

By: Representatives Clark, Scott, Coleman
(65th), Buck, Fleming, Hines

To: Ways and Means

HOUSE BILL NO. 1474

1 AN ACT TO ESTABLISH A HOUSING REPAIR GRANT PROGRAM TO PROVIDE
2 GRANTS TO LOW INCOME INDIVIDUALS TO MAKE SIGNIFICANT REPAIRS TO
3 THEIR HOMES; TO PROVIDE THAT THE DEPARTMENT OF FINANCE AND
4 ADMINISTRATION SHALL ADMINISTER THE GRANT PROGRAM; TO PROVIDE THE
5 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 appropriated or otherwise made
45 available by the Legislature in any manner and funds from any
46 other source designated for deposit into the fund. Unexpended
47 amounts remaining in the fund at the end of a fiscal year shall
48 not lapse into the State General Fund, and any investment earnings
49 or interest earned on amounts in the fund shall be deposited to
50 the credit of the fund. Monies in the fund shall be used by the
51 Department of Finance and Administration for the purposes
52 described in this section.

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

62 **SECTION 2.** As used in this act, the following words shall
63 have the meanings ascribed in this section unless the context
64 clearly requires otherwise:

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

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

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

74 **SECTION 3.** (1) The commission, at one time, or from time to
75 time, may declare by resolution the necessity for issuance of
76 general obligation bonds of the State of Mississippi to provide
77 funds for the grant program authorized in Section 1 of this act.
78 Upon the adoption of a resolution by the Department of Finance and
79 Administration, declaring the necessity for the issuance of any
80 part or all of the general obligation bonds authorized by this
81 section, the Department of Finance and Administration shall
82 deliver a certified copy of its resolution or resolutions to the
83 commission. Upon receipt of such resolution, the commission, in
84 its discretion, may act as the issuing agent, prescribe the form
85 of the bonds, advertise for and accept bids, issue and sell the
86 bonds so authorized to be sold and do any and all other things
87 necessary and advisable in connection with the issuance and sale
88 of such bonds. The total amount of bonds issued under this act
89 shall not exceed Fifty Million Dollars (\$50,000,000.00).

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

96 **SECTION 4.** The principal of and interest on the bonds
97 authorized under this act shall be payable in the manner provided

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

109 **SECTION 5.** The bonds authorized by this act shall be signed
110 by the chairman of the commission, or by his facsimile signature,
111 and the official seal of the commission shall be affixed thereto,
112 attested by the secretary of the commission. The interest
113 coupons, if any, to be attached to such bonds may be executed by
114 the facsimile signatures of such officers. Whenever any such
115 bonds shall have been signed by the officials designated to sign
116 the bonds who were in office at the time of such signing but who
117 may have ceased to be such officers before the sale and delivery
118 of such bonds, or who may not have been in office on the date such
119 bonds may bear, the signatures of such officers upon such bonds
120 and coupons shall nevertheless be valid and sufficient for all
121 purposes and have the same effect as if the person so officially
122 signing such bonds had remained in office until their delivery to
123 the purchaser, or had been in office on the date such bonds may
124 bear. However, notwithstanding anything herein to the contrary,
125 such bonds may be issued as provided in the Registered Bond Act of
126 the State of Mississippi.

127 **SECTION 6.** All bonds and interest coupons issued under the
128 provisions of this act have all the qualities and incidents of
129 negotiable instruments under the provisions of the Uniform
130 Commercial Code, and in exercising the powers granted by this act,

131 the commission shall not be required to and need not comply with
132 the provisions of the Uniform Commercial Code.

133 **SECTION 7.** The commission shall act as the issuing agent for
134 the bonds authorized under this act, prescribe the form of the
135 bonds, advertise for and accept bids, issue and sell the bonds so
136 authorized to be sold, pay all fees and costs incurred in such
137 issuance and sale, and do any and all other things necessary and
138 advisable in connection with the issuance and sale of such bonds.
139 The commission is authorized and empowered to pay the costs that
140 are incident to the sale, issuance and delivery of the bonds
141 authorized under this act from the proceeds derived from the sale
142 of such bonds. The commission shall sell such bonds on sealed
143 bids at public sale, and for such price as it may determine to be
144 for the best interest of the State of Mississippi, but no such
145 sale shall be made at a price less than par plus accrued interest
146 to the date of delivery of the bonds to the purchaser. All
147 interest accruing on such bonds so issued shall be payable
148 semiannually or annually; however, the first interest payment may
149 be for any period of not more than one (1) year.

150 Notice of the sale of any such bonds shall be published at
151 least one time, not less than ten (10) days before the date of
152 sale, and shall be so published in one or more newspapers
153 published or having a general circulation in the City of Jackson,
154 Mississippi, and in one or more other newspapers or financial
155 journals with a national circulation, to be selected by the
156 commission.

157 The commission, when issuing any bonds under the authority of
158 this act, may provide that bonds, at the option of the State of
159 Mississippi, may be called in for payment and redemption at the
160 call price named therein and accrued interest on such date or
161 dates named therein.

162 **SECTION 8.** The bonds issued under the provisions of this act
163 are general obligations of the State of Mississippi, and for the

164 payment thereof the full faith and credit of the State of
165 Mississippi is irrevocably pledged. If the funds appropriated by
166 the Legislature are insufficient to pay the principal of and the
167 interest on such bonds as they become due, then the deficiency
168 shall be paid by the State Treasurer from any funds in the State
169 Treasury not otherwise appropriated. All such bonds shall contain
170 recitals on their faces substantially covering the provisions of
171 this section.

172 **SECTION 9.** Upon the issuance and sale of bonds under the
173 provisions of this act, the commission shall transfer the proceeds
174 of any such sale or sales to the special fund created in Section 1
175 of this act. The proceeds of such bonds shall be disbursed solely
176 upon the order of the Department of Finance and Administration
177 under such restrictions, if any, as may be contained in the
178 resolution providing for the issuance of the bonds.

179 **SECTION 10.** The bonds authorized under this act may be
180 issued without any other proceedings or the happening of any other
181 conditions or things other than those proceedings, conditions and
182 things which are specified or required by this act. Any
183 resolution providing for the issuance of bonds under the
184 provisions of this act shall become effective immediately upon its
185 adoption by the commission, and any such resolution may be adopted
186 at any regular or special meeting of the commission by a majority
187 of its members.

188 **SECTION 11.** The bonds authorized under the authority of this
189 act may be validated in the Chancery Court of the First Judicial
190 District of Hinds County, Mississippi, in the manner and with the
191 force and effect provided by Chapter 13, Title 31, Mississippi
192 Code of 1972, for the validation of county, municipal, school
193 district and other bonds. The notice to taxpayers required by
194 such statutes shall be published in a newspaper published or
195 having a general circulation in the City of Jackson, Mississippi.

196 **SECTION 12.** Any holder of bonds issued under the provisions
197 of this act or of any of the interest coupons pertaining thereto
198 may, either at law or in equity, by suit, action, mandamus or
199 other proceeding, protect and enforce any and all rights granted
200 under this act, or under such resolution, and may enforce and
201 compel performance of all duties required by this act to be
202 performed, in order to provide for the payment of bonds and
203 interest thereon.

204 **SECTION 13.** All bonds issued under the provisions of this
205 act shall be legal investments for trustees and other fiduciaries,
206 and for savings banks, trust companies and insurance companies
207 organized under the laws of the State of Mississippi, and such
208 bonds shall be legal securities which may be deposited with and
209 shall be received by all public officers and bodies of this state
210 and all municipalities and political subdivisions for the purpose
211 of securing the deposit of public funds.

212 **SECTION 14.** Bonds issued under the provisions of this act
213 and income therefrom shall be exempt from all taxation in the
214 State of Mississippi.

215 **SECTION 15.** The proceeds of the bonds issued under this act
216 shall be used solely for the purposes therein provided, including
217 the costs incident to the issuance and sale of such bonds.

218 **SECTION 16.** The State Treasurer is authorized, without
219 further process of law, to certify to the Department of Finance
220 and Administration the necessity for warrants, and the Department
221 of Finance and Administration is authorized and directed to issue
222 such warrants, in such amounts as may be necessary to pay when due
223 the principal of, premium, if any, and interest on, or the
224 accreted value of, all bonds issued under this act; and the State
225 Treasurer shall forward the necessary amount to the designated
226 place or places of payment of such bonds in ample time to
227 discharge such bonds, or the interest thereon, on the due dates
228 thereof.

229 **SECTION 17.** This act shall be deemed to be full and complete
230 authority for the exercise of the powers therein granted, but this
231 act shall not be deemed to repeal or to be in derogation of any
232 existing law of this state.

233 **SECTION 18.** This act shall take effect and be in force from
234 and after July 1, 2006.