

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1973

ENROLLED

Com. Sub.
SENATE BILL NO. 438

(By Mr. *Brotherton*, Mr. President,
and Mr. *Hubbard*)

PASSED April 11, 1973

In Effect from Passage

FILED IN THE OFFICE
EDGAR F. WEISKELL III
SECRETARY OF STATE
THIS DATE 5/3/73

438

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 438

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AN ACT to amend and reenact sections two, three, six, eight, eleven, twelve, twenty-one, twenty-two and twenty-four, article eighteen, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto two new sections, designated sections twenty-a and twenty-b, all relating to the West Virginia housing development fund; relating to legislative findings and purposes; setting forth new legislative findings and purposes and particularly concerning certain reasons for and effects from the shortage of decent, safe and sanitary residential housing in the state of West Virginia and the inadequacy of land development, including the extension and construction of water systems, non-polluting sewage systems, other utility facilities and off-highway streets and roads in the state of West Virginia; relating to the definition of certain terms; providing additional definitions; relating to the powers, authorities and rights of the housing development fund; providing new powers, authorities and rights particularly respecting types of loans which the housing development fund may make and the security for the repayment of borrowings the proceeds of which are used by the housing development fund to make certain loans; vesting in the housing development fund the rights, powers and authorities of a public housing authority; relating to notes and bonds issued under said article eighteen; relating to the provisions of authorizing resolutions; relating to the validity of any pledge, mortgage, deed of trust or security

instrument; authorizing the creation of a land development fund; relating to such land development fund generally; establishing a special fund in the state treasury under the supervision of the state sinking fund commission, such special fund to be known as the "mortgage finance bond insurance fund"; providing for deposit of certain moneys therein and payments therefrom; relating to such special fund generally; providing for appropriations to cover deficiencies in such special fund and reimbursements of the state from certain sources; providing prohibitions; relating to termination or dissolution of the housing development fund; relating to annual audit; requiring reports to the joint committee on government and finance; requiring the housing development fund to furnish other information upon demand of said joint committee or the legislative auditor; and providing a severability clause.

Be it enacted by the Legislature of West Virginia:

That sections two, three, six, eight, eleven, twelve, twenty-one, twenty-two and twenty-four, article eighteen, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto two new sections, designated sections twenty-a and twenty-b, all to read as follows:

ARTICLE 18. WEST VIRGINIA HOUSING DEVELOPMENT FUND.

§31-18-2. Legislative findings and purpose.

- 1 (a) The Legislature hereby finds and declares that as a
2 result of public actions involving highways, public facilities,
3 flood control projects and urban renewal activities, and as a
4 result of the spread of slum conditions and blight to form-
5 erly sound urban and rural neighborhoods, there exists in the
6 state of West Virginia a serious shortage of sanitary, decent
7 and safe residential housing available at low prices or rentals
8 to persons and families of low and moderate income. This
9 shortage is severe in certain urban areas of the state, is
10 especially critical in the rural areas of West Virginia, and is
11 inimical to the health, welfare and prosperity of all residents
12 of the state and to the sound growth of West Virginia com-
13 munities.
- 14 (b) The Legislature hereby finds and declares further that
15 private enterprise and investment have not been able to
16 produce, without assistance, the needed construction of san-
17 itary, decent and safe residential housing at low prices or

18 rentals which persons and families of low and moderate in-
19 come can afford, to provide sufficient long-term mortgage
20 financing for residential housing for occupancy by persons
21 and families of low and moderate income or to achieve the
22 urgently needed rehabilitation of much of the present low
23 and moderate income housing stock. It is imperative that
24 the supply of residential housing for persons and families
25 displaced by public actions or natural disaster be increased;
26 that private enterprise and investment be encouraged both
27 to sponsor land development for residential housing for
28 such persons and families and to sponsor, build and re-
29 habilitate residential housing for such persons and families;
30 and that private financing be supplemented by financing as
31 in this article provided, to help prevent the recurrence of
32 slum conditions and blight and assist in their permanent
33 elimination throughout West Virginia.

34 (c) The Legislature hereby finds and declares further
35 that experience has demonstrated that concentration in res-
36 idential housing developments, or residential housing areas,
37 of only persons and families who, without some form of
38 private or public assistance, do not have incomes sufficient
39 to afford sanitary, decent and safe residential housing, fre-
40 quently does not eliminate, or avoid, undesirable social
41 conditions and frequently does not permanently eliminate,
42 or avoid, slum conditions, and that in such instances oc-
43 cupancy of some of the residential housing units in such
44 residential housing developments, or residential housing
45 areas, by persons and families of higher income is desir-
46 able and beneficial in achieving the stated public purposes
47 for enacting this legislation.

48 (d) The Legislature hereby finds and declares further that
49 depressed economic conditions in this state and a related
50 lack of employment and business opportunities caused
51 thousands of people to leave this state to find employment
52 elsewhere; that such depressed economic conditions and re-
53 lated exodus of population adversely affected the property
54 tax base of this state, adversely affected the excise tax
55 base of this state, diminished the manpower resources of
56 this state necessary for modern mining, industrial and com-
57 mercial operations and development in this state, caused
58 the population of this state to include a disproportionately
59 high number of elderly, disabled and economically disad-

60 vantaged persons, resulted in the spread of slum conditions
61 and blight to formerly sound urban and rural neighborhoods,
62 retarded, and continue to retard, the repair and improve-
63 ment of existing residential housing and the construction of
64 new residential housing, adversely affected, and continue to
65 adversely affect, land development, including the exten-
66 sion and construction of water systems, non-polluting sewer
67 systems, other utility facilities and off-highway streets and
68 roads essential to new industrial, commercial and residen-
69 tial housing development, critically restricted, and continue
70 to critically restrict, the construction of public housing for
71 occupancy by persons and families at the lowest level of the
72 low and moderate income segment of the population of this
73 state, critically restricted, and continue to critically restrict,
74 the opportunities of persons and families at all levels of
75 the low and moderate income segment of the population of
76 this state for improved residential housing, either newly
77 constructed or which would normally become available to
78 them when vacated by persons and families of higher in-
79 come occupying newly constructed residential housing, and
80 critically restricted, and continue to critically restrict, the
81 construction of new residential housing, including, but not
82 limited to, nursing homes and intermediate care facilities,
83 of design and location suitable for occupancy by disabled
84 and by elderly persons; that as a result of public actions
85 involving highways, public facilities, flood control projects
86 and urban renewal activities undertaken as a part of the
87 programs of this state to improve economic conditions and
88 increase employment opportunities in this state with a view
89 to improving the health, welfare and prosperity of residents
90 of this state and reversing the outward movement of popu-
91 lation in this state, extensive areas which are suitable for
92 industrial, commercial and residential housing uses have
93 been, or in the near future will be, opened up for develop-
94 ment for such purposes but in many instances will be
95 without the land development, including water and non-
96 polluting sewer systems, other utility facilities and off-
97 highway street and road improvements essential to use of
98 the same for such purposes; that as a result of the unique
99 physical, economic, demographic and other characteristics
100 of this state, including its rugged mountainous terrain,
101 scarcity of land at low or moderate cost suitable for residen-
102 tial housing, low population density and cultural prefer-

103 ences which are not suited for the denser, larger-scale
104 housing projects typical of more urban areas and high costs
105 of land development and housing construction, the dif-
106 ficulties of providing land development, including water and
107 non-polluting sewer systems, other utility facilities and off-
108 highway streets and roads, and of providing residential
109 housing, are unusually severe within this state and have
110 restricted and continue to restrict, land development and
111 housing construction needed for the people of the state;
112 that as a direct consequence of the foregoing there exists
113 in this state a serious shortage of sanitary, decent and safe
114 residential housing available for occupancy by persons and
115 families of all but the highest income levels and there exists
116 in this state a serious shortage of water and non-polluting
117 sewer systems, other utility facilities and off-highway street
118 and road developments essential to utilization of land for
119 industrial, commercial and residential housing purposes
120 which, due to public actions involving highways, public
121 facilities, flood control projects and urban renewal activi-
122 ties, is, or will soon become, available for needed indust-
123 rial, commercial and residential housing purposes; that
124 these shortages are severe in certain urban areas of this
125 state, are especially critical in rural areas of this state
126 and are inimical to the present and future health, welfare
127 and prosperity of all residents of this state and to the
128 sound growth and development of communities in this
129 state; and that unless promptly remedied these shortages
130 will continue to seriously retard the sound economic growth
131 and development of this state, the related property tax
132 and excise tax bases of this state and the availability in
133 this state of manpower resources essential to modern
134 mining, industrial and commercial operations and develop-
135 ment which are essential to the health, welfare and pros-
136 perity of this state and its residents.

137 (e) The Legislature hereby finds and declares further
138 that private enterprise and investment have not been able
139 to produce, or provide mortgage financing for, sufficient
140 new sanitary, decent and safe residential housing at prices
141 or rentals low enough to enable sufficient persons and
142 families having incomes at or immediately above the higher
143 level of the low and moderate income segment of the
144 population of this state to occupy the same and thereby
145 provide opportunities for persons and families of lesser in-

146 come to occupy existing sanitary, decent and safe resi-
147 dential housing thereby vacated, have not been able to pro-
148 duce, or provide mortgage financing for, sufficient new
149 residential housing essential to retain and attract quali-
150 fied manpower resources in and to many areas of this state
151 where such resources are, or shortly will be, critically needed
152 for existing, expanding and new mining, industrial and
153 commercial operations and development, have not been
154 able to produce, or provide mortgage financing for, suf-
155 ficient new residential housing, including, but not limited
156 to, nursing homes and intermediate care facilities, of de-
157 sign and location suitable for occupancy by elderly and by
158 disabled persons, have not been able to finance sufficient
159 land development, including extensions or construction of
160 water and non-polluting sewer systems, other utility facili-
161 ties and off-highway streets and roads, essential to utiliza-
162 tion of undeveloped areas of this state for industrial, com-
163 mercial and residential housing purposes, and have not
164 been able to achieve urgently needed rehabilitation of much
165 of the present housing stock of this state; that it is im-
166 perative that the supply of residential housing necessary
167 to retain and attract qualified manpower resources in and
168 to many areas of this state where such resources are, or
169 shortly will be, critically needed for existing, expanding
170 and new mining, industrial and commercial operations and
171 developments be provided, that sufficient new residential
172 housing, including, without limitation, nursing homes and
173 intermediate care facilities, designed and located so as to
174 be suitable for occupancy by elderly persons and by dis-
175 abled persons be provided, that needed public housing for
176 occupancy by persons and families at the lowest level of
177 the low and moderate income segment of the population
178 of this state be provided, that land development, includ-
179 ing water and non-polluting sewer systems and other utili-
180 ties and off-highway streets and roads in this state neces-
181 sary or desirable for new commercial, industrial and
182 residential housing uses be provided, and that the existing
183 political subdivisions of this state, and private enterprise
184 and investment resources in this state, be encouraged to
185 sponsor and finance land development, including water and
186 non-polluting sewer systems, other utilities and off-highway
187 streets and roads, and to finance, construct and rehabilitate
188 such residential housing; and that it is necessary that such

189 efforts be supplemented by this state as in this article
190 provided.

191 (f) The Legislature hereby finds and declares further that
192 political subdivisions in West Virginia which are presently
193 authorized and empowered by law to acquire, construct,
194 operate and manage public housing projects have not been
195 able to acquire and construct, even with available federal
196 and state assistance, public housing projects sufficient to
197 fulfill the needs for sanitary, decent and safe residential
198 housing for occupancy by persons and families at the
199 lowest level of the low and moderate income segment of
200 the population of this state who have been entitled to
201 occupy public housing in many smaller municipalities in
202 West Virginia and especially in the rural areas of West
203 Virginia; that the primary cause of such shortage of
204 needed public housing projects is the inability of such
205 political subdivisions to remedy such shortages because the
206 number of units of public housing needed within its ter-
207 ritorial jurisdiction is not sufficient to generate, and justify
208 the expenditure of, adequate funds to provide the requi-
209 site arranging of financing for, and planning, development,
210 acquisition, construction, operation and management of
211 such public housing; and that the acquisition, construction,
212 planning, development, financing and management of pub-
213 lic housing projects in this state by a governmental in-
214 strumentality and public body corporate with statewide
215 jurisdiction as authorized herein will permit or facilitate the
216 arranging of financing for, and planning, development,
217 acquisition, construction, operation or management of pub-
218 lic housing units, even though such units are included in
219 several projects each of which contains a relatively small
220 number of such units, sufficient in the aggregate to gener-
221 ate, and justify the expenditure of, sufficient funds to
222 provide the requisite arranging of financing for, and plan-
223 ning, development, acquisition, construction, operation and
224 management of such public housing, thereby providing
225 the means to alleviate the existing shortages of public
226 housing in many municipalities in West Virginia and in
227 the rural areas of West Virginia.

228 (g) The Legislature hereby finds and declares further
229 that its intention by enacting this legislation is to provide
230 for the continuation of the West Virginia housing develop-

231 ment fund, the corporate purpose of which is to provide
232 financing for development costs and land development to
233 public and private sponsors of land development in this
234 state; further to provide federally insured construction
235 loans to public and private sponsors of land development
236 or to public and private sponsors of residential housing
237 for occupancy by eligible persons and families; further to
238 provide uninsured construction loans to public and private
239 sponsors of land development or to public and private
240 sponsors of residential housing for occupancy by eligible
241 persons and families or to eligible persons and families
242 who may construct such housing; further to provide long-
243 term federally insured mortgage loans to public and pri-
244 vate sponsors of residential housing for occupancy by eli-
245 gible persons and families and to eligible persons and
246 families who may purchase or construct such housing;
247 further to provide long-term uninsured mortgage loans
248 to public and private sponsors of residential housing for
249 occupancy by eligible persons and families and to eligible
250 persons and families who may purchase or construct such
251 housing; further to provide technical, consultative and pro-
252 ject assistance service to public and private sponsors of
253 such land development or residential housing; further to
254 increase the construction of residential housing for oc-
255 cupancy by eligible persons and families through partici-
256 pating in the making of, or the making of, loans to
257 mortgagees approved by the housing development fund,
258 and taking as collateral security therefor, or purchasing,
259 or investing in long-term federal mortgages or federally
260 insured mortgages, or uninsured mortgages, on residential
261 housing constructed in this state, thereby increasing the
262 supply of funds for long-term mortgage financing of resi-
263 dential housing for occupancy by eligible persons and
264 families and freeing funds for use in short-term construc-
265 tion financing of residential housing for occupancy by
266 eligible persons and families; further to plan, develop,
267 finance, acquire, construct, mortgage or otherwise encum-
268 ber, operate, manage, sell, lease or otherwise dispose of
269 public housing projects; and finally to assist in coordinat-
270 ing federal, state, regional and local public and private
271 efforts and resources to otherwise increase the supply
272 of such residential housing.

273 (h) The Legislature hereby finds and declares further

274 that in accomplishing this purpose, the West Virginia
275 housing development fund, heretofore created and estab-
276 lished by this article, is acting in all respects for the bene-
277 fit of the people of the state of West Virginia to serve
278 a public purpose in improving and otherwise promoting
279 their health, welfare and prosperity, and that the West
280 Virginia housing development fund, heretofore created and
281 established, is empowered, hereby, to act on behalf of
282 the state of West Virginia and its people in serving this
283 public purpose for the benefit of the general public.

§31-18-3. Definitions.

1 As used in this article, unless the context otherwise re-
2 quires:

3 (1) "Annual sinking fund payment" means the amount of
4 money specified in the resolution or resolutions authorizing
5 term bonds as payable into a sinking fund during a partic-
6 ular calendar year for the retirement of term bonds at
7 maturity after such calendar year, but shall not include any
8 amount payable by reason only of the maturity of a bond;

9 (2) "Development costs" means the costs approved by
10 the housing development fund as appropriate expenditures
11 by the housing development fund, by sponsors of land devel-
12 opment for residential housing, or by sponsors of residential
13 housing, within this state, including but not limited to:

14 (a) Payments for options to purchase properties on the
15 proposed residential housing site, deposits on contracts of
16 purchase, or, with prior approval of the housing develop-
17 ment fund, payments for the purchase of such properties;

18 (b) Legal and organizational expenses, including payments
19 of attorneys' fees, project manager and clerical staff salaries,
20 office rent and other incidental expenses;

21 (c) Payment of fees for preliminary feasibility studies and
22 advances for planning, engineering and architectural work;

23 (d) Expenses for tenant surveys and market analyses; and

24 (e) Necessary application and other fees;

25 (3) "Eligible persons and families" means:

26 (a) Persons and families of low and moderate income;
27 or

28 (b) Persons or families of higher income to the extent
29 the housing development fund shall find and determine,

30 by resolution, that construction of new or rehabilitated
31 residential housing for occupancy by them will cause to be
32 vacated existing sanitary, decent and safe residential hous-
33 ing available at prices or rentals which persons and fami-
34 lies of low and moderate income can afford; or

35 (c) Persons who because of age or physical disability
36 are found and determined by the housing development fund,
37 by resolution, to require residential housing of a special
38 location or design in order to provide them with sanitary,
39 decent and safe residential housing; or

40 (d) Persons and families for whom, as found and deter-
41 mined by the housing development fund by resolution, con-
42 struction of new or rehabilitated residential housing in
43 some designated area or areas of the state is necessary
44 for the purpose of retaining in, or attracting to, such area
45 or areas qualified manpower resources essential to modern
46 mining, industrial and commercial operations and develop-
47 ment in such area or areas;

48 (4) "Federally insured construction loan" means a con-
49 struction loan for land development for residential housing
50 or for residential housing which is either secured by a
51 federally insured mortgage or a federal mortgage, or which
52 is insured by the United States or an instrumentality there-
53 of, or a commitment by the United States or an instrumen-
54 tality thereof to insure such a loan;

55 (5) "Federally insured mortgage" means a mortgage
56 loan for land development for residential housing or for
57 residential housing insured or guaranteed by the United
58 States or an instrumentality thereof, or a commitment by
59 the United States or an instrumentality thereof to insure
60 such a mortgage;

61 (6) "Federal mortgage" means a mortgage loan for
62 land development for residential housing or for residential
63 housing made by the United States or an instrumentality
64 thereof, or a commitment by the United States or an in-
65 strumentality thereof to make such a mortgage loan;

66 (7) "Housing development fund" means the West Vir-
67 ginia housing development fund heretofore created and es-
68 tablished by section four of this article;

69 (8) "Land development" means the process of acquiring
70 land for residential housing construction and of making,

71 installing or constructing nonresidential housing improve-
72 ments, including waterlines and water supply installations,
73 sewer lines and sewage disposal installations, steam, gas
74 and electric lines and installations, roads, streets, curbs,
75 gutters, sidewalks, whether on or off the site, which the
76 housing development fund deems necessary or desirable to
77 prepare such land for residential housing construction
78 within this state;

79 (9) "Land development fund" means the land develop-
80 ment fund which may be created and established by the
81 housing development fund in accordance with section
82 twenty-a of this article;

83 (10) "Minimum bond insurance requirement" means, as
84 of any particular date of computation, an amount of money
85 equal to the greatest of the respective amounts, for the then
86 current or any future calendar year, of annual debt service
87 of the housing development fund on all outstanding mort-
88 gage finance bonds, such annual debt service for any calen-
89 dar year being the amount of money equal to the aggre-
90 gate of (a) all interest payable during such calendar year
91 on such mortgage finance bonds on said date of com-
92 putation, plus (b) the principal amount of such mortgage
93 finance bonds outstanding which matures during such calen-
94 dar year, other than mortgage finance bonds for which
95 annual sinking fund payments have been or are to be made
96 in accordance with the resolution authorizing such bonds,
97 plus (c) the amount of all annual sinking fund payments
98 payable during such calendar year with respect to any such
99 mortgage finance bonds, all calculated on the assumption
100 that bonds will after said date of computation cease to be
101 outstanding by reason, but only by reason, of the payment
102 of bonds when due, and the payment when due and ap-
103 plication in accordance with the resolution authorizing such
104 bonds of all such sinking fund payments payable at or
105 after said date of computation;

106 (11) "Mortgage finance bonds" means bonds issued or
107 to be issued by the housing development fund and secured
108 by a pledge of amounts payable from the mortgage finance
109 bond insurance fund in the manner and to the extent pro-
110 vided in section twenty-b of this article;

111 (12) "Mortgage finance bond insurance fund" means
112 the special trust fund created and established in the state

113 treasury in accordance with section twenty-b of this article;

114 (13) "Operating loan fund" means the operating loan
115 fund which may be created and established by the housing
116 development fund in accordance with section nineteen of
117 this article;

118 (14) "Persons and families of low and moderate income"
119 means persons and families, irrespective of race, creed, na-
120 tional origin or sex, determined by the housing develop-
121 ment fund to require such assistance as is made available
122 by this article on account of personal or family income
123 not sufficient to afford sanitary, decent and safe housing,
124 and to be eligible or potentially eligible to occupy resi-
125 dential housing constructed and financed, wholly or in
126 part, with federally insured construction loans, federally
127 insured mortgages, federal mortgages or with other public
128 or private assistance, or with uninsured construction loans,
129 or uninsured mortgage loans, and in making such deter-
130 mination the fund shall take into account the following:

131 (a) The amount of the total income of such persons and
132 families available for housing needs, (b) the size of the
133 family, (c) the cost and condition of housing facilities
134 available, (d) the eligibility of such persons and families
135 for federal housing assistance of any type predicated upon
136 low or moderate income basis, and (e) the ability of such
137 persons and families to compete successfully in the normal
138 housing market and to pay the amounts at which private
139 enterprise is providing sanitary, decent and safe housing:
140 *Provided*, That to the extent found and determined by the
141 housing development fund, by resolution, to be necessary
142 or appropriate for the purposes of eliminating undesirable
143 social conditions and permanently eliminating slum condi-
144 tions, the income limitation requirements of this article
145 may be waived as to any persons or families who are
146 eligible to occupy residential housing constructed in whole,
147 or in part, with federally insured construction loans,
148 federally insured mortgages or federal mortgages under
149 housing assistance or mortgage insurance programs of the
150 United States, or an instrumentality thereof, predicated
151 upon any low or moderate income basis;

152 (15) "Residential housing" means a specific work or im-
153 provement within this state undertaken primarily to provide
154 dwelling accommodations, including the acquisition, con-

155 struction or rehabilitation of land, buildings and improve-
156 ments thereto, for residential housing, including, but not
157 limited to nursing homes and intermediate care facilities,
158 and such other non-housing facilities as may be incidental
159 or appurtenant thereto;

160 (16) "Special bond insurance commitment fee" means
161 a fee in the amount of one per centum of the total princi-
162 pal amount of each loan which is to be temporarily or
163 permanently financed from the proceeds of mortgage
164 finance bonds, other than a federally insured construction
165 loan, a federally insured mortgage or a federal mortgage,
166 or an amount equal to an equivalent discount on each loan
167 purchased or invested in by the housing development
168 fund from the proceeds of mortgage finance bonds, other
169 than a federally insured construction loan, a federally in-
170 sured mortgage or a federal mortgage, and which may be
171 payable from the proceeds of such bonds or any other
172 source available to the housing development fund for
173 such use: *Provided, however,* That if the period of time
174 between the first disbursement of proceeds of such loan
175 and the date upon which it is specified that the first
176 repayment of principal of such a loan shall be payable
177 exceeds twelve months, an additional amount computed on
178 the basis of one-twelfth of one per centum per month on
179 the total principal amount of such loan over the number
180 of months of such period of time in excess of twelve
181 months shall be included in such fee;

182 (17) "Special bond insurance premium" means (i) a
183 fee at the rate of one-half of one percent per annum on
184 the outstanding principal balance which the housing de-
185 velopment fund shall charge the borrower of a mortgage
186 loan, or of a loan secured by a mortgage, financed from
187 the proceeds of mortgage finance bonds, other than a fed-
188 erally insured construction loan, a federally insured mort-
189 gage or a federal mortgage, which shall accrue from a date
190 which is one month prior to the date on which the first
191 installment payment of principal of such a loan is payable
192 and which shall be payable thereafter in monthly install-
193 ments on the same day of each successive month that in-
194 stallment payments of principal of such a loan are payable,
195 and (ii) with respect to any loan, other than a federally
196 insured construction loan, a federally insured mortgage

197 or a federal mortgage, purchased, or invested in with such
198 proceeds, an equivalent amount which the housing develop-
199 ment fund shall set aside from payments it receives on
200 such loan or from any other source available to the housing
201 development fund for such use;

202 (18) "State sinking fund commission" means the com-
203 mission known as such and continued in existence pur-
204 suant to article three, chapter thirteen of this code and
205 any body, board, person or commission which shall, by
206 law, hereafter succeed to the powers and duties of such
207 commission;

208 (19) "Uninsured construction loan" means a construc-
209 tion loan for land development or for residential housing
210 which is not secured by either a federally insured mortgage
211 or a federal mortgage, and which is not insured by the
212 United States or an instrumentality thereof, and as to
213 which there is no commitment by the United States or an
214 instrumentality thereof to provide insurance;

215 (20) "Uninsured mortgage" and "uninsured mortgage
216 loan" means a mortgage loan for land development or for
217 residential housing which is not insured or guaranteed by
218 the United States or an instrumentality thereof, and as to
219 which there is no commitment by the United States or an
220 instrumentality thereof to provide insurance.

§31-18-6. Corporate powers.

1 The housing development fund is hereby granted, has and
2 may exercise all powers necessary or appropriate to carry
3 out and effectuate its corporate purpose, including, but
4 not limited to the following:

5 (1) To make or participate in the making of federally
6 insured construction loans to sponsors of land development
7 for residential housing for occupancy by eligible persons
8 and families or to sponsors of residential housing for oc-
9 cupancy by eligible persons and families. Such loans shall
10 be made only upon determination by the housing develop-
11 ment fund that construction loans are not otherwise avail-
12 able, wholly or in part, from private lenders upon reason-
13 ably equivalent terms and conditions;

14 (2) To make temporary loans, with or without interest,
15 but with such security for repayment as the housing

16 development fund determines reasonably necessary and
17 practicable, from the operating loan fund, if created, establish-
18 ed, organized and operated in accordance with the pro-
19 visions of section nineteen of this article, to defray
20 development costs to sponsors of land development for
21 residential housing for occupancy by persons and
22 families of low and moderate income or residential housing
23 construction for occupancy by persons and families of low
24 and moderate income which is eligible or potentially
25 eligible for federally insured construction loans, federally
26 insured mortgages, federal mortgages, or uninsured con-
27 struction loans or uninsured mortgage loans;

28 (3) To make or participate in the making of long-term
29 federally insured mortgage loans to sponsors of residential
30 housing for occupancy by eligible persons and families, or to
31 eligible persons and families, who may purchase or construct
32 such residential housing. Such loans shall be made only upon
33 determination by the housing development fund that long-term
34 mortgage loans are not otherwise available, wholly or in
35 part, from private lenders upon reasonably equivalent terms
36 and conditions;

37 (4) To accept appropriations, gifts, grants, bequests and
38 devises, and to utilize or dispose of the same to carry
39 out its corporate purpose;

40 (5) To make and execute contracts, releases, compromises,
41 compositions and other instruments necessary or convenient
42 for the exercise of its powers, or to carry out its corporate
43 purpose;

44 (6) To collect reasonable fees and charges in connection
45 with making and servicing its loans, notes, bonds, obligations,
46 commitments and other evidences of indebtedness, and in
47 connection with providing technical, consultative and project
48 assistance services. Such fees and charges shall be
49 limited to the amounts required to pay the costs of the
50 housing development fund, including operating and administra-
51 tive expenses, and reasonable allowances for losses which
52 may be incurred;

53 (7) To invest any funds not required for immediate dis-
54 bursement in any of the following securities:

55 (i) Direct obligations of or obligations guaranteed by the
56 United States of America;

57 (ii) Bonds, debentures, notes or other evidences of indebted-
58 ness issued by any of the following agencies: bank for
59 cooperatives; federal intermediate credit banks; federal home
60 loan bank system; Export-Import Bank of the United States;
61 federal land banks; the Federal National Mortgage Associa-
62 tion or the Government National Mortgage Association;

63 (iii) Public housing bonds issued by public agencies or
64 municipalities and fully secured as to the payment of both
65 principal and interest by a pledge of annual contributions
66 under an annual contributions contract or contracts with
67 the United States of America; or temporary notes issued
68 by public agencies or municipalities or preliminary loan
69 notes issued by public agencies or municipalities, in each
70 case, fully secured as to the payment of both principal
71 and interest by a requisition or payment agreement with the
72 United States of America;

73 (iv) Certificates of deposit secured by obligations of the
74 United States of America;

75 (v) Direct obligations of or obligations guaranteed by the
76 state of West Virginia;

77 (vi) Direct and general obligations of any other state
78 within the territorial United States, to the payment of the
79 principal of and interest on which the full faith and credit
80 of such state is pledged: *Provided*, That at the time of
81 their purchase, such obligations are rated in either of the
82 two highest rating categories by a nationally recognized bond
83 rating agency; and

84 (vii) Any fixed interest bond, note or debenture of any
85 corporation organized and operating within the United States:
86 *Provided, however*, That such corporation shall have a
87 minimum net worth of fifteen million dollars and its securities
88 or its parent corporation's securities are listed on one or
89 more of the national stock exchanges: *And provided further*,
90 That (1) such corporation has earned a profit in eight of
91 the preceding ten fiscal years as reflected in its statements,
92 and (2) such corporation has not defaulted in the payment
93 of principal or interest on any of its outstanding funded
94 indebtedness during its preceding ten fiscal years, and (3)
95 the bonds, notes or debentures of such corporation to be
96 purchased are rated "AA" or the equivalent thereof or
97 better than "AA" or the equivalent thereof by at least two
98 or more nationally recognized rating services such as Standard

99 and Poor's, Dun & Bradstreet or Moody's;

100 (8) To sue and be sued;

101 (9) To have a seal and alter the same at will;

102 (10) To make, and from time to time, amend and repeal
103 bylaws and rules and regulations not inconsistent with the
104 provisions of this article;

105 (11) To appoint such officers, employees and consultants
106 as it deems advisable and to fix their compensation and
107 prescribe their duties;

108 (12) To acquire, hold and dispose of personal property
109 for its corporate purposes;

110 (13) To enter into agreements or other transactions with
111 any federal or state agency, any person and any domestic or
112 foreign partnership, corporation, association or organization;

113 (14) To acquire real property, or an interest therein, in
114 its own name, by purchase or foreclosure, where such
115 acquisition is necessary or appropriate to protect any loan
116 in which the housing development fund has an interest and
117 to sell, transfer and convey any such property to a buyer
118 and, in the event such sale, transfer or conveyance cannot
119 be effected with reasonable promptness or at a reasonable
120 price, to lease such property to a tenant;

121 (15) To sell, at public or private sale, any mortgage
122 or other negotiable instrument or obligation securing a
123 construction, land development, mortgage or temporary loan;

124 (16) To procure insurance against any loss in connection
125 with its property in such amounts, and from such insurers,
126 as may be necessary or desirable;

127 (17) To consent, whenever it deems it necessary or
128 desirable in the fulfillment of its corporate purpose, to the
129 modification of the rate of interest, time of payment or any
130 installment of principal or interest, or any other terms, of
131 mortgage loan, mortgage loan commitment, construction loan,
132 temporary loan, contract or agreement of any kind to which
133 the housing development fund is a party;

134 (18) To make and publish rules and regulations respecting
135 its federally insured mortgage lending, uninsured mortgage
136 lending, construction lending and lending to defray develop-
137 ment costs and any such other rules and regulations as are

138 necessary to effectuate its corporate purpose;

139 (19) To borrow money to carry out and effectuate its
140 corporate purpose and to issue its bonds or notes as
141 evidence of any such borrowing in such principal amounts
142 and upon such terms as shall be necessary to provide
143 sufficient funds for achieving its corporate purpose, except
144 that no notes shall be issued to mature more than ten years
145 from date of issuance and no bonds shall be issued to
146 mature more than fifty years from date of issuance;

147 (20) To issue renewal notes, to issue bonds to pay
148 notes and, whenever it deems refunding expedient, to re-
149 fund any bonds by the issuance of new bonds, whether
150 the bonds to be refunded have or have not matured except
151 that no such renewal notes shall be issued to mature more
152 than ten years from date of issuance of the notes renewed
153 and no such refunding bonds shall be issued to mature
154 more than fifty years from the date of issuance;

155 (21) To apply the proceeds from the sale of renewal
156 notes or refunding bonds to the purchase, redemption or
157 payment of the notes or bonds to be refunded;

158 (22) To provide technical services to assist in the planning,
159 processing, design, construction or rehabilitation of residential
160 housing for occupancy by eligible persons and families
161 or land development for residential housing for occupancy
162 by eligible persons and families;

163 (23) To provide consultative project assistance services for
164 residential housing for occupancy by eligible persons and
165 families and for land development for residential housing
166 for occupancy by eligible persons and families and for the
167 residents thereof with respect to management, training and
168 social services;

169 (24) To promote research and development in scientific
170 methods of constructing low cost residential housing of
171 high durability;

172 (25) With the proceeds from the issuance of notes or
173 bonds of the housing development fund, including, but not
174 limited to, mortgage finance bonds, or with other funds
175 available to the housing development fund for such purpose,
176 to participate in the making of or to make loans to
177 mortgagees approved by the housing development fund
178 and take such collateral security therefor as is approved

179 by the housing development fund and to invest in, pur-
180 chase, acquire, sell or participate in the sale of, or take
181 assignments of, notes and mortgages, evidencing loans for
182 the construction, rehabilitation, purchase or refinancing
183 residential housing in this state: *Provided*, That the hous-
184 ing development fund shall obtain such written assur-
185 ances as shall be satisfactory to it that the proceeds of
186 such loans, investments or purchases will be used, as
187 nearly as practicable, for the making of or investment in
188 long-term federally insured mortgage loans or federally
189 insured construction loans, uninsured mortgage loans, or
190 uninsured construction loans, for residential housing for
191 occupancy by eligible persons and families in this state or
192 that other moneys in an amount approximately equal to
193 such proceeds shall be committed and used for such purpose;

194 (26) To make or participate in the making of uninsured
195 construction loans to sponsors of land development for
196 residential housing for occupancy by eligible persons and
197 families or to sponsors of residential housing for occupancy
198 by eligible persons and families, or to eligible persons and
199 families who may construct such housing. Such loans shall
200 be made only upon determination by the housing develop-
201 ment fund that construction loans are not otherwise available,
202 wholly or in part, from private lenders upon reasonably
203 equivalent terms and conditions;

204 (27) To make or participate in the making of long-term
205 uninsured mortgage loans to sponsors of residential housing
206 for occupancy by eligible persons and families, or to
207 eligible persons and families who may purchase or construct
208 such residential housing. Such loans shall be made only
209 upon determination by the housing development fund that
210 long-term mortgage loans are not otherwise available, wholly
211 or in part, from private lenders upon reasonably equivalent
212 terms and conditions;

213 (28) To obtain options to acquire and to acquire real
214 property, or any interest therein, in its own name, by
215 purchase, or lease, or otherwise, which is found by the
216 housing development fund to be suitable, or potentially
217 suitable, as a site, or as part of a site, for the construction
218 of residential housing; to hold such real property; to make
219 loans to finance the performance of land development
220 activities on or in connection with any such real property

221 or to perform land development activities on or in connection
222 with any such real property; to sponsor the development of
223 residential housing for occupancy by eligible persons and
224 families on such real property; and to sell, transfer and
225 convey, lease or otherwise dispose of such real property,
226 or lots, tracts or parcels of such real property, or residential
227 housing, for such prices, upon such terms, conditions and
228 limitations, and at such time or times as the housing
229 development fund shall determine, to sponsors of residential
230 housing: *Provided, however,* That if the housing development
231 fund shall determine that any such real property or any
232 lots, tracts or parcels of such real property are not at
233 any time or times needed for present or future residential
234 housing, the housing development fund may sell, transfer
235 and convey, lease or otherwise dispose of the same, to such
236 purchasers or lessees, for such prices, upon such terms,
237 conditions and limitations, and for such uses and purposes
238 as the housing development fund shall determine;

239 (29) To make loans, with or without interest, but with
240 such security for repayment as the housing development fund
241 determines reasonably necessary and practicable from the
242 land development fund, if created, established, organized
243 and operated in accordance with the provisions of section
244 twenty-a of this article, to sponsors of land development,
245 to defray development costs and other costs of land develop-
246 ment; and

247 (30) To exercise all of the rights, powers and authorities
248 of a public housing authority as set forth and provided in
249 article fifteen, chapter sixteen of this code in any area
250 or areas of the state which the housing development fund
251 shall determine by resolution to be necessary or appro-
252 priate.

§31-18-8. Notes and bonds as negotiable instruments.

1 The notes and bonds shall be and hereby are made
2 negotiable instruments under the provisions of article eight,
3 chapter forty-six of this code, subject only to the provisions
4 of the notes or bonds for registration, unless otherwise
5 provided by resolution of the housing development fund.

§31-18-11. Authorizing resolutions.

1 Any resolution or resolutions authorizing any notes or
2 bonds, or any issue thereof, may contain provisions, which

3 shall be a part of the contract with the holders thereof,
4 as to:

5 (1) Pledging all or part of the mortgage or deed of trust
6 payments, charges and other fees made or received by the
7 housing development fund and other moneys received or to
8 be received to secure the payment of the notes or bonds
9 or of any issue thereof, subject to such agreements with
10 bondholders or noteholders as may then exist;

11 (2) Pledging all or any part of the assets of the housing
12 development fund to secure the payment of the notes or
13 bonds or any issue of notes or bonds, subject to such
14 agreements with bondholders or noteholders as may then
15 exist;

16 (3) Pledging as security, or as part of the security, for
17 the payment of any mortgage finance bonds, including, but
18 not limited to mortgage finance bonds issued to pay
19 outstanding notes, amounts payable from the mortgage
20 finance bond insurance fund;

21 (4) The setting aside of reserves or sinking funds and the
22 regulation and disposition thereof;

23 (5) Limitations on the purpose to which the proceeds of
24 sale of notes or bonds may be applied and pledging
25 such proceeds to secure the payments of the notes or
26 bonds or of any issue thereof;

27 (6) Limitations on the issuance of additional notes or
28 bonds; the terms upon which additional notes or bonds may
29 be issued and secured; and the refunding of outstanding
30 or other notes or bonds;

31 (7) The procedure, if any, by which the terms of any contract
32 with noteholders or bondholders may be amended or abrogat-
33 ed, the amount of notes or bonds the holders of which
34 must consent thereto, and the manner in which such consent
35 may be given;

36 (8) Limitations on the amount of moneys to be expended
37 by the housing development fund for operating, administrative
38 or other expenses of the housing development fund;

39 (9) Vesting in a trustee or trustees such property, rights,
40 powers and duties of any trustee appointed by the bond-
41 holders pursuant to section sixteen of this article, and limit-
42 ing or abrogating the right of the bondholders to appoint

43 a trustee under section sixteen of this article or limiting
44 the rights, powers and duties of such trustee; and

45 (10) Any other matters, of like or different character,
46 which in any way affect the security or protection of the
47 notes or bonds.

§31-18-12. Validity of any pledge, mortgage, deed of trust or security instrument.

1 It is the intention hereof that any pledge, mortgage, deed
2 of trust or security instrument made by or for the benefit
3 of the housing development fund, including, but not limited
4 to amounts in the mortgage finance bond insurance fund,
5 shall be valid and binding between the parties from the time
6 the pledge, mortgage, deed of trust or security instrument is
7 made; and that the moneys or property so pledged, en-
8 cumbered, mortgaged or entrusted shall immediately be subject
9 to the lien of such pledge, mortgage, deed of trust or security
10 instrument without any physical delivery thereof or further
11 act. The lien of such pledge shall be valid and binding
12 against all parties having claims of any kind in tort, contract,
13 or otherwise, irrespective of whether such parties have notice
14 of the lien of such pledge. Nothing herein shall be construed
15 to prohibit the housing development fund from selling any
16 property subject to any such pledge, mortgage, deed of
17 trust or security instrument. Such property is not to be sold
18 for less than its fair market value.

§31-18-20a. Land development fund.

1 (a) The board of directors of the housing development fund
2 may create and establish a special revolving fund of moneys
3 made available by appropriation, grant, contribution or loan,
4 to be known as the land development fund and to be
5 governed, administered and accounted for by the directors,
6 officers and managerial staff of the housing development
7 fund as a special purpose account separate and distinct
8 from any other moneys, fund or funds owned and managed
9 by the housing development fund.

10 (b) The purpose of the land development fund shall be to
11 provide a source from which the housing development fund
12 may finance development costs and land development in this
13 state by making loans therefrom, with or without interest
14 and with such security for repayment as the housing develop-
15 ment fund deems reasonably necessary and practicable, or by

16 expending moneys therefrom, for development costs and land
17 development in this state.

18 (c) The housing development fund may invest and reinvest
19 all moneys in the land development fund in any investments
20 authorized under section six of this article, pending the
21 disbursement thereof in connection with the financing of
22 development costs and land development in this state.

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

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

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

31 (3) All repayments shall be made concurrent with receipt
32 by the borrower of the proceeds of a construction loan or
33 mortgage, as the case may be, or at such other times as
34 the housing development fund deems reasonably necessary or
35 practicable; and

36 (4) Specification of such security for repayments upon such
37 terms and conditions as the housing development fund deems
38 reasonably necessary or practicable.

39 (e) The housing development fund may expend any income
40 from the financing of development costs and land development
41 with moneys in the land development fund, and from invest-
42 ment of such moneys, in payment, or reimbursement, of all
43 expenses of the housing development fund which, as determin-
44 ed in accordance with procedures approved by the board of
45 directors of the housing development fund, are fairly allocable
46 to such financing or its land development activities: *Provided,*
47 That no funds from the land development fund shall be used
48 to carry on propaganda, or otherwise attempt to influence
49 legislation.

§31-18-20b. Mortgage finance bond insurance fund.

1 (a) There is hereby created and established in the state
2 treasury a special trust fund to be designated the "mortgage
3 finance bond insurance fund" into and from which moneys
4 shall be paid as provided in this section. The mortgage
5 finance bond insurance fund shall be under the supervision

6 and control of the state sinking fund commission and all
7 moneys and securities held therein or investments thereof
8 shall be held in trust subject to use and application only as
9 provided herein and in the resolution or resolutions of the
10 housing development fund authorizing the issuance of any
11 mortgage finance bonds, notwithstanding any other provision
12 of law. The mortgage finance bond insurance fund shall be
13 kept separate and apart from all other moneys and funds of
14 the state and the housing development fund is hereby author-
15 ized to pledge any amount or amounts held therein to the
16 payment of the principal (including annual sinking fund
17 payments) of, and interest on, mortgage finance bonds in the
18 manner and to the extent and on such terms and con-
19 ditions as may be provided by the housing development
20 fund.

21 (b) In addition to any other fees and charges which the
22 housing development fund may charge on loans, it shall
23 charge on all loans or mortgages made or purchased with
24 the proceeds of sale of mortgage finance bonds, except
25 federally insured construction loans, federally insured mort-
26 gages, or federal mortgages, a special bond insurance
27 commitment fee and special bond insurance premiums.
28 The special bond insurance commitment fees and special
29 bond insurance premiums so charged shall be remitted to
30 the state sinking fund commission, promptly after the
31 last day of each calendar quarter, by the housing develop-
32 ment fund, or by any trustee, trustees, agent or agents
33 designated by the housing development fund to receive
34 the same and shall be held, invested and, together with
35 all investment income thereon, reinvested by the state
36 sinking fund commission in investments authorized under
37 section six of this article.

38 (c) Simultaneously with the issuance of any mortgage
39 finance bonds, the housing development fund shall cause to
40 be deposited in the mortgage finance bond insurance fund
41 an amount of the proceeds of sale and delivery of such
42 mortgage finance bonds which together with the sum of
43 the amount then on deposit in the mortgage finance bond
44 insurance fund and in reserves theretofore or then set aside
45 with a trustee or trustees and held pursuant to the resolution
46 or resolutions authorizing the issuance of such bonds only for
47 the payment of designated mortgage finance bonds prior to,

48 or at, their maturity, shall equal the minimum bond insurance
49 requirement. Except as provided in subsection (e) of this
50 section, amounts on deposit in the mortgage finance bond
51 insurance fund which are in excess of the minimum bond
52 insurance requirement may be withdrawn from the mortgage
53 finance bond insurance fund and paid to or upon the
54 order of the housing development fund upon thirty days
55 notice in writing to the state sinking fund commission.
56 For the purposes of determining any amounts held in the
57 mortgage finance bond insurance fund, securities held in
58 or other investments of the mortgage finance bond insur-
59 ance fund shall be valued at par. If, at any time, the hous-
60 ing development fund shall determine that because of
61 defaults or other reasons, the moneys available therefor
62 shall be insufficient to pay the principal, including the
63 annual sinking fund payment, of, and interest on, mort-
64 gage finance bonds becoming due during the next ensuing
65 six month period, the housing development fund shall give
66 written notice to the state sinking fund commission to transfer
67 the amount of moneys required for such payment, on or
68 before the time and to such trustee or paying agent for any
69 of the mortgage finance bonds as shall be specified in
70 such notice, and the state sinking fund commission shall make
71 such transfer.

72 (d) In the event that the sum of the amount held in the
73 mortgage finance bond insurance fund and in reserves set
74 aside with a trustee or trustees and held pursuant to the
75 resolution or resolutions authorizing the issuance of such bonds
76 only for the payment of designated mortgage finance
77 bonds prior to, or at, their maturity, shall be less than the
78 minimum bond insurance requirement, the chairman of
79 the housing development fund shall certify, on or before
80 the first day of December of each year, the amount of
81 such deficiency to the governor of the state, and the
82 governor shall transfer to the state sinking fund commis-
83 sion for deposit in the mortgage finance bond insurance
84 fund from any amounts previously appropriated which
85 are available for such purpose an amount equal to the
86 amount of such deficiency, and if the amount of such de-
87 ficiency shall not be available from such prior appropria-
88 tion or shall not have been so transferred, the governor
89 shall include the amount of such deficiency not so trans-
90 ferred in the budget of his office to be submitted for ap-

91 appropriation to the next session of the Legislature, and
92 shall cause any amounts appropriated for such purpose to
93 be transferred to the state sinking fund commission for de-
94 posit in the mortgage finance bond insurance fund: *Provid-*
95 *ed*, That the Legislature shall not be required to make any
96 appropriation so requested, and the amount of such defici-
97 encies shall not constitute a debt or liability of the state.

98 (e) Subject to any agreement or agreements with
99 holders of outstanding notes and bonds of the housing
100 development fund, any amount or amounts paid by the
101 state into the mortgage finance bond insurance fund pur-
102 suant to this section shall be repaid to the state as,
103 when, and to the extent, amounts held in the mortgage
104 finance bond insurance fund at any time or times after
105 any payment by the state into the mortgage finance bond
106 insurance fund shall exceed the minimum bond insur-
107 ance requirement at such time or times.

**§31-18-21. Prohibition on funds inuring to the benefit of or
being distributable to directors, officers or private
persons.**

1 No part of the funds of the housing development fund,
2 or of the operating loan fund, or of the land development
3 fund, shall inure to the benefit of or be distributable
4 to its directors or officers or other private persons
5 except that the housing development fund shall be authorized
6 and empowered to pay reasonable compensation, other
7 than to the directors, including the chairman, vice-chairman
8 and treasurer of the board of directors and the secretary
9 of the board of directors, for services rendered and to
10 make loans and exercise its other powers as previously
11 specified in furtherance of its corporate purpose: *Provided*,
12 That no such loans shall be made, and no property shall
13 be purchased or leased from, or sold, leased or otherwise
14 disposed of, to any director or officer of the housing
15 development fund.

§31-18-22. Termination or dissolution.

1 Upon the termination or dissolution, all rights and
2 properties of the housing development fund, including the
3 operating loan fund, the land development fund, and the
4 mortgage finance bond insurance fund, shall pass to and be
5 vested in the state of West Virginia, subject to the rights

6 of bondholders, lienholders and other creditors.

§31-18-24. Annual audit; reports to joint committee on government and finance; information to joint committee or legislative auditor.

1 The housing development fund shall cause an annual
2 audit to be made by a resident independent certified
3 public accountant of its books, accounts and records, with
4 respect to its receipts, disbursements, contracts, mortgages,
5 leases, assignments, loans and all other matters relating
6 to its financial operations, including those of the operating
7 loan fund, the land development fund, and the mortgage
8 finance bond insurance fund. The person performing such
9 audit shall furnish copies of the audit report to the
10 commissioner of finance and administration, where they shall
11 be placed on file and made available for inspection by the
12 general public. The person performing such audit shall
13 also furnish copies of the audit report to the speaker of
14 the House of Delegates, the president of the Senate and the
15 majority and minority leaders of both houses.

16 In addition to the foregoing annual audit report, the
17 housing development fund shall also render every six
18 months to the joint committee on government and finance
19 a report setting forth in detail a complete analysis of the
20 activities, indebtedness, receipts and financial affairs of such
21 fund and the operating loan fund, the land development
22 fund, and the mortgage finance bond insurance fund. Upon
23 demand, the housing development fund shall also submit
24 to the joint committee on government and finance or the
25 legislative auditor any other information requested by such
26 committee or the legislative auditor.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

W. Darrel Darby
Chairman Senate Committee

Clarence C. Christian, Jr.
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Hawaii W. Carson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. B. Rothberg, Jr.
President of the Senate

Lewis F. McMane
Speaker House of Delegates

The within *approved* this the *24th*
April
day of _____, 1973.

Luia P. Puae, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 4/24/73

Time 2:34 p.m.

RECEIVED

MAY 3 9 35 AM '73

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA