

By: Representative Clark

To: Ways and Means

HOUSE BILL NO. 201

1 AN ACT TO ESTABLISH A HOUSING REPAIR GRANT PROGRAM TO PROVIDE  
 2 GRANTS TO CERTAIN LOW INCOME INDIVIDUALS TO MAKE SIGNIFICANT  
 3 REPAIRS TO THEIR HOMES; TO PROVIDE THAT THE DEPARTMENT OF FINANCE  
 4 AND ADMINISTRATION SHALL ADMINISTER THE GRANT PROGRAM; TO PROVIDE  
 5 THE MAXIMUM AMOUNT OF A GRANT AUTHORIZED UNDER THE PROGRAM; TO  
 6 PRESCRIBE THE REQUIREMENTS TO BE ELIGIBLE FOR A GRANT UNDER THE  
 7 PROGRAM; TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE  
 8 KNOWN AS THE MISSISSIPPI HOUSING REPAIR GRANT FUND, WHICH SHALL BE  
 9 USED FOR THE PROGRAM; TO AUTHORIZE THE ISSUANCE OF \$50,000,000.00  
 10 OF STATE GENERAL OBLIGATION BONDS FOR THE PURPOSE OF PROVIDING  
 11 FUNDS FOR THE PROGRAM; AND FOR RELATED PURPOSES.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

13 **SECTION 1.** (1) The Department of Finance and Administration  
 14 shall establish a housing repair grant program to provide grants  
 15 to low income individuals to make significant repairs to their  
 16 homes.

17 (2) The amount of a grant made under this section shall not  
 18 exceed Twenty-five Thousand Dollars (\$25,000.00) per household or  
 19 the cost of repairing the home, whichever is less. To be eligible  
 20 for a grant under this section, an applicant must:



21 (a) Have at least a fifty percent (50%) ownership  
22 interest in a home that is the primary homestead of the applicant  
23 and that is in need of significant repairs;

24 (b) Be sixty-two (62) years of age or older or be  
25 disabled as determined by the Social Security Administration; and

26 (c) Have an annual income of not more than Twelve  
27 Thousand Dollars (\$12,000.00) for a household of one (1) person,  
28 or an annual income of not more than Sixteen Thousand Dollars  
29 (\$16,000.00) for a household of two (2) or more persons.

30 (3) In order to receive a grant under this section, an  
31 individual must submit an application to the Department of Finance  
32 and Administration. The application must include a description of  
33 the repairs that the individual intends to make to the home, the  
34 estimated cost of the repairs and any other information required  
35 by the Department of Finance and Administration.

36 (4) The Department of Finance and Administration shall have  
37 all powers necessary to implement and administer the grant program  
38 established under this section, and the Department of Finance and  
39 Administration shall promulgate rules and regulations, in  
40 accordance with the Mississippi Administrative Procedures Law,  
41 necessary for the implementation of this section.

42 (5) There is created in the State Treasury a special fund to  
43 be designated as the "Mississippi Housing Repair Grant Fund,"  
44 which shall consist of funds made available by the Legislature in  
45 any manner and funds from any other source designated for deposit



46 into the fund. Unexpended amounts remaining in the fund at the  
47 end of a fiscal year shall not lapse into the State General Fund,  
48 and any investment earnings or interest earned on amounts in the  
49 fund shall be deposited to the credit of the fund. Monies in the  
50 fund shall be used by the Department of Finance and Administration  
51 for the purposes described in this section.

52 (6) For the purpose of making grants under this section, the  
53 Department of Finance and Administration shall allocate the monies  
54 in the Mississippi Housing Repair Grant Fund among the four (4)  
55 congressional districts as follows: The proportion of the monies  
56 in the fund that are available for grants in each congressional  
57 district shall be equal to the ratio that the number of persons  
58 residing in that district whose income is below the federal  
59 poverty level bears to the total number of persons residing in the  
60 state whose income is below the federal poverty level.

61 **SECTION 2.** (1) As used in this section, the following words  
62 shall have the meanings ascribed herein unless the context clearly  
63 requires otherwise:

64 (a) "Accreted value" of any bond means, as of any date  
65 of computation, an amount equal to the sum of (i) the stated  
66 initial value of such bond, plus (ii) the interest accrued thereon  
67 from the issue date to the date of computation at the rate,  
68 compounded semiannually, that is necessary to produce the  
69 approximate yield to maturity shown for bonds of the same  
70 maturity.



71 (b) "State" means the State of Mississippi.

72 (c) "Commission" means the State Bond Commission.

73 (2) (a) The commission, at one time, or from time to time,  
74 may declare by resolution the necessity for issuance of general  
75 obligation bonds of the State of Mississippi to provide funds for  
76 the grant program authorized in Section 1 of this act. Upon the  
77 adoption of a resolution by the Department of Finance and  
78 Administration, declaring the necessity for the issuance of any  
79 part or all of the general obligation bonds authorized by this  
80 subsection, the department shall deliver a certified copy of its  
81 resolution or resolutions to the commission. Upon receipt of such  
82 resolution, the commission, in its discretion, may act as the  
83 issuing agent, prescribe the form of the bonds, determine the  
84 appropriate method for sale of the bonds, advertise for and accept  
85 bids or negotiate the sale of the bonds, issue and sell the bonds  
86 so authorized to be sold and do any and all other things necessary  
87 and advisable in connection with the issuance and sale of such  
88 bonds. The total amount of bonds issued under this section shall  
89 not exceed Fifty Million Dollars (\$50,000,000.00).

90 (b) Any investment earnings on amounts deposited into  
91 the special fund created in Section 1 of this act shall be used to  
92 pay debt service on bonds issued under this section, in accordance  
93 with the proceedings authorizing issuance of such bonds.

94 (3) The principal of and interest on the bonds authorized  
95 under this section shall be payable in the manner provided in this



96 subsection. Such bonds shall bear such date or dates, be in such  
97 denomination or denominations, bear interest at such rate or rates  
98 (not to exceed the limits set forth in Section 75-17-101,  
99 Mississippi Code of 1972), be payable at such place or places  
100 within or without the State of Mississippi, shall mature  
101 absolutely at such time or times not to exceed twenty-five (25)  
102 years from date of issue, be redeemable before maturity at such  
103 time or times and upon such terms, with or without premium, shall  
104 bear such registration privileges, and shall be substantially in  
105 such form, all as shall be determined by resolution of the  
106 commission.

107 (4) The bonds authorized by this section shall be signed by  
108 the chairman of the commission, or by his facsimile signature, and  
109 the official seal of the commission shall be affixed thereto,  
110 attested by the secretary of the commission. The interest  
111 coupons, if any, to be attached to such bonds may be executed by  
112 the facsimile signatures of such officers. Whenever any such  
113 bonds shall have been signed by the officials designated to sign  
114 the bonds who were in office at the time of such signing but who  
115 may have ceased to be such officers before the sale and delivery  
116 of such bonds, or who may not have been in office on the date such  
117 bonds may bear, the signatures of such officers upon such bonds  
118 and coupons shall nevertheless be valid and sufficient for all  
119 purposes and have the same effect as if the person so officially  
120 signing such bonds had remained in office until their delivery to



121 the purchaser, or had been in office on the date such bonds may  
122 bear. However, notwithstanding anything herein to the contrary,  
123 such bonds may be issued as provided in the Registered Bond Act of  
124 the State of Mississippi.

125 (5) All bonds and interest coupons issued under the  
126 provisions of this section have all the qualities and incidents of  
127 negotiable instruments under the provisions of the Uniform  
128 Commercial Code, and in exercising the powers granted by this  
129 section, the commission shall not be required to and need not  
130 comply with the provisions of the Uniform Commercial Code.

131 (6) The commission shall act as the issuing agent for the  
132 bonds authorized under this section, prescribe the form of the  
133 bonds, determine the appropriate method for sale of the bonds,  
134 advertise for and accept bids or negotiate the sale of the bonds,  
135 issue and sell the bonds so authorized to be sold, pay all fees  
136 and costs incurred in such issuance and sale, and do any and all  
137 other things necessary and advisable in connection with the  
138 issuance and sale of such bonds. The commission is authorized and  
139 empowered to pay the costs that are incident to the sale, issuance  
140 and delivery of the bonds authorized under this section from the  
141 proceeds derived from the sale of such bonds. The commission may  
142 sell such bonds on sealed bids at public sale or may negotiate the  
143 sale of the bonds for such price as it may determine to be for the  
144 best interest of the State of Mississippi. All interest accruing  
145 on such bonds so issued shall be payable semiannually or annually.



146           If such bonds are sold by sealed bids at public sale, notice  
147 of the sale of any such bonds shall be published at least one  
148 time, not less than ten (10) days before the date of sale, and  
149 shall be so published in one or more newspapers published or  
150 having a general circulation in the City of Jackson, Mississippi,  
151 to be selected by the commission.

152           The commission, when issuing any bonds under the authority of  
153 this section, may provide that bonds, at the option of the State  
154 of Mississippi, may be called in for payment and redemption at the  
155 call price named therein and accrued interest on such date or  
156 dates named therein.

157           (7) The bonds issued under the provisions of this section  
158 are general obligations of the State of Mississippi, and for the  
159 payment thereof the full faith and credit of the State of  
160 Mississippi is irrevocably pledged. If the funds appropriated by  
161 the Legislature are insufficient to pay the principal of and the  
162 interest on such bonds as they become due, then the deficiency  
163 shall be paid by the State Treasurer from any funds in the State  
164 Treasury not otherwise appropriated. All such bonds shall contain  
165 recitals on their faces substantially covering the provisions of  
166 this subsection.

167           (8) Upon the issuance and sale of bonds under the provisions  
168 of this section, the commission shall transfer the proceeds of any  
169 such sale or sales to the special fund created in Section 1 of  
170 this act. The proceeds of such bonds shall be disbursed solely



171 upon the order of the Department of Finance and Administration  
172 under such restrictions, if any, as may be contained in the  
173 resolution providing for the issuance of the bonds.

174 (9) The bonds authorized under this section may be issued  
175 without any other proceedings or the happening of any other  
176 conditions or things other than those proceedings, conditions and  
177 things which are specified or required by this section. Any  
178 resolution providing for the issuance of bonds under the  
179 provisions of this section shall become effective immediately upon  
180 its adoption by the commission, and any such resolution may be  
181 adopted at any regular or special meeting of the commission by a  
182 majority of its members.

183 (10) The bonds authorized under the authority of this  
184 section may be validated in the Chancery Court of the First  
185 Judicial District of Hinds County, Mississippi, in the manner and  
186 with the force and effect provided by Chapter 13, Title 31,  
187 Mississippi Code of 1972, for the validation of county, municipal,  
188 school district and other bonds. The notice to taxpayers required  
189 by such statutes shall be published in a newspaper published or  
190 having a general circulation in the City of Jackson, Mississippi.

191 (11) Any holder of bonds issued under the provisions of this  
192 section or of any of the interest coupons pertaining thereto may,  
193 either at law or in equity, by suit, action, mandamus or other  
194 proceeding, protect and enforce any and all rights granted under  
195 this section, or under such resolution, and may enforce and compel





196 performance of all duties required by this section to be  
197 performed, in order to provide for the payment of bonds and  
198 interest thereon.

199 (12) All bonds issued under the provisions of this section  
200 shall be legal investments for trustees and other fiduciaries, and  
201 for savings banks, trust companies and insurance companies  
202 organized under the laws of the State of Mississippi, and such  
203 bonds shall be legal securities which may be deposited with and  
204 shall be received by all public officers and bodies of this state  
205 and all municipalities and political subdivisions for the purpose  
206 of securing the deposit of public funds.

207 (13) Bonds issued under the provisions of this section and  
208 income therefrom shall be exempt from all taxation in the State of  
209 Mississippi.

210 (14) The proceeds of the bonds issued under this section  
211 shall be used solely for the purposes herein provided, including  
212 the costs incident to the issuance and sale of such bonds.

213 (15) The State Treasurer is authorized, without further  
214 process of law, to certify to the Department of Finance and  
215 Administration the necessity for warrants, and the Department of  
216 Finance and Administration is authorized and directed to issue  
217 such warrants, in such amounts as may be necessary to pay when due  
218 the principal of, premium, if any, and interest on, or the  
219 accreted value of, all bonds issued under this section; and the  
220 State Treasurer shall forward the necessary amount to the



221 designated place or places of payment of such bonds in ample time  
222 to discharge such bonds, or the interest thereon, on the due dates  
223 thereof.

224 (16) This section shall be deemed to be full and complete  
225 authority for the exercise of the powers herein granted, but this  
226 section shall not be deemed to repeal or to be in derogation of  
227 any existing law of this state.

228 **SECTION 3.** This act shall take effect and be in force from  
229 and after July 1, 2018.

