

BEFORE THE DEPARTMENT OF COMMERCE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 8.111.602 pertaining to the ) PROPOSED AMENDMENT  
Housing Credit Program )

TO: All Concerned Persons

1. On February 15, 2024, at 11:00 a.m., the Department of Commerce (department) will hold a public hearing via zoom to consider the proposed amendment of the above-stated rule.

Video: [https://mt-gov.zoom.us/webinar/register/WN\\_2VOVYok4QTen2lom2nG\\_tw](https://mt-gov.zoom.us/webinar/register/WN_2VOVYok4QTen2lom2nG_tw)

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this process or need an alternative accessible format of this notice. If you require an accommodation, please contact the department by 5:00 p.m. on February 13, 2024, to advise us of the nature of the accommodation that you need. Please contact the department's Board of Housing at: 301 South Park Avenue, P.O. Box 200501, Helena, Montana, 59620-0501; telephone (406) 841-2596; fax (406) 841-2771; TDD (406) 841-2702; or e-mail docadministrativerules@mt.gov.

3. The rule proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

8.111.602 DEFINITIONS When used in these rules, unless the context clearly requires a different meaning:

(1) and (2) remain the same.

(3) "QAP" means the board's "Housing Credit Program ~~2024~~ 2025 Qualified Allocation Plan," which sets forth the application process and selection criteria used by the board for evaluation and selection of projects to receive awards for allocation of housing credits for calendar year ~~2024~~ 2025. The board adopts and incorporates by reference the Housing Credit Program ~~2024~~ 2025 Qualified Allocation Plan, copies of which may be obtained by contacting the Board of Housing by mail at P.O. Box 200528, Helena, MT 59620-0528, by telephone at (406) 841-2840 ~~(406) 841-2845~~ or ~~(406) 841-2838~~, or at the board's web site [www.housing.mt.gov](http://www.housing.mt.gov).

(4) and (5) remain the same.

AUTH: 90-6-106, MCA  
IMP: 90-6-104, MCA

REASON: The proposed amendments to ARM 8.111.602 are necessary to adopt and incorporate by reference the board's Housing Credit Program 2025 Qualified Allocation Plan (QAP).

Federal low-income housing tax credits are allocated by the United States federal government to the states according to their population, for allocation to particular buildings. Each state's share of federal low-income housing tax credits is allocated to particular projects and buildings under programs administered by the respective state's housing credit agencies. The Montana Board of Housing is Montana's housing credit agency for purposes of administering the tax credit program and allocating tax credits in the state of Montana. In Montana, the program is known as the Montana Housing Credit Program. Federal law requires that tax credits allocated to the state by the federal government must be allocated by the state pursuant to a "qualified allocation plan" or "QAP."

Prior to publication of this notice, the board conducted several public meetings to consider suggestions and comments regarding the provisions of the 2025 QAP. After public notice of the proposed 2025 QAP and of the opportunity for public comment was published and distributed on October 2, 2023, a public hearing on the proposed 2025 QAP was held on October 24, 2023, and written comments were also received. At its November 13, 2023, meeting, after hearing and considering written and oral comments on the proposed 2025 QAP, staff recommendations, additional public comment, and various proposed revisions in response to comments, the board approved the 2025 QAP for submission to and approval by Montana's Governor, as required by the federal tax credit statute, 26 U.S.C. § 42. The Governor approved the 2025 QAP on December 4, 2023.

A copy of the 2025 QAP is available on the internet at <http://housing.mt.gov/MFQAP> or by requesting a copy from: Board of Housing, Multifamily Program Manager, 301 South Park Avenue, P.O. Box 200528, Helena, Montana, 59620-0528; telephone (406) 841-2840; fax (406) 841-2841; or e-mail to [docadministrativerules@mt.gov](mailto:docadministrativerules@mt.gov).

4. Concerned persons may submit their data, views, or arguments either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to: Board of Housing, Multifamily Program Manager, 301 South Park Avenue, P.O. Box 200528, Helena, Montana, 59620-0528; telephone (406) 841-2840; fax (406) 841-2048; or e-mail to [docadministrativerules@mt.gov](mailto:docadministrativerules@mt.gov), and must be received no later than 5:00 p.m., February 23, 2024.

5. The department's Office of Legal Affairs will preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in paragraph 4 or may be made by completing a request form at any rules hearing held by the department.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

BOARD OF HOUSING  
Bruce Posey, Chair

/s/ John Semmens  
John Semmens  
Rule Reviewer

/s/ Mandy Rambo  
Mandy Rambo  
Deputy Director  
Department of Commerce

Certified to the Secretary of State January 16, 2024.