



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 20, 2021

TIME: 11:18 AM

WSR 21-15-104

Agency: Department of Commerce

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: This rule change adjusts six references within the existing WAC provisions from September 1 to July 1. This allows for earlier re-allocation of unutilized bond cap from initial set-aside categories to applicants in other categories reducing wait times for projects to proceed. This assists with maximizing utilization of bond cap during the calendar year.

--The change to WAC 365-135-035(1) amends the date (from 9/1 to 7/1) after which Housing programs and projects are given priority for the first 50 percent of released/reallocated volume cap.

--The change to WAC 365-135-035(2) amends the date (from 9/1 to 7/1) of the provision which indicates that applicants from all other categories will be considered for allocation of released/reallocated volume cap.

--The change to WAC 365-135-070(1)(a) amends the date (from 9/1 to 7/1) when an exempt facility applicant may be awarded more than thirty percent of the initial set-aside for exempt facility projects.

--The change to WAC 365-135-070(4) amends the date (from 9/1 to 7/1) at which the application criteria for exempt facility applicants are softened.

--The change to WAC 365-135-070(5) amends the date (from 9/1 to 7/1) when exempt facility projects may receive an allocation to convert taxable financing to tax-exempt financing.

--The change to WAC 365-135-070(6) amends the date (from 9/1 to 7/1) when four tiers of limitations on the proportion of volume cap allocation to total project cost can be waived.

Citation of rules affected by this order:

New:

Repealed:

Amended: 6

Suspended:

Statutory authority for adoption: RCW 34.05.353(1)(b) and RCW 34.05.353(1)(d)

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 21-11-100 on May 19, 2021 (date).

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:
Email:
Web site:
Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

The number of sections adopted on the agency's own initiative:

New	___	Amended	<u>6</u>	Repealed	___
-----	-----	---------	----------	----------	-----

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: 7/20/2021

Name: Amber Siefer

Title: Rules Coordinator

Signature:

