

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2003**

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**SENATE BILL 1097**

Short Title: Closing the Equity Gap/Increase Homeownership. (Public)

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Sponsors: Senators Queen, Malone; Albertson, Allran, Bingham, Blake, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Hunt, Jenkins, Kinnaird, Lucas, Moore, Nesbitt, Purcell, Rand, Reeves, Shaw, Sloan, Smith, Soles, Stevens, Tillman, and Weinstein.

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Referred to: Appropriations/Base Budget.

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May 17, 2004

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE HOMEOWNERSHIP IN NORTH CAROLINA BY  
2 DEVELOPING A PUBLIC EDUCATION CAMPAIGN REGARDING  
3 HOMEOWNERSHIP PROGRAMS AND THE BENEFITS OF  
4 HOMEOWNERSHIP, TO PROVIDE BETTER HOME BUYER PREPARATION  
5 AND CONSUMER CREDIT COUNSELING, TO CREATE REGIONAL  
6 COALITIONS TO IDENTIFY AND REDUCE BARRIERS TO  
7 HOMEOWNERSHIP, AND TO APPROPRIATE FUNDS TO ESTABLISH  
8 THOSE PROGRAMS.  
9

10 The General Assembly of North Carolina enacts:

11 **PART I. CREATION OF THE EQUITY PLUS HOMEOWNERSHIP**  
12 **PROGRAM.**

13 **SECTION 1.1.(a)** There is appropriated from the General Fund to the Rural  
14 Economic Development Center, Inc., (Center) the sum of nine million dollars  
15 (\$9,000,000) for the 2004-2005 fiscal year. These funds shall be used to establish the  
16 Equity Plus Homeownership Program as provided in this act. The purpose of the Equity  
17 Plus Homeownership Program is to increase the number of North Carolinians who are  
18 able to purchase and retain equity-building homes through public education, homebuyer  
19 preparation, consumer counseling, and Equity Plus mortgage products.

20 As used in this section, the following definitions apply:

- 21 (1) "Equity-building home" means a residential structure that will be the  
22 purchaser's primary residence and that met the State and local building  
23 code standards in place at the time of construction, or if there were no  
24 building codes in effect at the time of construction, that was  
25 constructed on-site. An equity-building home will also have

1 characteristics that are likely to cause it to appreciate in value over  
2 time.

- 3 (2) "Equity Plus mortgage product" means a loan that is offered at an  
4 interest rate that is at or near the lowest available market rate and that  
5 contains foreclosure prevention provisions such as payment deferrals  
6 in the event of delinquencies due to certain economic circumstances. It  
7 must also include additional characteristics intended to assist the target  
8 population in obtaining home financing and including at least one of  
9 the following: flexible underwriting standards or flexible down  
10 payment requirements.

11 **SECTION 1.1.(b)** Of the funds appropriated in this act to the Rural  
12 Economic Development Center, Inc., the sum of five million dollars (\$5,000,000) shall  
13 be used to create, support, and assist programs and products that increase ownership of  
14 equity-building homes. The Center shall use these funds to:

- 15 (1) Establish a central inventory and description of all homeownership  
16 programs and financing resources that are available in North Carolina,  
17 whether offered through private or public entities, and that shall be  
18 accessible to the public by a toll-free phone service as well as  
19 electronic means;
- 20 (2) Develop and implement an aggressive public information and  
21 education campaign using TV, radio, newspaper, billboards, and direct  
22 mail in order to publicize the economic benefits of purchasing an  
23 equity-building home and the resources that are available to assist  
24 citizens with making that purchase;
- 25 (3) Coordinate with and support local, State, federal, private, public, and  
26 nonprofit organizations (such as the Habitat for Humanity Foundation  
27 and other self-help housing organizations) that increase  
28 homeownership in equity-building homes and protect housing  
29 consumers;
- 30 (4) Collaborate with local governments to help remove barriers to the  
31 development of affordable, equity-building housing;
- 32 (5) Partner with the North Carolina Department of Commerce and public  
33 and private employers to foster workforce housing to attract and retain  
34 employees and as an economic development tool; and
- 35 (6) Identify and solicit additional funding from charitable and federal  
36 sources that can be used to increase equity-building homeownership  
37 rates in North Carolina.

38 **SECTION 1.1.(c)** Of the funds appropriated in this act to the Rural  
39 Economic Development Center, Inc., the sum of three million dollars (\$3,000,000) shall  
40 be used to allocate grants to nonprofit corporations and local governments to make  
41 certified homebuyer credit counselors available to potential Equity Plus homebuyers in  
42 every region of the State. The positions shall be used primarily to provide financial  
43 literacy, credit counseling, homeownership preparation, and foreclosure prevention and  
44 intervention services to increase homeownership of equity-building properties. The

1 Center shall establish performance-based criteria for grant recipients that include  
2 tracking inputs and outcomes of the counseling, education, buyer preparation, and  
3 foreclosure prevention programs. The Center shall also collect and evaluate data  
4 received from grant recipients to determine the number of equity-building homes that  
5 are purchased using Equity Plus mortgage products as a result of the Equity Plus  
6 Homeownership Program.

7 **SECTION 1.1.(d)** Of the funds appropriated in this act to the Rural  
8 Economic Development Center, Inc., the sum of one million dollars (\$1,000,000) shall  
9 be used to develop a mechanism for identifying equity-building homes and to provide  
10 grants to regional coalitions to increase ownership of equity-building homes.

11 (1) The Center shall collaborate with representatives from the building  
12 trades, financial institutions, appraisers, developers, local  
13 governments, realtors, and architects in order to establish a set of  
14 criteria that may be used to evaluate various features of residential  
15 buildings. The criteria are intended to examine the quality of  
16 construction of a home by taking into consideration features such as  
17 durability and quality of building materials, future expandability and  
18 adaptability, energy efficiency, and esthetic appeal. The criteria are  
19 also intended to examine the quality of the location of a home by  
20 taking into consideration its proximity to services, amenities,  
21 employment centers, and transportation options. Using the criteria  
22 established under this subdivision, the Center shall also develop a  
23 mechanism that may be utilized by consumers, builders, or realtors to  
24 evaluate the equity building potential of individual properties. Funds  
25 allocated under this subsection may be used to pay for the creation and  
26 distribution of the mechanism and to pay for third-party evaluations of  
27 individual properties. The Center shall implement this subdivision by  
28 no later than January 1, 2005.

29 (2) The Center shall make grants to local governments to organize and  
30 operate Regional Equity Plus Coalitions in every region of the State.  
31 These coalitions shall have representatives from financial institutions,  
32 homebuilders, realtors, architects, housing counselor grantees,  
33 community-based nonprofit organizations, and local governments. The  
34 coalitions shall be responsible for preparing and carrying out local and  
35 regional campaigns to increase homeownership by marketing Equity  
36 Plus mortgages, Equity Plus homes, and connecting potential  
37 homebuyers to these products.

38 **SECTION 1.1.(e)** There is established the Equity Plus Advisory Committee  
39 to collaborate with the Center on the implementation of the Equity Plus Homeownership  
40 Program. The Advisory Committee shall include representatives from the Department  
41 of State Treasurer, the North Carolina Department of Commerce, the North Carolina  
42 Housing Finance Agency, the Center for Self-Help, the North Carolina Housing  
43 Coalition, the North Carolina Association of Housing Counselors, the State Employees'  
44 Credit Union, the North Carolina Credit Union League, the North Carolina Bankers'

1 Association, the North Carolina Association of Mortgage Professionals, the Mortgage  
2 Bankers Association of the Carolinas, the North Carolina Community College System,  
3 the Agricultural Extension Service, the North Carolina Home Builders Association, the  
4 North Carolina Association of Realtors ©, the North Carolina League of Municipalities,  
5 and the North Carolina Association of County Commissioners. The President of the  
6 Rural Economic Development Center, Inc., shall serve as an ex officio member of the  
7 Advisory Committee. The Center shall arrange for the Advisory Committee to meet at  
8 least four times a year.

9 **SECTION 1.1.(f)** Of the funds appropriated in this act from the General  
10 Fund to the Rural Economic Development Center, Inc., the Center may use up to three  
11 percent (3%) for the 2004-2005 fiscal year to cover expenses in administering this act.

12 **SECTION 1.1.(g)** The Rural Economic Development Center, Inc., shall:

- 13 (1) By January 15, 2005, and more frequently as requested, report to the  
14 Joint Legislative Commission on Governmental Operations and the  
15 Fiscal Research Division the following information:  
16 a. State fiscal year 2004-2005 planned activities, objectives, and  
17 accomplishments including actual results through December 31,  
18 2004; and  
19 b. State fiscal year 2004-2005 estimated itemized expenditures  
20 and fund sources including actual expenditures and fund  
21 sources through December 31, 2004.  
22 (2) Develop a plan to add a total of 42,000 additional equity-building  
23 homeowners in North Carolina by July 1, 2008, and to establish goals  
24 for continuing to substantially increase homeownership in  
25 equity-building homes through 2018. The plan shall be included as a  
26 component of the North Carolina Consolidated Plan for 2005-2010,  
27 and shall include a budget for its implementation. The Center shall  
28 submit its plan to the Joint Legislative Commission on Governmental  
29 Operations and the Fiscal Research Division no later than January 15,  
30 2005.  
31 (3) Provide to the Fiscal Research Division a copy of each grant  
32 recipient's annual audited financial statement within 30 days of  
33 issuance of the statement.

34 **PART II. CREATE 6,000 EQUITY PLUS MORTGAGES.**

35 **NORTH CAROLINA HOUSING FINANCE AGENCY**

36 **SECTION 2.1.** There is appropriated from the General Fund to the North  
37 Carolina Housing Finance Agency the sum of two million dollars (\$2,000,000) for the  
38 2004-2005 fiscal year. These funds shall be used to create a loan loss reserve to offset  
39 expenses that may occur from defaults or delinquencies on mortgages purchased by the  
40 Agency in furtherance of the Equity Plus Homeownership Program. Loans purchased  
41 by the Agency under this section shall meet the Agency's criteria regarding sales price  
42 limits.

43 **CENTER FOR COMMUNITY SELF-HELP**

1           **SECTION 2.2.(a)** There is appropriated from the General Fund to the  
2 Department of Commerce the sum of five million dollars (\$5,000,000) for the  
3 2004-2005 fiscal year that shall be allocated to the Center for Community Self-Help in  
4 furtherance of the Equity Plus Homeownership Program. These funds will be leveraged  
5 on a twenty-to-one basis, generating at least twenty dollars (\$20.00) of nontraditional  
6 home loans for every one dollar (\$1.00) of State funds. Payments of principal shall be  
7 available for further loans or loan guarantees. Loans purchased by Self-Help under this  
8 subsection shall meet Self-Help's criteria regarding sales price limits.

9           **SECTION 2.2.(b)** The Center for Community Self-Help shall submit, within  
10 180 days after the close of its fiscal year, audited financial statements to the State  
11 Auditor. All records pertaining to the use of State funds shall be made available to the  
12 State Auditor upon request. The Center for Community Self-Help shall make quarterly  
13 reports on the use of State funds to the State Auditor in form and format prescribed by  
14 the State Auditor or his designee. The Center for Community Self-Help shall make a  
15 written report by May 1 of each year for the next three years to the General Assembly  
16 on the use of the funds allocated under this section.

17           **SECTION 2.2.(c)** The Center for Community Self-Help shall report to the  
18 Joint Legislative Commission on Governmental Operations, the House Appropriations  
19 Subcommittee on Natural and Economic Resources, the Senate Appropriations  
20 Committee on Natural and Economic Resources, and the Department of Commerce on a  
21 quarterly basis for the next three years.

22           **SECTION 2.2.(d)** The Office of the State Auditor may conduct an annual  
23 end-of-year audit of the revolving fund for economic development lending created by  
24 this appropriation for each year of the life of the revolving fund.

25           **SECTION 2.2.(e)** If the Center for Community Self-Help dissolves, the  
26 corporation shall transfer the remaining assets of the revolving fund to the State and  
27 shall refrain from disposing of the revolving fund assets without approval of the State  
28 Treasurer.

29           **SECTION 2.2.(f)** The Department of Commerce shall disburse this  
30 appropriation within guidelines established by the Office of State Budget and  
31 Management. The request shall include a commitment of the leveraged funds by the  
32 Center for Community Self-Help or its affiliates.

### 33 **PRIVATE LENDERS**

34           **SECTION 2.3.** The Rural Economic Development Center, Inc., shall  
35 collaborate with the State Employees Credit Union, the North Carolina Credit Union  
36 League, and the North Carolina Bankers Association to develop new and identify  
37 existing Equity Plus mortgage products, as defined in subsection 1.1(a) of this act, that  
38 are or will be offered by member institutions and that will increase the number of public  
39 employees and other North Carolinians purchasing equity-building homes.

### 40 **PART III. INCREASE MORTGAGE MARKET LIQUIDITY.**

41           **SECTION 3.1.** The State Treasurer shall work with the entities listed in  
42 G.S. 147-69.1(c)(2) to develop a North Carolina specific mortgage portfolio in which  
43 the Treasurer may invest funds under G.S. 147-69.1(c)(2). The State Treasurer shall

1 attempt to invest at least one hundred million dollars (\$100,000,000) in this mortgage  
2 portfolio in order to assist with mortgage financing liquidity in this State.

3 **SECTION 3.2.** G.S. 147-69.1(c)(2) reads as rewritten:

4 "(c) It shall be the duty of the State Treasurer to invest the cash of the funds  
5 enumerated in subsection (b) of this section in excess of the amount required to meet the  
6 current needs and demands on such funds, selecting from among the following:

7 ...

8 (2) Obligations of the Federal Financing Bank, the Federal Farm Credit  
9 Bank, the Federal Home Loan Banks, the Federal Home Loan  
10 Mortgage Corporation, Fannie Mae, the Government National  
11 Mortgage Association, the Federal Housing Administration, the  
12 Farmers Home Administration, the United States Postal Service, the  
13 Export-Import Bank, the International Bank for Reconstruction and  
14 Development, the International Finance Corporation, the  
15 Inter-American Development Bank, the Asian Development Bank, the  
16 African Development Bank, and the Student Loan Marketing  
17 Association. The Treasurer may consider indirect economic benefits to  
18 the citizens of the State when selecting particular investments under  
19 this subsection."

20 **PART IV. EFFECTIVE DATES.**

21 **SECTION 4.1.** This act becomes effective July 1, 2004.