

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**SENATE BILL 367
Judiciary I Committee Substitute Adopted 4/25/01
House Committee Substitute Favorable 6/20/01
Fourth Edition Engrossed 7/3/01**

Short Title: Low-Income Housing Credit Program Exempt/APA. (Public)

Sponsors:

Referred to:

March 7, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO EXEMPT THE NORTH CAROLINA FEDERAL TAX REFORM
3 ALLOCATION COMMITTEE AND THE NORTH CAROLINA HOUSING
4 FINANCE AGENCY FROM THE RULE-MAKING REQUIREMENTS OF THE
5 ADMINISTRATIVE PROCEDURE ACT WITH REGARD TO ADOPTION OF
6 THE QUALIFIED ALLOCATION PLAN.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 150B-1(d) reads as rewritten:

9 "(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to
10 the following:

- 11 (1) The Commission.
- 12 (2) Repealed by Session Laws 2000-189, s. 14, effective July 1, 2000.
- 13 (3) The North Carolina Hazardous Waste Management Commission in
14 administering the provisions of G.S. 130B-13 and G.S. 130B-14.
- 15 (4) The Department of Revenue, with respect to the notice and hearing
16 requirements contained in Part 2 of Article 2A.
- 17 (5) The North Carolina Global TransPark Authority with respect to the
18 acquisition, construction, operation, or use, including fees or charges,
19 of any portion of a cargo airport complex.
- 20 (6) The Department of Correction, with respect to matters relating solely
21 to persons in its custody or under its supervision, including prisoners,
22 probationers, and parolees.
- 23 (7) The North Carolina Teachers' and State Employees' Comprehensive
24 Major Medical Plan in administering the provisions of Parts 2 and 3 of
25 Article 3 of Chapter 135 of the General Statutes.
- 26 (8) The North Carolina Federal Tax Reform Allocation Committee, with
27 respect to the adoption of the annual qualified allocation plan required

1 by 26 U.S.C. § 42(m), and any agency designated by the Committee to
2 the extent necessary to administer the annual qualified allocation
3 plan."

4 **SECTION 1.1.** G.S 143-433.9 reads as rewritten:

5 "**§ 143-433.9. Allocation.**

6 (a) To provide for the orderly and prompt issuance of private activity bonds there
7 are hereby proclaimed formulas for allocating the unified volume limitation and the
8 state housing credit ceiling. The unified volume limitation for all issues in North
9 Carolina shall be considered as a single resource to be allocated under this Article. The
10 Committee shall issue allocations of the unified volume limitation and shall issue
11 allocations of the State Housing Credit Ceiling. The Committee shall set forth
12 procedures for making such allocations and in the making of such allocations shall take
13 into consideration the best interest of the State of North Carolina with regard to the
14 economic development and general prosperity of the people of North Carolina.

15 (b) In administering the low-income housing credit program, the Committee shall
16 adopt a Qualified Allocation Plan (the Plan) as required by 26 U.S.C. § 42(m) annually.
17 Solely with respect to the adoption of the Plan, the Committee is exempt from the
18 requirements of Article 2A of Chapter 150B of the General Statutes. Prior to adoption
19 or amendment of the Plan, the Committee shall:

20 (1) Publish the proposed Plan in the North Carolina Register at least 30
21 days prior to the adoption of the final Plan;

22 (2) Notify any person who has applied for the low-income housing credit
23 in the previous year and any other interested parties of its intent to
24 adopt the Plan;

25 (3) Accept oral and written comments on the proposed Plan; and

26 (4) Hold at least one public hearing on the proposed Plan."

27 **SECTION 2.** This act is effective when it becomes law.