WEST VIRGINIA CODE: §31-18-20A

§31-18-20a. Land development fund.

(a) The board of directors of the Housing Development Fund may create and establish a special revolving fund of moneys made available by appropriation, grant, contribution or loan, to be known as the land development fund and to be governed, administered and accounted for by the directors, officers and managerial staff of the Housing Development Fund as a special purpose account separate and distinct from any other moneys, fund or funds owned and managed by the Housing Development Fund.

(b) The purpose of the land development fund is to provide a source from which the Housing Development Fund may finance development costs and land development in this state by making loans or grants therefrom, such loans to be with or without interest and with such security for repayment as the Housing Development Fund deems reasonably necessary and practicable, or by expending moneys therefrom, for development costs and land development in this state.

(c) The Housing Development Fund may invest and reinvest all moneys in the land development fund in any investments authorized under section six of this article, pending the disbursement thereof in connection with the financing of development costs and land development in this state.

(d) No loans shall be made by the Housing Development Fund from the land development fund except in accordance with a written loan agreement which shall include, but not be limited to, the following terms and conditions:

(1) The proceeds of all such loans shall be used only for development costs and land development;

(2) All such loans shall be repaid in full, with or without interest, as provided in the agreement;

(3) All repayments shall be made concurrent with receipt by the borrower of the proceeds of a construction loan or mortgage, as the case may be, or at such other times as the Housing Development Fund deems reasonably necessary or practicable; and

(4) Specification of such security for repayments upon such terms and conditions as the Housing Development Fund deems reasonably necessary or practicable.

(e) No grants shall be made by the Housing Development Fund from the land development fund except in accordance with a written grant agreement which shall require that the proceeds of all such grants shall be used only for development costs or land development and containing such other terms and provisions as the Housing Development Fund may

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require to ensure that the public purposes of this article are furthered by such grant.

(f) The Housing Development Fund may expend any income from the financing of development costs and land development with moneys in the land development fund, and from investment of such moneys, in payment, or reimbursement, of all expenses of the Housing Development Fund which, as determined in accordance with procedures approved by the board of directors of the Housing Development Fund, are fairly allocable to such financing or its land-development activities: Provided, That no funds from the land development fund shall be used to carry on propaganda, or otherwise attempt to influence legislation.

(g) The Housing Development Fund shall create and establish a special account within the land development fund to be designated as the "special project account" into which the Housing Development Fund shall, effective July 1, 1992, deposit the sum of $10,000,000. Such funds shall be governed, administered and accounted for by the Housing Development Fund as a special purpose account separate and distinct from any other moneys, fund or funds owned or managed by the Housing Development Fund. The sole and exclusive purpose of such account is to provide a source of funds for the financing of infrastructure projects including distribution from time to time to the West Virginia water pollution control revolving fund created pursuant to section three, article two, chapter twenty-two-c of this code: Provided, That such distribution shall not exceed $5,450,000; and distribution from time to time to fund soil conservation projects: Provided, however, That such distribution shall not exceed $4,550,000. Until so disbursed, the moneys initially deposited or thereafter from time to time deposited in such special project account, may be invested and reinvested by the Housing Development Fund as permitted under subdivision (8), section six of this article. Any funds remaining in the special project account on July 1, 1995, shall automatically revert to the General Fund of the Housing Development Fund free of any limitations provided in this section. The provisions of subsections (c), (d), (e) and (f) of this section do not apply to the special project account created in this section.

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