The Board of Directors of the Agency shall determine, by enactment of an eligibility resolution that a housing project or homeownership program contemplated to be financed through a bond issuance meets the requirements of this act. Subsequent to enactment of an eligibility resolution, the Agency shall send to the Chairman of the Council of the District of Columbia written notification thereof, describing the nature of the housing project, the benefits designed to result therefrom, as related to the public purposes of the Agency, and the criteria under which funds will be made available."

"(1) Each notification transmitted to the Chairman of the Council of the District of Columbia shall set forth information pertaining to the :

"(1) Date of application;

"(2) Name and description of the project;

"(3) Address and ward location of the project;

"(4) Developer of the project;

"(5) Amount and type of financing requested;

"(6) Amount and type of federal or District funds involved; and

"(7) The number of units reserved for very low, low and moderate income persons, income restrictions, and rent levels."

(2) Subsection (b)(1) is repealed.

ENROLLED ORIGINAL

(h) Section 301 (D.C. Code § 45-2121) is amended as follows:

Section
45-2121

(1) Paragraph (4) is amended by striking the phrase "an office "and inserting the phrase", through purchase or lease an office or offices" in its place.

(2) Paragraph (6) is amended to read as follows:

"(6) To make and execute contracts and all other instruments for the performance of its duties under this act;"

(3) A new paragraph (6A) is added to read as follows:

"(6A) To originate and service mortgage loans or contract for the origination and servicing of mortgage loans and loans."

(4) Paragraph (8) is amended by adding the phrase ", including State and Local Government Loans" after the word "loans."

(5) Paragraphs (10) and (11) are amended by striking the phrase "evidences of indebtedness" and inserting the word "obligations" in its place.

(6) Paragraph (13A) is added to read as follows:

"(13A) To make state and local government loans and enter into such agreements with the respective Eligible State and Local Government Units for the purpose of making a State or Local Government Loan on such terms and conditions as the Agency determines to be appropriate;"

(7) Paragraph (20) is amended to read as follows:

"(20) to make grants, or to convert loans to grants or to forgive loans, to make loans or mortgage loans, either directly or through mortgage lenders, for the purpose of assisting in developing, acquiring, constructing, rehabilitating or improving any housing project financing under this act; and"

(i) Section 302 (D.C. Code § 45-2122) is amended to read as follows:

Section
45-2122

"Sec. 302. Financing of housing projects.

"The Agency may make, issue commitments for, participate in making loans or mortgage loans to sponsors for the financing of housing projects for eligible persons. Such housing projects shall comply with all applicable requirements regarding tenant income mixtures, tenant income, the number of units reserved for very low, low and moderate income persons, and other requirements established by the Internal Revenue Service, the Department of Housing and Urban Development or other laws, rules and guidelines applicable under the Agency's plan of financing."

(j) Section 303 (D.C. Code § 45-2123) is amended to read as follows:

Section
45-2123

"Sec. 303. Financing of homeownership programs.

"The Agency may invest in, purchase, make commitments to purchase, take assignments from mortgage lenders, originate, and service mortgage loans either directly or through mortgage lenders pursuant to criteria established by the Agency under a Homeownership program. Such criteria shall comply with the requirements of the Internal Revenue Service, the Department of Housing and Urban Development or other laws, rules and guidelines applicable

ENROLLED ORIGINAL

under the Agency's plan of financing."

(k) Section 304 (D.C. Code § 45-2124) is repealed.

Section
45-2124
Section
45-2125

(l) Section 305 (D.C. Code § 45-2125) is amended to read as follows:

"Sec. 305. Supportive programs.

"The Agency may establish, administer or contract for the administration of any program which assists sponsors or eligible persons, "or Eligible State or Local Government Units", as determined by the Agency consistent with the declarations of policy under section 101 and the delegation of authority under section 206."

(m) Section 306 (D.C. Code § 45-2126) is amended to read as follows:

Section
45-2126

"Sec. 306. Rulemaking.

"The Agency shall establish rules and regulations to effectuate the purposes of this act."

(n) Section 307 (D.C. Code § 45-2127) is amended to read as follows:

Section
45-2127

"Sec. 307. Technical assistance, consultant services or loans.

"The Agency may provide eligible persons, sponsors or such individual, private or public corporation, association, group, organization, Eligible State or Local Government Unit, or any other entity with technical assistance, loans, grants or consultant services consistent with the authority of this act."

(o) section 402 (D.C. Code § 45-2132) is amended as follows:

Section
45-2132

(1) Subsection (a) is amended to read as follows:

"(a) Borrowing authority, -- The Agency may, by resolution, authorize the issuance of bonds and notes or other obligations ("bonds or notes") for undertakings authorized by this act. In addition, the Agency may issue notes to renew notes and bonds to pay notes, including, the interest thereon. Whenever expedient, the Agency may refund bonds, including bonds previously issued by other than the Agency, by the issuance of new bonds, regardless of whether the bonds to be refunded have matured. The Agency is the successor to any and all District of Columbia Section 11(b) bond issuing authority. The Agency may also issue bonds for a combination of refund, renewal, and financing programs authorized by this act."

(2) Subsection (b) is amended to read as follows:

"(b) Obligations of the Agency, --- Except as expressly provided otherwise by the Agency, bonds and notes of the Agency are obligations payable solely from revenues derived from the respective housing projects which such obligations are issued to finance, provided that bonds and notes of the Agency issued, in whole or in part, for the purpose of enabling the Agency to make State and Local Government Loans are obligations payable solely, to the extent issued for such purpose, from revenues derived from repayment of State and Local Government Loans made from proceeds of such bonds and notes. The Agency may expressly provide additional security by pledge or contribution from any source in accordance with D.C. Code § 47-327."

(3) Subsection (d) is amended to read as follows:

ENROLLED ORIGINAL

"(d) No personal Liability. ---No director, employee or agent of the Agency is personally liable solely because a bond, note or other obligation is issued. The Agency shall indemnify any person who shall have served as a commissioner, officer, or employee of the Agency against financial loss or litigation expense arising out of or in connection with any claim or suit involving allegations that pecuniary harm has been sustained as a result of any transaction authorized by this chapter, unless such person is found by a final judicial determination not to have acted in good faith and for a purpose which he reasonably believed to be lawful and in the best interest of the Agency."

(p) Section 403 (c)(2)(D.C. Code § 45-2133(c)(2)) is amended to read as follows:

Section
45-2133

"(2) The pledge of revenue securing payment;"

(q) Section 404(a) (D.C. Code § 45-2134(a)) is amended to read as follows:

Section
45-2134

"(a) Authority. --- The Agency may secure bonds, notes, or other obligations by a trust indenture between the Agency and a corporate trustee which has the authority to exercise corporate trust powers within the District."

(r) Section 405 (D.C. Code § 45-2135) is amended to read as follows:

Section
45-2135

"Sec. 405. Agency's purchase of its own bonds and notes; maximum price.

"Subject to pre-existing agreements with the holders of bonds, notes, or other obligations, the Agency may purchase its own bonds, notes, or other obligations which may then be cancelled upon such terms and conditions as established by the Agency.

"(1) if the bonds, notes, or other obligations are redeemable, the price cannot exceed the redemption price then applicable plus accrued interest to the next interest payment; or

"(2) If the bonds, notes, or other obligations are not redeemable, the price cannot exceed the redemption price applicable on the 1st date after the purchase upon which the bonds, notes or other obligations become subject to redemption plus accrued interest to that date."

(s) Section 408 (D.C. Code § 45-2138) is amended to read as follows:

Section
45-2138

"Sec. 408. Faith and credit and taxing power of District not pledged on obligation; statement thereto.

"Bonds, notes, and other obligations issued under the provisions of this act do not constitute an obligation of the District, but are payable solely from the revenues or assets of the Agency. Each bond, note, or other obligation issued under this act must contain on its face a statement that the Agency is not obligated to pay principal or interest except from the revenues or assets pledged and that neither the faith and credit nor the taxing power of the District is pledged to the payment of the principal or interest on a bond, note, or other obligation."

(t) Section 502 (D.C. Code § 45-2152) is amended to read as follows:

Section
45-2152

"Sec. 502. Advisory committees.

"The Agency, from time to time, may establish advisory committees or groups to advise the Agency with respect to matters the Agency shall designate and may appoint persons to serve

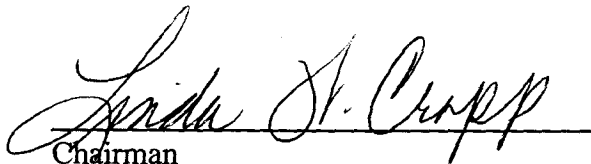
on such advisory committees or groups as the Agency may deem necessary consistent with the provisions of this act. The function of such committees or groups shall be solely advisory in nature, and no such committee or group shall have authority to act for, or on behalf, of the Agency."

Sec. 3. Fiscal impact statement.

The Housing Finance Agency is an independent, public instrumentality of the District of Columbia and supported by fees for service and grants. No local fiscal appropriation supports either the operating or capital budget of the Agency. Therefore, the proposed legislation will have no fiscal impact on the District's budget.

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.



Chairman

Council of the District of Columbia

Mayor
District of Columbia



Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 12-01-98

VOICE VOTE
RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ALL PRESENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

[Signature]
Date
December 10, 1998

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 12-15-98

VOICE VOTE
RECORDED VOTE ON REQUEST

APPROVED

ABSENT

THOMAS

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

[Signature]
Date
December 17, 1998

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE
RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date