**A** **BILL**

TO AMEND SECTION 31‑13‑50 OF THE 1976 CODE, RELATING TO THE STATE HOUSING FINANCE AND DEVELOPMENT AUTHORITY, TO PROVIDE THAT THE AUTHORITY SHALL DEVELOP A QUALIFIED ALLOCATION PLAN FOR THE LOW INCOME HOUSING TAX CREDIT PROGRAM; TO PROVIDE FOR FACTORS THAT MUST BE IN THE PLAN AND THE WEIGHTING OF THE FACTORS; TO PROVIDE THAT A DEVELOPER OR DEVELOPMENT GROUP MUST MEET SEVENTY‑FIVE PERCENT, OR A NUMBER ROUNDED UP OR DOWN TO THE NEAREST WHOLE NUMBER, OF THE POSITIVE SITE CHARACTERISTICS TO RECEIVE FULL CREDIT FOR THAT FACTOR; TO PROVIDE FOR TIEBREAKERS; AND BY ADDING ARTICLE 2 TO CHAPTER 13, TITLE 31 TO CREATE THE STATE HOUSING FINANCE AND DEVELOPMENT AUTHORITY QUALIFIED ALLOCATION PLAN ADVISORY PANEL, TO PROVIDE FOR COMPOSITION OF THE PANEL, AND ITS DUTIES AND RESPONSIBILITIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 31‑13‑50 of the 1976 Code is amended to read:

“Section 31‑13‑50. (A) Except as otherwise provided in this article, the Authority and its commissioners have the same functions, rights, powers, duties, privileges, immunities, and limitations as those provided for housing authorities created for cities, counties or groups of counties, and the commissioners of the housing authorities. The Authority also may make home equity conversion mortgages to any person who is a member of a beneficiary class of the Authority as provided in Section 31‑13‑170(b), (o), and (p) and who is over sixty‑five years of age. The Authority may prepare and administer a program for the home equity conversion mortgages and may coordinate any available funding for the program with the federal government and the private sector. Money received as a result of obtaining a home equity conversion mortgage must not be counted as income in a determination of entitlement to any public assistance. The term ‘home conversion mortgage’ means a first mortgage which provides for future payments to the homeowner based on accumulated equity.

(B)(1) The Authority shall develop a Qualified Allocation Plan for the Low Income Housing Tax Credit Program. The Qualified Allocation Plan must be comprised of equally weighted factors, including, but not limited to:

(a) development experience;

(b) the financial capacity of the applicant or applicant group;

(c) previous year’s development completion status for non‑first time applicants;

(d) the proposed housing project’s proximity to positive site characteristics, including at least:

(i) full service groceries;

(ii) pharmacy or drug stores;

(iii) convenience stores and gas stations;

(iv) restaurants currently licensed by DHEC;

(v) entertainment venues, including but not limited to, museums, theaters, cinemas, public libraries, bowling alleys, skating rinks, and miniature golf venues;

(vi) retail shopping areas;

(vii) doctor’s office staffed with full‑time general practitioner or a nurse practitioner, emergency clinics, urgent care facilities, or hospital facilities available to the general public;

(viii) public schools;

(ix) a fire station;

(x) full service banks or credit unions; and

(xi) a public park or playground, recreation center, senior activity center, YMCA, or the like.

(e) the capture rate;

(f) the market advantage; and

(g) the overall vacancy rate.

(C)(1) To receive full credit for the positive site characteristics factor, a developer or development group must meet at least seventy‑five percent of the characteristics, as chosen by the developer or development group. The percentage met by a developer or development group shall be rounded up or down to the nearest whole number.

(2) Any tiebreaker or total development cost caps related to the financial criteria contained in the Qualified Allocation Plan, including, but not limited to an eligible basis per heated square foot tiebreaker, must take into account relative disparities between real property costs between projects due to the location of the projects, environmental requirements, zoning and building code requirements. The tiebreaker or total development cost caps must also take into account whether a proposed development is located in a HUD designated Difficult to Develop Area and other relevant factors, which shall include, but not be limited to, the location of projects in coastal zones of the state.

(D) The provisions of this chapter and Chapter 11 apply to the Authority in the same manner and to the same extent as the provisions are applicable to a housing authority created for a city or a county, and the term ‘Authority’ or ‘Housing Authority’ as used in the provisions includes the South Carolina State Housing Finance and Development Authority unless a different meaning clearly appears from the context.”

SECTION 2. Title 31 of the 1976 Code is amended by adding:

“CHAPTER 13

Article 2

Section 31‑13‑100. There is hereby created the South Carolina State Housing Finance and Development Authority Qualified Allocation Plan Advisory Panel.

Section 31‑13‑110. The Governor shall appoint five persons to the Panel. The five persons so appointed shall have experience in the fields of development finance, banking, real estate, home building, and low income housing advocacy.

Section 31‑13‑120. The Panel shall review the Qualified Allocation Plan developed by the Authority annually and make recommendations to the Authority as needed.”

SECTION 3. This act takes effect upon approval by the Governor.

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