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Mary Fallin, Governor
V. Glenn Coffee,
Secretary of State
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Notices of Rulemaking Intent

Prior to adoption and gubernatorial/legislative review of a proposed PERMANENT rulemaking action, an agency must publish a Notice of Rulemaking Intent in the *Register*. In addition, an agency may publish a Notice of Rulemaking Intent in the *Register* prior to adoption of a proposed EMERGENCY or PREEMPTIVE rulemaking action.

A Notice of Rulemaking Intent announces a comment period, or a comment period and public hearing, and provides other information about the intended rulemaking action as required by law, including where copies of proposed rules may be obtained.

For additional information on Notices of Rulemaking Intent, see 75 O.S., Section 303.

TITLE 748. UNIFORM BUILDING CODE COMMISSION CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #12-883]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

748:1-1-1. Organization [AMENDED]

SUMMARY:

The proposed rule amendment is to allow requested copies of the organizational chart to be provided by the Chief Executive Officer instead of the Chairman.

AUTHORITY:

This rule is being promulgated under the authority of 59 O.S. § 1000.24.; Uniform Building Code Commission

COMMENT PERIOD:

Written and oral comments will be accepted beginning Tuesday, October 2, 2012 and will be accepted through Thursday, November 1, 2012, during regular business hours at the offices of the Uniform Building Code Commission. Written comments may be hand delivered to the Commission at, 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107 or may be mailed to the following address: Uniform Building Code Commission, P.O. Box 700007, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing on this proposed rule will be held at 1:30 p.m. on Tuesday, November 13, 2012, at a regular meeting of the Uniform Building Code Commission at 2401 NW 23rd, Suite 2-F. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Uniform Building Code Commission requests that business entities affected by this proposed rule provide the Uniform Building Code Commission, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as report, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Kathy Hehnly at the above address, before the close of the comment period on Thursday, November 1, 2012.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained from the Uniform Building Code Commission at: 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107, before the close of the comment period on Wednesday, October 31, 2012. The proposed rules can be found on the Uniform Building Code Commission website at: http://www.ok.gov/oubcc/Codes_&_Rules/Proposed_Rules/index.html

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared, and may be obtained from the Uniform Building Code Commission at the above physical address

CONTACT PERSONS:

Billy Pope, Chief Executive Officer 405.521-6501
Kathy Hehnly, Commission Secretary 405.521-6506

[OAR Docket #12-883; filed 8-30-12]

TITLE 748. UNIFORM BUILDING CODE COMMISSION CHAPTER 3. GENERAL PROVISIONS

[OAR Docket #12-884]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

748:3-1-2. Definitions [AMENDED]

SUMMARY:

The proposed rule amendment makes permanent certain rules adopted by emergency to conform with the amendments to 59 O.S. 2011 § 1000.25 adopted by the Fifty-Third Legislature, 2012 Second Regular Session, effective November 1, 2012, by deleting the definition of a "Hardship Waiver of Late Fees".

AUTHORITY:

This rule is being promulgated under the authority of 59 O.S. § 1000.24.; Uniform Building Code Commission

COMMENT PERIOD:

Written and oral comments will be accepted beginning Tuesday, October 2, 2012 and will be accepted through Thursday, November 1, 2012, during regular business hours at the offices of the Uniform Building Code Commission. Written comments may be hand delivered to the Commission at, 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107 or may be mailed to the following address: Uniform Building

Notices of Rulemaking Intent

Code Commission, P.O. Box 700007, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing on this proposed rule will be held at 1:30 p.m. on Tuesday, November 13, 2012, at a regular meeting of the Uniform Building Code Commission at 2401 NW 23rd, Suite 2-F. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Uniform Building Code Commission requests that business entities affected by this proposed rule provide the Uniform Building Code Commission, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as report, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Kathy Hehnlly at the above address, before the close of the comment period on Thursday, November 1, 2012.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained from the Uniform Building Code Commission at: 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107, before the close of the comment period on Wednesday, October 31, 2012. The proposed rules can be found on the Uniform Building Code Commission website at: http://www.ok.gov/oubcc/Codes_&_Rules/Proposed_Rules/index.html

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared, and may be obtained from the Uniform Building Code Commission at the above physical address

CONTACT PERSONS:

Billy Pope, Chief Executive Officer 405.521-6501
Kathy Hehnlly, Commission Secretary 405.521-6506

[OAR Docket #12-884; filed 8-30-12]

TITLE 748. UNIFORM BUILDING CODE COMMISSION CHAPTER 5. FEES AND COLLECTION OF FEES

[OAR Docket #12-885]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Fees [AMENDED]

748:5-1-1. Fee for initial permit and permit renewal [AMENDED]

Subchapter 3. Collection and Late Fee Assessment [AMENDED]

748:5-3-1. Late Fee Assessment [AMENDED]

SUMMARY:

The proposed rule amendments change the language in 748:5-1-1 to remove the reference to the initial point at which the Commission would start collecting fees and to remove the reference to a specific dollar amount to be charged so long as that amount does not exceed the amount allowed by statute. Further: 748:5-3-1 has been amended to make permanent certain rules previously adopted as emergency rules set forth to conform the late fee assessment requirements of the Uniform Building Code Commission to those adopted by the Fifty-Third Legislature, Second Regular Session in its amendments to 59 O.S. 2011, § 1000.25 effective November 1, 2012.

AUTHORITY:

These rules are being promulgated under the authority of 59 O.S. § 1000.24.; Uniform Building Code Commission

COMMENT PERIOD:

Written and oral comments will be accepted beginning Tuesday, October 2, 2012 and will be accepted through Thursday, November 1, 2012, during regular business hours at the offices of the Uniform Building Code Commission. Written comments may be hand delivered to the Commission at, 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107 or may be mailed to the following address: Uniform Building Code Commission, P.O. Box 700007, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on Tuesday, November 13, 2012, at a regular meeting of the Uniform Building Code Commission at 2401 NW 23rd, Suite 2-F. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Uniform Building Code Commission requests that business entities affected by these proposed rules provide the Uniform Building Code Commission, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as report, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Kathy Hehnlly at the above address, before the close of the comment period on Thursday, November 1, 2012.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Uniform Building Code Commission at: 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107, before the close of the comment period on Wednesday, October 31, 2012. Proposed rules can be found on the Uniform Building Code Commission website at: http://www.ok.gov/oubcc/Codes_&_Rules/Proposed_Rules/index.html

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared, and may be obtained from the Uniform Building Code Commission at the above physical address

CONTACT PERSONS:

Billy Pope, Chief Executive Officer 405.521-6501
Kathy Hehnly, Commission Secretary 405.521-6506

[OAR Docket #12-885; filed 8-30-12]

**TITLE 748. UNIFORM BUILDING CODE COMMISSION
CHAPTER 7. COMMISSION COMMITTEES**

[OAR Docket #12-886]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Standing Committees [AMENDED]
- 748:7-5-1. Standing committees [AMENDED]
- Subchapter 7. Technical Committees [AMENDED]
- 748:7-7-1. Specific purpose [AMENDED]
- 748:7-7-3. Technical committee composition [AMENDED]
- 748:7-7-4. Member selection [AMENDED]

SUMMARY:

The proposed rule amendments add language to 748:7-5-1 to require the Chairman of the Commission review standing committee appointments annually; add language 748:7-7-1 to clarify that technical committees recommend amendments, modifications or improvements to specific codes as well as recommend adoption of codes to the Commission; add language to 748:7-7-3 requiring office staff provide clerical/secretarial support to the technical committees; and add language to section 748:7-7-4 to allow the Vice-Chairman of the Commission to assign a designee to help with receipt of requests to serve and member selection to the technical committees.

AUTHORITY:

These rules are being promulgated under the authority of 59 O.S. § 1000.24.; Uniform Building Code Commission

COMMENT PERIOD:

Written and oral comments will be accepted beginning Tuesday, October 2, 2012 and will be accepted through Thursday, November 1, 2012, during regular business hours at the offices of the Uniform Building Code Commission. Written comments may be hand delivered to the Commission at, 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107 or may be mailed to the following address: Uniform Building Code Commission, P.O. Box 700007, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on Tuesday, November 13, 2012, at a regular meeting of

the Uniform Building Code Commission at 2401 NW 23rd, Suite 2-F. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Uniform Building Code Commission requests that business entities affected by these proposed rules provide the Uniform Building Code Commission, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as report, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Kathy Hehnly at the above address, before the close of the comment period on Thursday, November 1, 2012.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Uniform Building Code Commission at: 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107, before the close of the comment period on Wednesday, October 31, 2012. Proposed rules can be found on the Uniform Building Code Commission website at: http://www.ok.gov/oubcc/Codes_&_Rules/Proposed_Rules/index.html

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared, and may be obtained from the Uniform Building Code Commission at the above physical address

CONTACT PERSONS:

Billy Pope, Chief Executive Officer 405.521-6501
Kathy Hehnly, Commission Secretary 405.521-6506

[OAR Docket #12-886; filed 8-30-12]

**TITLE 748. UNIFORM BUILDING CODE COMMISSION
CHAPTER 10. CODE ADOPTION PROCEDURES**

[OAR Docket #12-887]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General
- 748:10-1-2. Public input to technical committees [AMENDED]

SUMMARY:

The proposed rule amendment adds language to allow Commission staff to determine the number of public meetings that shall be called for technical committees as well as establish to the extent possible that all technical committee meetings will be held at the offices of the Commission and when not possible

Notices of Rulemaking Intent

allow for meetings at a different location upon approval of the Chairman.

AUTHORITY:

This rule is being promulgated under the authority of 59 O.S. § 1000.24.; Uniform Building Code Commission

COMMENT PERIOD:

Written and oral comments will be accepted beginning Tuesday, October 2, 2012 and will be accepted through Thursday, November 1, 2012, during regular business hours at the offices of the Uniform Building Code Commission. Written comments may be hand delivered to the Commission at, 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107 or may be mailed to the following address: Uniform Building Code Commission, P.O. Box 700007, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing on this proposed rule will be held at 1:30 p.m. on Tuesday, November 13, 2012, at a regular meeting of the Uniform Building Code Commission at 2401 NW 23rd, Suite 2-F. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Uniform Building Code Commission requests that business entities affected by these proposed rules provide the Uniform Building Code Commission, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as report, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Kathy Hehnly at the above address, before the close of the comment period on Thursday, November 1, 2012.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained from the Uniform Building Code Commission at: 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107, before the close of the comment period on Wednesday, October 31, 2012. The proposed rules can be found on the Uniform Building Code Commission website at: http://www.ok.gov/oubcc/Codes_&_Rules/Proposed_Rules/index.html

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared, and may be obtained from the Uniform Building Code Commission at the above physical address

CONTACT PERSONS:

Billy Pope, Chief Executive Officer 405.521-6501
Kathy Hehnly, Commission Secretary 405.521-6506

[OAR Docket #12-887; filed 8-30-12]

TITLE 748. UNIFORM BUILDING CODE COMMISSION CHAPTER 15. CODE ADOPTED BY STATE AGENCIES AND POLITICAL SUBDIVISIONS

[OAR Docket #12-888]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

748:15-1-1. Codes which may be adopted [AMENDED]

SUMMARY:

The proposed rule amendment adds language requesting state agencies and political subdivisions to submit code adoption notifications to the Commission annually to fulfill the statutory obligation of the Commission in 59 O.S. § 1000.24(6).

AUTHORITY:

This rule is being promulgated under the authority of 59 O.S. § 1000.24.; Uniform Building Code Commission

COMMENT PERIOD:

Written and oral comments will be accepted beginning Tuesday, October 2, 2012 and will be accepted through Thursday, November 1, 2012, during regular business hours at the offices of the Uniform Building Code Commission. Written comments may be hand delivered to the Commission at, 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107 or may be mailed to the following address: Uniform Building Code Commission, P.O. Box 700007, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing on this proposed rule will be held at 1:30 p.m. on Tuesday, November 13, 2012, at a regular meeting of the Uniform Building Code Commission at 2401 NW 23rd, Suite 2-F. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Uniform Building Code Commission requests that business entities affected by this proposed rule provide the Uniform Building Code Commission, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as report, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Kathy Hehnly at the above address, before the close of the comment period on Thursday, November 1, 2012.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained from the Uniform Building Code Commission at: 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107, before the close of the comment period on Wednesday, October 31, 2012. The proposed rules can be found on

the Uniform Building Code Commission website at: http://www.ok.gov/oubcc/Codes_&_Rules/Proposed_Rules/index.html

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared, and may be obtained from the Uniform Building Code Commission at the above physical address

CONTACT PERSONS:

Billy Pope, Chief Executive Officer 405.521-6501
Kathy Hehnly, Commission Secretary 405.521-6506

[OAR Docket #12-888; filed 8-30-12]

**TITLE 748. UNIFORM BUILDING CODE
COMMISSION
CHAPTER 20. ADOPTED CODES**

[OAR Docket #12-889]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 9. NEC® 2011 Edition [NEW]
748:20-9-7. NEC® 2011 Chapter 5 Special Occupancies [NEW]
- Subchapter 11. IFGC® 2009 [NEW]
748:20-11-10. IFGC® 2009 Chapter 8 Referenced Standards [NEW]
- Subchapter 13. IMC® 2009 [NEW]
748:20-13-11. IMC® 2009 Chapter 15 Referenced Standards [NEW]
- Subchapter 15. IPC® 2009 [NEW]
748:20-15-17. IPC® 2009 Chapter 13 Referenced Standards [NEW]

SUMMARY:

748:20-9-7 sets forth the Commission's adoption of further Oklahoma modifications to the provisions of the NEC® 2011.

748:20-11-10 set forth the Commission's adoption of further Oklahoma modifications to the provisions of the IFGC® 2009.

748:20-13-11 set forth the Commission's adoption of further Oklahoma modifications to the provisions of the IMC® 2009.

748:20-15-17 set forth the Commission's adoption of further Oklahoma modifications to the provisions of the IPC® 2009.

AUTHORITY:

These rules are being promulgated under the authority of 59 O.S. § 1000.23 and 1000.24.; Uniform Building Code Commission

COMMENT PERIOD:

Written and oral comments will be accepted beginning Tuesday, October 2, 2012 and will be accepted through

Thursday, November 1, 2012, during regular business hours at the offices of the Uniform Building Code Commission. Written comments may be hand delivered to the Commission at, 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107 or may be mailed to the following address: Uniform Building Code Commission, P.O. Box 700007, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on Tuesday, November 13, 2012, at a regular meeting of the Uniform Building Code Commission at 2401 NW 23rd, Suite 2-F. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Uniform Building Code Commission requests that business entities affected by these proposed rules provide the Uniform Building Code Commission, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as report, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Kathy Hehnly at the above address, before the close of the comment period on Thursday, November 1, 2012.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Uniform Building Code Commission at: 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107, before the close of the comment period on Wednesday, October 31, 2012. Proposed rules can be found on the Uniform Building Code Commission website at: http://www.ok.gov/oubcc/Codes_&_Rules/Proposed_Rules/index.html

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared, and may be obtained from the Uniform Building Code Commission at the above physical address

CONTACT PERSONS:

Billy Pope, Chief Executive Officer 405.521-6501
Kathy Hehnly, Commission Secretary 405.521-6506

[OAR Docket #12-889; filed 8-30-12]

Cancelled Hearings/Comment Periods

If an agency cancels a hearing or comment period announced in a published Notice of Rulemaking Intent, the agency must submit a notice of such cancellation to the Office of Administrative Rules (OAR). The OAR publishes the cancellation notice in the next possible issue of the *Register*.

For additional information on cancelled hearings and comment periods, see OAC 655:10-7-27.

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 303. TNI LABORATORY ACCREDITATION**

[OAR Docket #12-892]

RULEMAKING ACTION:

Cancelled Public Hearing relating to a proposed EMERGENCY rulemaking action

PROPOSED RULES:

Subchapter 1. General Provisions
252:303-1-1. [AMENDED]

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published in the Oklahoma Register, Volume 29, Number 19, June 15, 2012.

CANCELLED PUBLIC HEARING:

Before the Environmental Quality Board on November 14, 2012, at 9:30 a.m. in Lawton, Oklahoma, at a specific location to be announced.

[OAR Docket #12-892; filed 8-31-12]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 303. TNI LABORATORY ACCREDITATION**

[OAR Docket #12-893]

RULEMAKING ACTION:

Cancelled Public Hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 1. General Provisions
252:303-1-1. [AMENDED]

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published in the Oklahoma Register, Volume 29, Number 19, June 15, 2012.

CANCELLED PUBLIC HEARING:

Before the Environmental Quality Board on November 14, 2012, at 9:30 a.m. in Lawton, Oklahoma, at a specific location to be announced.

[OAR Docket #12-893; filed 8-31-12]

Emergency Adoptions

An agency may adopt new rules, or amendments to or revocations of existing rules, on an emergency basis if the agency determines that "an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule[s] [A]n agency may promulgate, at any time, any such [emergency] rule[s], provided the Governor first approves such rule[s]" [75 O.S., Section 253(A)].

An emergency action is effective immediately upon approval by the Governor or on a later date specified by the agency in the preamble of the emergency rule document. An emergency rule expires on July 15 after the next regular legislative session following promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which references the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

For additional information on the emergency rulemaking process, see 75 O.S., Section 253.

TITLE 330. OKLAHOMA HOUSING FINANCE AGENCY CHAPTER 30. RESIDENTIAL RENTAL MULTIFAMILY BOND PROGRAM RULES

[OAR Docket #12-894]

RULEMAKING ACTION:

Emergency adoption

RULES:

Subchapter 2. General Provisions
330:30-2-8.1 [AMENDED]

AUTHORITY:

These Chapter 30 rules are authorized by the Board of Trustees of the Oklahoma Housing Finance Agency ("OHFA"), the amended trust indenture of OHFA, and the Bylaws of OHFA as established by the OHFA Board of Trustees.

DATES:

Comment Period:

NA

Public Hearing:

NA

Adoption:

July 18, 2012

Approved by Governor:

August 23, 2012

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2013, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The Trustees of OHFA have found that the following compelling extraordinary circumstances necessitate the emergency adoption of amendments to OHFA's Chapter 30. Residential Rental Multifamily Bond Program Rules:

1. OHFA's existing Multifamily Bond Rules require that in order for multiple buildings to be considered as eligible projects for bond financing, they must be proximate, i.e., located on a single tract of land, defined to mean any parcel or parcels of land which are contiguous.

2. OHFA has received and is expecting multiple applications for bond financing that propose one bond issue covering different properties located in the same town and properties located in different towns, thus not being proximate.

3. Many of these developments are small RD properties in which an aggregate multifamily bond issue combined with OHFA's non-competitive 4% Credit applications may present the only viable option to rehabilitate these properties.

4. Staff believes that this provision in the rules should be struck by emergency rule change in order to promote efficiency and economies of scale

in financing and thereby avoid serious prejudice to the public's interest in having an adequate supply of affordable rural rental housing.

5. Any delay in implementation of these rules will result in a negative impact on Oklahoman citizens. The properties could not even be approved until after July of next year. This would delay repairing and updating the properties and the properties would fall in further disrepair driving up the cost to rehab the properties. Implementation of the emergency rules will allow applicants for the Multi-Family Bond Program to proceed with the rehabilitation/repair of the properties much sooner. This will create a better living environment for the tenants, create new and repaired livable residential units, and create construction jobs through the rehabilitation.

6. A compelling public interest exists and it is in the best interest of the citizens of the State and the mission of OHFA for the Board of Trustees to adopt and promulgate the proposed amendments utilizing the emergency rulemaking procedures of the OAPA.

The OHFA Board of Trustees find these extraordinary circumstances necessitate the adoption of the proposed amendments, declaring an emergency;

ANALYSIS:

OHFA conducts programs, transactions and activities relating to the financing of residential multifamily rental property and cooperatives with tax exempt debt and/or taxable debt. The Rules are intended to provide Sponsors and Owners seeking bond financing through the issuance of multifamily revenue bonds by OHFA with guidance in preparing an application for OHFA's consideration and in operating projects approved for financing.

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. The State of Oklahoma 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 because of new construction or rehabilitation of housing units.

These Rules establish certain minimum criteria for evaluating proposed projects and other Program requirements.

CONTACT PERSON:

Phillip Elzo, Agency Liaison, (405) 419-8275.

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN,
THE FOLLOWING EMERGENCY RULES ARE
CONSIDERED PROMULGATED AND EFFECTIVE
UPON APPROVAL BY THE GOVERNOR AS SET
FORTH IN 75 O.S., SECTION 253(D):**

SUBCHAPTER 2. GENERAL PROVISIONS

330:30-2-8.1. Eligible Projects

(a) In order to qualify for bond financing, a proposed project must be multifamily (in excess of one unit) residential rental housing. At a minimum, the rental housing must contain cooking facilities, including a refrigerator and stove/microwave in good working order and bathing facilities. The Project

Emergency Adoptions

must comply with all applicable federal, State and local laws. A Project may consist of detached housing, row houses, high-rises, or the residential portion of a mixed-use Project. Multiple buildings are part of the same Project only if such buildings:

- (1) have similarly constructed units,
 - (2) ~~are proximate, i.e., located on a single tract of land, defined to mean any parcel or parcels of land which are contiguous except for the interposition of a road, street, stream or similar property, and~~ are owned by the same person and are financed pursuant to a common plan, i.e., the financing of all such buildings are provided by the same bond issue or several bond issues subject to a common Bond Indenture.
- (b) The economic feasibility of the Project and the independent creditworthiness of the Borrower must demonstrate that the OHFA loan can be reasonably expected to be paid in full in

accordance with its terms. In this regard the Borrower has the affirmative burden of demonstrating both the economic feasibility of the Project and the creditworthiness of the Borrower to the satisfaction of the OHFA Trustees prior to their approval of a Final Resolution.

- (c) The Project has or will have, assuming reasonable maintenance and availability of an adequate asset replacement reserves on an on-going basis, a remaining useful life at least equal the term of the related OHFA debt applications.
- (d) If a Project is funded in whole or in part by other State or federal programs (for example, HOME Investment Partnership Program, Internal Revenue Code Section 42 housing tax credits, State Housing Trust Fund) the Project must meet all requirements and qualifications of those programs.

[OAR Docket #12-894; filed 9-5-12]

Executive Orders

As required by 75 O.S., Sections 255 and 256, Executive Orders issued by the Governor of Oklahoma are published in both the *Oklahoma Register* and the *Oklahoma Administrative Code*. Executive Orders are codified in Title 1 of the *Oklahoma Administrative Code*.

Pursuant to 75 O.S., Section 256(B)(3), "Executive Orders of previous gubernatorial administrations shall terminate ninety (90) calendar days following the inauguration of the next Governor unless otherwise terminated or continued during that time by Executive Order."

TITLE 1. EXECUTIVE ORDERS

1:2012-24.

EXECUTIVE ORDER 2012-24

I, Mary Fallin, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. until 5 p.m. on Tuesday, September 11, 2012, to honor the victims of the September 11, 2001, terrorist attack on America.

This executive order shall be forwarded to the Director of Central Services, who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 7th day of September, 2012.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Michelle R. Day
Assistant Secretary of State

[OAR Docket #12-895; filed 9-7-12]

1:2012-25.

EXECUTIVE ORDER 2012-25

I, Mary Fallin, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and

Oklahoma flags on State property at half-staff starting at 8 a.m. on Friday, September 14, 2012, until 5 p.m. on Friday, September 14, 2012, to honor those who were killed and injured on Tuesday, September 11, 2012, in the tragic attack on our diplomatic facility in Benghazi, Libya.

The flying of the flags at half-staff is a symbol that allows the people of Oklahoma to express their sympathy and support to the families and friends of the many innocent victims of this heinous attack.

This executive order shall be forwarded to the Director of the Department of Central Services who shall cause the provisions of this order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 13th day of September, 2012.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Michelle R. Day
Assistant Secretary of State

[OAR Docket #12-896; filed 9-14-12]

