

# VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

## CHAPTER 215

*An Act to amend and reenact § 36-55.39 of the Code of Virginia, relating to VHDA; financing of housing developments.*

[H 1744]

Approved March 14, 1995

**Be it enacted by the General Assembly of Virginia:**

**1. That § 36-55.39 of the Code of Virginia is amended and reenacted as follows:**

§ 36-55.39. Procedure prior to financing of housing developments undertaken by housing sponsors.

A. Notwithstanding any other provision of this chapter, HDA is not empowered to finance any housing development undertaken by a housing sponsor pursuant to §§ 36-55.31, 36-55.33:1 and 36-55.34:1 of this chapter unless, prior to the financing of any housing development hereunder, *the commissioners of HDA find* find:

1. That there exists a shortage of decent, safe and sanitary housing at rentals or prices which persons and families of low income or moderate income can afford within the general housing market area to be served by the proposed housing development.

2. That private enterprise and investment have been unable, without assistance, to provide the needed decent, safe and sanitary housing at rentals or prices which persons or families of low and moderate income can afford or to provide sufficient mortgage financing for residential housing for occupancy by such persons or families.

3. That the housing sponsor or sponsors undertaking the proposed housing development in ~~this~~ *the* Commonwealth will supply well-planned, well-designed housing for persons or families of low and moderate income and that such sponsors are financially responsible.

4. That the housing development, to be assisted pursuant to the provisions of this chapter, will be of public use and will provide a public benefit.

5. That the housing development will be undertaken within the authority conferred by this chapter upon HDA and the housing sponsor or sponsors.

B. *The executive director of HDA shall also find, in connection with the financing of the new construction or substantial rehabilitation of any proposed multi-family residential housing development, that the governing body of the locality in which such housing development is to be located has not, within sixty days after written notification of the proposed financing has been sent the governing body by HDA, certified to HDA in writing its disapproval of the proposed multi-family residential housing development. Such certification of disapproval shall only be issued upon a finding by the local governing body that the new construction or substantial rehabilitation of the proposed multi-family residential development (i) is not consistent with current zoning or other applicable land use regulations, or (ii) is not consistent with the local Comprehensive Housing Affordability Strategy. If the governing body of the locality has so certified its disapproval to HDA, the governing body may revoke such certification of disapproval at any time by written notice to HDA, and upon receipt of such written notice, the executive director of HDA shall, for the purpose of making the finding required by this subsection, disregard such certification of disapproval. Furthermore, no finding need be made under this subsection if HDA shall have received from the governing body its certified resolution approving the proposed housing development.*