



HOUSING DIVISION – MONTANA BOARD OF HOUSING

MONTANA BOARD OF HOUSING

301 S. Park Ave, Suite 240, Helena MT and Teleconference

December 10, 2012

ROLL CALL OF BOARD

MEMBERS: J.P. Crowley, Chairman (Present)
Betsy Scanlin, Vice Chairman (Present)
Jeff Rupp, Secretary (Present)
Audrey Black Eagle (Excused)
Bob Gauthier (Present)
Jeanette McKee (Excused)
Sheila Rice (Present)

STAFF: Bruce Brensdal, Executive Director
Mary Bair, Multifamily Program
Penny Cope, Marketing & Web Specialist
Paula Loving, Administrative Assistant
Kelly Guariglia, Multifamily Program

COUNSEL: Greg Gould, Luxan and Murfitt
Ty Jones, Department of Commerce

UNDERWRITERS:

OTHERS: Mike Green, Crowley Fleck
Kelly Gill, BlueLine Development

CALL MEETING TO ORDER

Chairman JP Crowley called the Montana Board of Housing (MBOH) Board Administrative Rule Making (ARM) approval meeting to Order at 8:34 a.m. A roll call of Board members, staff and public was conducted.

MULTIFAMILY PROGRAM

Mary Bair reviewed for the Board of the Administrative Rule Making public notice, and the public hearing which was held on November 28, 2012. There was no public comment at the hearing. Staff received written comment on December 6, 2012 from Crowley Fleck representing Freedoms Path. Greg Gould, Board Legal Counsel, prepared a written response to

Crowley Fleck. The Board confirmed receipt of the written comment and Counsel's written response. Staff's recommendation is to accept the proposed responses submitted and confirm the 2013 Qualified Allocation Plan (QAP) which was adopted October 15, 2012.

Betsy Scanlin asked for clarification on the material presented before them today. Greg Gould explained that the presented 2013 QAP is the same as approved at the October 2012 meeting and submitted to the Governor and been approved, the QAP was proposed to the Administrative Rule Making process for the adoption into the rules. The comments are resulting from the Administrative Rule Making process. These comments are the same or similar to the comments made at the October Board meeting. Greg clarified the current Administrative Rules include the 2012 QAP and staff's recommendation to update the Administrative Rules will reflect the 2013 QAP changes.

Mike Green, Crowley Fleck, stated he appreciated the review of the comments.

Bob Gauthier moved to accept the proposed responses submitted and confirm the 2013 Qualified Allocation Plan which was adopted October 15, 2012, and Betsy Scanlin seconded the motion. Chairman Crowley asked for comments.

Betsy reviewed the Amendments. Under ARM 8.111.603 - Tax Allocation Procedures, Betsy moved to eliminate the words "at the board meeting described in #5". Betsy's argument was the Board receives negative comments after this meeting and this would not allow for any project response. Jeff Rupp seconded the motion. Rupp asked for Legal Counsel's interpretation. Greg Gould stated these amendments were made based on the 2013 QAP. Greg stated changing the amendments may result in having to review the 2013 QAP for possible changes and resubmission for re-approval of the Governor. Ty Jones, Department of Commerce Legal Counsel, iterated the purpose of this meeting was to adopt the comments in order to move forward with the Administrative Rule Making Process and if changes are made then additional review will need to be made and approved by the Governor. As far as the amendments to the Administrative Rule incorporating the 2013 QAP, if these amendments are not adopted, there may be ramifications for the adoption of the QAP because the Board would miss the deadline to certify the Administrative Rule to the Secretary of State.

Betsy Scanlin asked staff if negative comments would be allowed after the Board meeting described in #5. Bruce Brensdaal clarified that public

comment can and would be allowed through the allocation Board meeting. Roll call vote was taken and the motion failed unanimously.

Chairman Crowley reviewed the original motion and asked for comments. Betsy asked for clarification of the Administrative Rule Making process. Greg Gould reviewed the process. Greg further explained that changes to the Administrative Rule wording are made so the Administrative Rule is consistent with the approved 2013 QAP. Jeff Rupp briefly reviewed the basis for these changes. Sheila Rice called for question. Roll call was conducted and the question was approved unanimously.

A roll call vote was conducted on the original motion and the acceptance of the proposed responses submitted and confirmation the 2013 Qualified Allocation Plan which was adopted October 15, 2012 was approved unanimously.

Meeting adjourned at 9:03 a.m.

JP Crowley, Chairman

Date