

**OKLAHOMA HOUSING FINANCE AGENCY
RULE IMPACT STATEMENT
CHAPTER 36. AFFORDABLE HOUSING TAX CREDIT PROGRAM**

a. DESCRIPTION AND PURPOSE OF THE RULE: Section 42 of the Internal Revenue Code of 1986, as amended (the “Code”), provides that a federal tax credit (the “Credit”) may be claimed for a period of ten years by qualified owners (as defined by the Code) of residential property rented to qualified low-income tenants at restricted rates, if said owner has been approved for an allocation of Credits by the state housing credit allocating agency. Oklahoma Housing Finance Agency (“OHFA”) is Oklahoma’s allocating agency. The Code further provides that each state’s annual Credit authority is to be allocated by that state’s allocating agency pursuant to a qualified allocation plan. These Chapter 36 Affordable Housing Tax Credit Program Rules (the “Rules”) are part of Oklahoma’s qualified allocation plan. The purpose of said Rules is to comply with the Code, the Oklahoma Administrative Procedures Act (“APA”), and to provide guidelines for administering the allocations of Oklahoma’s annual Credit authority and OHFA’s Affordable Housing Tax Credit Program (the “Credit Program”). The Board of Trustees are also required to administer the Credit Program in a manner consistent with Oklahoma’s Housing Antidiscrimination Act, 15 O.S., § 1451-1453 and all federal laws prohibiting discrimination, including 42 U.S.C., § 1983 and the Fair Housing Act, as amended 42 U.S.C., § 3601 et seq.

b. DESCRIPTION OF THE CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE, INCLUDING CLASSES THAT WILL BEAR THE COSTS OF THE PROPOSED RULE: Qualified property owners applying for an allocation of Credits and those approved for an allocation are the persons primarily affected by the Rules. Families and individuals utilizing the residential rental units will also be affected. Localities where the rental properties are located may also be affected. See also, discussion at paragraphs c. and d.

OHFA bears the costs of developing and promulgating the Rules and for administering the Credit Program. Property owners are required to pay fees to OHFA in connection with an application for, and allocations of, tax credits. Code compliance monitoring fees are also charged to property owners. Such fees help defray the costs of drafting and implementing the Rules and administering the Credit Program.

OHFA has not received any information concerning cost impact from any private or public entities as of the last date of amendments to this Rule Impact Statement.

c. DESCRIPTION OF THE CLASSES OF PERSON WHO WILL BENEFIT FROM THE PROPOSED RULE: These Rules are intended to provide procedures for allocating Oklahoma’s Credit authority in a manner consistent with, and as authorized by, the Code. Qualified owners approved for an allocation of Oklahoma’s Credit authority benefit from the Credit Program and the Rules. The intended effect of the Rules is to increase the availability of affordable housing for Oklahoma families and individuals thereby benefiting those families and individuals qualifying as tenants under Credit Program housing. The State will also benefit because affordable housing will be provided to the citizens of the State. Further, persons employed

in the construction or housing industries can be reasonably expected to benefit from the Credit Program because of new construction or rehabilitation of housing units.

d. DESCRIPTION OF THE PROBABLE ECONOMIC IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS, POLITICAL SUBDIVISIONS, INCLUDING A DISCUSSION OF FEE CHARGES: None have been determined at this time.

e. PROBABLE COSTS AND BENEFITS TO THE AGENCY AND TO ANY OTHER AGENCY OF THE IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE AND ANY ANTICIPATED EFFECT ON STATE REVENUES INCLUDING ANY PROJECTED NET LOSS OR GAIN IN SUCH REVENUES: None have been determined at this time.

f. A DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISION OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE RULE: None have been determined at this time.

g. A DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ADVERSE EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT: None have been determined at this time.

h. MEASURES OHFA HAS TAKEN TO MINIMIZE COMPLIANCE COSTS AND A DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NONREGULATORY METHODS OR LESS INTRUSIVE METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES: OHFA has taken a proactive step and believes that the proposed rules will actually lessen compliance costs as it alleviates a burden previously placed on us by prior legislation. No less costly methods, or nonregulatory methods or less intrusive methods for achieving the proposed rules have been determined at this time.

i. DETERMINATION OF EFFECT OF PROPOSED RULES ON PUBLIC HEALTH, SAFETY, AND ENVIRONMENT: There are no effects on public health, safety, or the environment.

j. DETERMINATION OF ANY DETRIMENTAL EFFECT ON PUBLIC HEALTH, SAFETY, AND ENVIRONMENT IF THE PROPOSED RULES ARE NOT IMPLEMENTED: None have been determined at this time.

k. DATE RULE IMPACT STATEMENT WAS PREPARED: This Rule Impact Statement was prepared November 3, 2021.