

## La. R.S. 40:600.91

This document is current through the 2013 Regular Session. Annotations are current through September 30, 2013

[Louisiana Statutes, Annotated by LexisNexis\(TM\)](#) > [LOUISIANA REVISED STATUTES](#) > [TITLE 40.](#)  
> [CHAPTER 3-G.](#)

### § 40:600.91. Powers and duties of the corporation

- A. The corporation shall have the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter, including the following powers in addition to all other powers granted by other provisions of this Chapter:
- (1) The corporation may sue and be sued in its own name.
  - (2) The corporation may establish a seal and alter the same at its pleasure.
  - (3) The corporation shall adopt, in accordance with the provisions of the Administrative Procedure Act, [R.S. 49:950](#) et seq., those rules and regulations as are necessary and proper for the performance of its duties and responsibilities, in compliance with and subject to the exceptions in the following provisions:
    - (a) The Administrative Procedure Act, [R.S. 49:950](#) et seq., shall not apply to the sale of bonds, notes, or other obligations of the corporation or of programs of the corporation funded with the proceeds thereof, when such sale occurs after reasonable public notice and public hearing.
    - (b) The Administrative Procedure Act, [R.S. 49:950](#) et seq., shall not apply to the administration and allocation of low-income housing tax credits under [Section 42 of the Internal Revenue Code of 1986](#), as amended, except that upon adoption of rules and regulations relative to such administration and allocation, the corporation shall submit these rules and regulations to the Joint Legislative Committee on the Budget for review.
    - (c) The Administrative Procedure Act, [R.S. 49:950](#) et seq., shall not apply to the following programs, except that upon adoption of such rules and regulations relative to such programs, the program or the corporation shall submit such rules and regulations to the Joint Legislative Committee on the Budget for review. The programs subject to this provision are as follows:
      - (i) The Risk Sharing Program.
      - (ii) The Mark to Market Program.
      - (iii) The Louisiana Housing Trust Fund.
      - (iv) The HOME Program.
      - (v) The Low Income Housing Energy Assistance Program (LIHEAP).
      - (vi) The Weatherization Program (WAP).
      - (vii) The Section Eight Contract Administration Program.
      - (viii) The Louisiana Habitat for Humanity Loan Purchase Program Act.
      - (ix) Funding for the Louisiana Land Trust.
  - (4) The corporation may make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions pursuant to this Chapter with any federal or state governmental agency, public or private corporation, lending institution, or other entity or person.
  - (5) The corporation may accept donations of movable or immovable property from any source and receive appropriations from the legislature or financial assistance or subsidies from the federal or state government.
  - (6) The corporation may, subject to the rights of holders of bonds of the corporation, renegotiate, refinance, or foreclose on any mortgage or commence any action to protect or enforce any right or benefit conferred upon the corporation by any law, mortgage, contract, or other agreement, and bid for and purchase such property at any foreclosure or at any other sale, or otherwise acquire or take possession of any such property, and, in this event, the corporation may complete, administer, pay the principal of and interest on any obligation incurred in connection with such property, dispose of and otherwise deal

with such property in such manner as may be necessary or desirable to protect the interest of the corporation or of holders of its bonds therein.

- (7) The corporation may procure or provide for the procurement of insurance or reinsurance against any loss in connection with its property or operations, including but not limited to insurance, reinsurance or other guarantees from a federal or state governmental agency or private insurance company for the payment of any bonds issued by the corporation or bonds, notes, or any other obligations or evidences of indebtedness issued or made by any lending institution or other entity or person or insurance or reinsurance against loss with respect to mortgages or mortgage loans, including the power to pay premiums on such insurance or reinsurance.
- (8) The corporation may insure, reinsure, or cause to be insured or reinsured mortgage loans or mortgages on residential housing, may receive premiums on such insurance or reinsurance, may establish reserves for losses, and may participate in the insurance or reinsurance of mortgage loans or mortgages on residential housing with the federal or state government.
- (9) The corporation may enter into agreements and contracts with persons and entities including but not limited to the federal or state government or its subdivisions, agencies, or instrumentalities, or with mortgageors or lending institutions.
- (10) The corporation may undertake and carry out or authorize the completion of studies and analyses of housing conditions and needs within the state and ways of meeting such needs, may make such studies and analyses available to the public and to the housing industry, may engage in research, and may disseminate information on housing, in coordination with the office of community development within the division of administration.
- (11) The corporation may accept federal, state, or private financial or technical assistance, comply with any conditions for such assistance, and become a "co-insurer" with the United States Department of Housing and Urban Development or other appropriate federal agency for housing finance programs.
- (12) The corporation may collect fees and charges in connection with its loans, insurance, commitments, and services including but not limited to reimbursement of costs of issuing bonds, service charges, and insurance premiums.
- (13) The corporation may purchase secured loans or make lending commitments to purchase or sell construction or mortgage loans with respect to residential housing. Further, the corporation may make secured loans to lending institutions, including commitments therefor, with respect to the making of construction or mortgage loans by lending institutions for residential housing.
- (14) The corporation may acquire or contract to acquire from any person, firm, corporation, municipality, federal or state agency, by grant, purchase, or otherwise, movable or immovable property or any interest therein; may own, hold, clear, improve, lease, construct, or rehabilitate, and may sell, invest, assign, exchange, transfer, convey, lease, mortgage, or otherwise dispose of or encumber the same, subject to the rights of holders of the bonds of the corporation, at public or private sale, with or without public bidding.
- (15) The corporation may borrow money, issue bonds, and provide for the rights of the lenders or holders thereof.
- (16) The corporation may, subject to the rights of holders of the bonds of the corporation, consent to any modification with respect to the rate of interest, time payment of any installment of principal or interest, security or other term of any loan, contract, mortgage, mortgage loan or commitment therefor, or agreement of any kind to which the corporation is a party or beneficiary.
- (17) The corporation may maintain an office, in addition to the office in Baton Rouge, at such place or places in the state as the corporation shall determine.
- (18) In carrying out its functions under this Chapter, the corporation shall accomplish all of the following:
  - (a) The corporation shall adopt rules and regulations which shall require fair, impartial, and equitable treatment of all lending institutions by the corporation.
  - (b) Such rules and regulations shall ensure that favoritism shall not be an element in the allocation of services by the corporation and that objective standards and criteria shall control and govern access to the allocation of services and functions authorized by this Chapter.

- (c) The board of directors of the corporation shall establish statewide policy for the financing of housing for persons or families of low or moderate income and for senior citizens and persons with disabilities and such policy shall apply to all units, divisions, agencies, public corporations, and instrumentalities of the state, and may include the division of administration, involved directly or indirectly in financing single family or multi-family housing for such persons or families.
- (19) The corporation may purchase secured loans or make lending commitments to purchase loans on multi-family housing projects under such guidelines, rules, and restrictions as shall be adopted by the corporation.
- (20) The corporation is authorized to sell residential loans purchased by it or by others either singly or in "packages" or pools to investors, including the retirement plans and trusts established for the employees of the state and its subdivisions, agencies, instrumentalities, and units of government which may be authorized to purchase residential first mortgages for investment purposes; however, all such mortgage loans purchased by the corporation for resale shall have been made on real estate in the state.
- (21) Notwithstanding any provisions of this Chapter or any other law to the contrary, specifically [R.S. 12:202.1](#), the corporation may create or cause to be created such nonprofit corporations as may be necessary or expedient to participate in housing programs of the federal government or its agencies and instrumentalities.
- (22) Notwithstanding the provisions of this Chapter or any other law to the contrary, specifically [R.S. 12:202.1](#), the corporation may create or cause to be created such nonprofit corporations as may be necessary or desirable to establish housing equity funds, the purpose of which shall be to direct the investment of capital primarily from Louisiana residents to residential housing developments qualifying under [Section 42 of the Internal Revenue Code of 1986](#) for low income housing credits.
- (23) The corporation shall administer the federal grants for energy assistance and weatherization services for low-income persons.
- (24) The corporation shall administer the Louisiana Housing Trust Fund.
- (25) Notwithstanding any provisions of this Chapter or any other law to the contrary, the corporation is authorized to:
- (a) Sponsor a statewide community housing development organization to partner with or to expand the capacity of local nonprofit organizations in limited resource communities and to develop and manage affordable residential rental housing in partnership with such local nonprofit organizations.
  - (b) Originate and fund second mortgage loans to persons or households of low or moderate income as defined by the United States Department of Housing and Urban Development.
  - (c) Finance directly pools of loans to public housing authorities as established under the Louisiana Housing Authorities Law, contained in [R.S. 40:381](#) et seq.
  - (d) Establish one or more subsidiaries to carry out the purposes of this Chapter.
  - (e) Establish the Louisiana Housing Finance Agency as a subsidiary of the corporation, and to operate the agency as a subsidiary until June 30, 2012.
  - (f) Notwithstanding any provision of law to the contrary, the corporation may assume the obligations of any entity that becomes a subsidiary of the corporation in accordance with this Chapter.
- (26)
- (a) Notwithstanding any provision of law to the contrary, the corporation is authorized and required to assume administration or management of disaster recovery programs funded by the Department of Housing and Urban Development Community Development Block Grants and the Supplemental Appropriations Act of 2008 (P.L. 110-252) as designated by the commissioner of administration.
  - (b) In the event that a state agency has contracts in place for the purpose of the implementation of such programs, the agency may transfer to the corporation the contracts or the portion of the contracts related to the programs transferred.
  - (c) Notwithstanding any provisions of law to the contrary, the Homelessness Prevention and Rapid Rehousing program in the Department of Children and Family Services shall be transferred to the corporation.

- (27) The corporation shall have all powers necessary to access any and all federal funding related to housing. The corporation may access programs funded by the Department of Housing and Urban Development's Community Development Block Grants.
- (28)
- (a) The corporation, through its board, may establish advisory committees to assist in carrying out its mission, goals, and purposes.
- (b)
- (i) The corporation shall establish the Housing and Transportation Planning and Coordinating Commission as an advisory committee. The primary purpose of this commission shall be to advise the corporation in coordinating the integration of planning and spending by local governments, parish and municipal governing authorities, redevelopment authorities, and the Department of Transportation and Development on housing and transportation needs. The commission shall recommend multiple modes of transportation and multiple types of housing developments to be planned so as to provide planned recreational growth, more fully integrated and livable communities, and effective spending of public funds for the betterment of life for Louisiana citizens.
- (ii) The commission shall be comprised of the following members:
- (aa) The executive director of the Louisiana Housing Corporation, or his designee.
- (bb) One member appointed by the commissioner of administration to represent the office of facility planning and control.
- (cc) The secretary of the Department of Transportation and Development, or his designee.
- (dd) The secretary of the Department of Children and Family Services, or his designee.
- (ee) The president of the Louisiana Housing Alliance, or his designee.
- (ff) One member appointed by the National Association of Regional Councils from its Louisiana chapter.
- (gg) One member appointed by the Louisiana chapter of the Association of Metropolitan Planning Organizations.
- (hh) One member appointed by the National Association of Housing and Redevelopment Officials from its Louisiana Chapter.
- (ii) Repealed by [Acts 2012, No. 686](#), § 2, effective August 1, 2012.
- (jj) Two members of nonprofit housing development organizations appointed by the board of the Louisiana Housing Corporation.
- (kk) One member appointed by the Louisiana Housing Council.
- (ll) One member appointed by the Policy Jury Association of Louisiana.
- (mm) One member appointed by Louisiana Municipal Association.
- (nn) One member appointed by the Louisiana state chapter of the American Planning Association.
- (oo) The superintendent of the Department of Education, or his designee.
- (pp) The secretary of the Department of Economic Development, or his designee.
- (qq) One member appointed by the Louisiana Association of Affordable Housing Providers.
- (iii) Members of the commission appointed shall serve at the pleasure of the appointing authority and serve four-year terms. A vacancy in the office of a member shall be filled in the same manner as the original appointment for the remainder of the unexpired term.
- (iv) The commission shall elect a chairman and such other officers as it deems necessary from among its members.

- (v) Members of the commission shall not receive any salary or reimbursement of expenses for performing their duties as members other than compensation or reimbursement provided by their individual employers.
- (vi) The commission shall create a statewide housing plan for state agencies and conduct a parish-by-parish assessment of housing. The assessment shall be conducted once every five years and the statewide housing plan shall be updated based on the most recent assessment. All parish governing authorities, local governments, and redevelopment authorities shall cooperate with the commission.
- (aa) The assessments shall document the overall supply of housing including single-family, multi-family, special needs, and institutional housing; conditions of the housing stock; housing cost burden in each parish; and access to transit and job centers in each parish or metropolitan planning area.
- (bb) As part of its assessment, the commission shall hold not fewer than three public hearings in each region of the state to provide for citizens participation in the development of the plan. In each region, each such hearing shall be held at a different time of day and on a different day of the week from the other meetings in that region in order to maximize the opportunity for citizen participation. Members of the commission shall be invited guests to the public hearings.
- (cc) The commission, at regular intervals and in public meetings, shall update the board on the progress of the development of the statewide housing plan and maintenance thereof or any updates thereto. The commission shall also submit the developed plan, or once the plan is developed any recommended updates to such plan, to the board for approval, approval with comments, or rejection at a schedule determined by the board. Any plan or update which is rejected by the board shall not be incorporated into the statewide housing plan.
- (vii) The commission shall advise and provide recommendations to the board in the following areas:
  - (aa) Planning and housing regions of the state.
  - (bb) Public and alternative transportation needs. Such recommendation may include alternative modes of transportation including public transit, bus rapid transit, and rail and bicycle paths.
  - (cc) Estimates on low and moderate income housing needs.
  - (dd) Criteria and guidelines for parishes and municipalities to determine and address their local affordable housing needs, to promote consistency and uniformity in the information obtained and reported.
  - (ee) Criteria and guidelines for parishes, municipalities, and redevelopment authorities, and metropolitan planning organizations to coordinate and address local and regional transportation needs, to promote consistency and uniformity in the information obtained and reported.
  - (ff) Schedule and establish criteria to review housing and transportation plans for parishes and municipalities, and provide technical assistance to those parishes and municipalities unable to develop plans consistent with the established criteria and guidelines to determine consistency with established criteria and guidelines to address local affordable housing and transportation needs.
- (29) The corporation shall have all the powers and duties of a housing authority created pursuant to the Louisiana Housing Authorities [Law, R.S. 40:381](#) et seq., necessary to administer the Permanent Supportive Housing program.
- B.** The corporation may promulgate rules, regulations, or other procedures for the coordination of all state-administered housing programs. Notwithstanding any provisions of this Chapter or any other provision of the law to the contrary, every department, agency, or instrumentality of the state administering any federal or state housing resource shall provide assistance to the corporation, including but not limited to information, technical assistance, and personnel of such department, agency, or instrumentality, which is being or may be used to provide decent, safe, sanitary, accessible, and affordable housing to the residents of the state in order to accomplish the goals and to comply with the provisions of this Chapter.

- C. The Louisiana Housing Corporation is authorized and directed to cooperate and coordinate with units of general local government, local public housing authorities, and other instrumentalities of local government, including but not limited to public trusts and local nonprofit housing corporations, in developing a comprehensive plan and housing strategy as required by the Department of Housing and Urban Development. Such plan shall be submitted to the House Committee on Municipal, Parochial and Cultural Affairs and the Senate Committee on Local and Municipal Affairs for review within thirty days of its completion.
- D. The Louisiana Housing Corporation is authorized and directed to increase the supply of supportive housing, which combines structural features and services needed to enable persons with disabilities and senior citizens to live with dignity and independence.
- E. The Louisiana Housing Corporation is authorized and directed to finance mixed-income residential rental developments or homeownership using federal housing tax benefits or any other available federal funds or benefits.

<b>History</b>
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*Acts 2011, No. 408, § 1, eff. July 5, 2011; Acts 2012, No. 686, §§ 1, 2, eff. Aug. 1, 2012.*

#### Annotations

<b>Notes</b>
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#### Amendment Notes

##### 2012 Amendments.

The 2012 amendment by Act No. 686 inserted "and may include the division of administration" in (A)(18)(c); added the second sentence of (A)(27); added (A)(28)(b)(ii)(oo) through (A)(28)(b)(ii)(qq) and (E); and repealed (A)(28)(b)(ii)(ii), which read: "One member appointed by the Center for Planning Excellence."

##### LSLI 2011 Amendments.

In accordance with the revision authority set forth in R.S. 24:201 et seq., the Louisiana State Law Institute made minor stylistic changes in (A)(28)(b)(ii)(dd), (ff), and (hh).

#### Quoted Statutory Material

*Acts 2011, No. 408, §§ 4, 5(A), and 6 through 10, provide that "The Louisiana Housing Finance Agency board of commissioners is hereby abolished at midnight on December 31, 2011. At midnight on December 31, 2011, the activities, authority, power, duties, functions, programs, obligations, operations and responsibilities and any pending or unfinished business of the Louisiana Housing Finance Agency, hereinafter referred to as the "Agency", shall be assumed and completed by the governing authority of the Louisiana Housing Corporation, hereinafter referred to as the "Corporation", with the same power and authority as the Agency. The Corporation shall be the successor in every way to the Agency and every act done by the Corporation in the exercise of its functions shall be deemed to have the same force and effect under any provisions of the constitution and laws in effect as if done by the Agency. The Agency shall operate as a subsidiary of the Corporation until midnight on June 30, 2012.*

*"After midnight on June 30, 2012, each reference or designation in the constitution or any law or contract or other document of the Louisiana Housing Finance Agency shall be deemed to apply to the Louisiana Housing Corporation.*

*"(A) For purposes of this Section, "legal proceeding" includes, but is not limited to, any suit, action, incidental demand or action, claim, and any other matter filed or pending before any court, administrative agency, or other judicial or quasi-judicial body.*

*"(B) For purposes of this Section, "document" includes, but is not limited to, any petition, application, exception, motion, rule, answer, incidental demand, citation, notice, return, affidavit, certificate, oath, bond or other security summons, subpoena, writ, interrogatory, deposition, inventory, appraisal, evidence, court record, instruction, verdict, judg-*

ment, order, injunction, confirmation, appointment, warrant, letter, homologation, and any other pleading or instrument whatsoever permitted or required in any legal proceeding.

“(C) Any legal proceeding to which the Louisiana Housing Finance Agency is a party and which is filed initiated, or otherwise pending before any court at or prior to midnight on June 30, 2012, and all documents involved in or affected by the legal proceeding, shall retain their effectiveness and shall be continued in the name of the Agency. All further legal proceedings and documents in the continuation, disposition, and enforcement of the legal proceeding shall be in the name of the Agency, and the Louisiana Housing Corporation shall be substituted for the Agency without necessity for amendment of any document to substitute the name of the Agency or the name or title of any office, official, employee, or other agent or representative of the Agency. Any legal proceeding, and all documents involved in or affected by the legal proceeding which has been continued in the name of the Agency after midnight on December 31, 2012, shall retain their effectiveness, and those provisions of this Section requiring that the continuation, disposition, and enforcement of a legal proceeding and documents related thereto shall be in the name of the Agency shall not apply to or affect the validity of such legal proceeding.

“(A) The legislature hereby specifically states that this Act [[Acts 2011, No. 408](#)] is in no way and to no extent intended to nor shall it be construed in any manner which will impair the contractual or other obligations of the Agency or of the state of Louisiana. It is hereby specifically provided that all obligations of the Agency hereafter shall be deemed to be the obligations of the Corporation. In like manner, and in order to prevent any violation of the provisions, terms, or conditions of any gift, donation, deed, will, trust, or other instrument or disposition by which property of any kind has been vested in the Agency, or diversion from the purposes for which the property was thus vested in the Agency, it is hereby specifically provided that each such instrument or disposition hereafter shall be deemed to have been vested in the Corporation to the same extent as if originally so done.

“(B) The Corporation shall be the successor in every way to the Agency, including all the obligations and debts of the Agency. All funds heretofore dedicated by or under authority of the constitution and laws of this state or any of its subdivisions to the payment of any bonds issued for construction or improvements for any institution or facility under the control of the Agency shall continue to be collected and dedicated to the payment of those bonds, unless under the constitution and laws the bonds are now being paid out of moneys in the Bond Security and Redemption Fund. In like manner, all other dedications and allocations of revenues and sources of revenues heretofore made, which are constitutional under the Louisiana Constitution of 1974, shall continue, until otherwise hereafter provided by the constitution, in the same manner, to the same extent, and for the same purposes as were provided prior to the enactment of this Act [[Acts 2011, No. 408](#)].

“(C) This Act [[Acts 2011, No. 408](#)] shall not be construed or applied in any way which will prevent full compliance by the state, or any department, office, or agency thereof, with the requirements of any Act of the Congress of the United States or any regulation made thereunder by which federal aid or other federal assistance has been or hereafter is made available to this state, or any department, office, agency, or subdivision thereof, anything contained in this Act [[Acts 2011, No. 408](#)] to the contrary notwithstanding, and such compliance hereafter shall be accomplished by the Corporation insofar as compliance affects the Agency.

“All books, papers, records, money, actions, and other property of every kind, movable and immovable, real and personal, heretofore possessed, controlled, or used by the Agency are transferred to the Corporation.

“All employees heretofore engaged in the performance of duties in the Agency shall remain under the control and direction of the Agency until termination of the Agency effective June 30, 2012. Subsequent to the assumption of control of the Agency by the Corporation, the Corporation to the extent the Corporation deems necessary to carry out the functions of the Corporation and/or the Agency, shall transfer employees to the Corporation and they shall, insofar as practicable and necessary, continue to perform the duties heretofore performed, subject to applicable state civil service laws, rules, and regulations.

“(A) On or after the effective date of this Section, the commissioner of administration, the president of the Senate or his designee, and the speaker of the House of Representatives or his designee, the chairman of the board of commissioners of the Louisiana Housing Finance Agency at the time that this Act [[Acts 2011, No. 408](#), eff. 7-5-2011] becomes effective shall form a transition committee that shall be terminated no later than midnight on January 1, 2012.

“(B) The transition committee shall determine workable transition plans for the transfer of programs, powers, duties, responsibilities, and functions as shall be necessary to implement the provisions of this Act [[Acts 2011, No. 408](#)]. These plans shall include detailed procedures for the realignment, distribution, assignment, consolidation, and coordination of agencies, programs, and functions designated within this Act. These plans shall include detailed procedures for the transfer and utilization of positions, personnel, funds, office space, facilities, equipment, and such other detail as is necessary to effectuate the purpose of this Act [[Acts 2011, No. 408](#)]. A report on these plans shall be presented to the Senate Committee on Local and Municipal Affairs and the House Committee on Municipal, Paro-

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chial, and Cultural Affairs for review no later than December 15, 2011. The transition committee shall have the authority to establish subcommittees to report and make recommendations with respect to transition plans and their implementation.”

LOUISIANA STATUTES ANNOTATED

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