



Rules of
Department of Economic
Development
Division 170—Missouri Housing Development
Commission
Chapter 3—Requirements for Qualification as an
Approved Mortgagor of Multi-Family Rental Housing

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 170—Missouri Housing
Development Commission
Chapter 3—Requirements for
Qualification as an Approved
Mortgagor of Multi-Family Rental
Housing**

4 CSR 170-3.010 Approved Mortgagor
(Rescinded January 30, 2011)

AUTHORITY: Chapter 215 and sections 215.010(1), (6), and (9), 215.030(12) and (19), and 215.090, RSMo 1986. Original rule filed Nov. 18, 1971, effective Nov. 28, 1971. Amended: Filed Dec. 22, 1975, effective Jan. 1, 1976. Amended: Filed Feb. 5, 1982, effective June 7, 1982. Amended: Filed Dec. 16, 1985, effective March 24, 1986. Amended: Filed Dec. 30, 1987, effective March 25, 1988. Rescinded: Filed May 24, 2010, effective Jan. 30, 2011.

4 CSR 170-3.100 Definitions

PURPOSE: This rule defines the terms used in this chapter.

(1) As used in this chapter, all terms not otherwise defined herein shall have the meanings set forth in the state housing act and/or in 4 CSR 170-1.100. For purposes of this chapter, the following terms shall have the following meanings:

(A) Approved mortgagor. Any individual or entity falling within the definition of approved mortgagor set forth in section 215.010(1), RSMo (as the same may be amended from time-to-time), and further meeting the qualifications set forth in this chapter;

(B) Limited dividend corporation. Any corporation falling within the definition of limited dividend corporation set forth in section 215.010(6), RSMo (as the same may be amended from time-to-time), and further meeting the qualifications set forth in this chapter;

(C) Nonprofit corporation. Any corporation falling within the definition of nonprofit corporation set forth in section 215.010(9), RSMo (as the same may be amended from time-to-time), and further meeting the qualifications set forth in this chapter; and

(D) Partnership. Any general partnership, as well as any non-incorporated legal entity, formed under the laws of the state of Missouri.

AUTHORITY: section 215.030(5), (12), and

(19), RSMo 2000.* Original rule filed May 24, 2010, effective Jan. 30, 2011.

*Original authority: 215.030, RSMo 1969, amended 1974, 1982, 1985, 1989, 1993, 1995, 1998.

4 CSR 170-3.200 Approved Mortgagor

PURPOSE: This rule is intended to carry out the provisions of section 215.010(1), (6), and (9), RSMo, which defines the terms approved mortgagor, limited dividend corporation, and nonprofit corporation.

(1) In order for an entity to qualify as an approved mortgagor under section 215.010, RSMo, it must be in compliance with all applicable laws of the state of Missouri and must also meet the following requirements:

(A) The entity must be acting or formed primarily for the purpose of providing residential housing at low and moderate rentals for low- and moderate-income families under regulations and standards adopted by the Missouri Housing Development Commission (commission); and

(B) The entity must be regulated as to rents, sales, charges, capital structure, rate of return, and methods of operation in the form and manner as the commission deems necessary to effectuate the purposes of the state housing act and these regulations. If, however, the commission holds only a participation interest in a mortgage loan originated by another lender, the entity to which such loan was made may be, at the discretion of the commission, but is not required to be, regulated as to one (1) or more of rents, sales charges, capital structure, rate of return, and/or methods of operation, in the form and manner as the commission deems necessary to effectuate the purposes of the state housing act and these regulations.

(2) In addition to the requirements set forth in section (1) of this rule, for a nonprofit corporation to qualify as an approved mortgagor, it must be incorporated pursuant to provisions of the general not-for-profit corporation law of the state of Missouri or be a *pro forma* decree corporation, it must be organized for purposes other than the making of profit or gain for itself or persons identified with it, and it must document to the commission that it is neither controlled by nor under the direction of persons or firms seeking to derive profit or gain from the development.

(3) In addition to the requirements set forth in section (1) of this rule, for a limited dividend corporation to qualify as an approved mortgagor, it shall be incorporated pursuant to the

provisions of the general corporation law of Missouri and limited as to its dividends and earnings pursuant to section 215.090, RSMo.

(4) In addition to the requirements set forth in section (1) of this rule, for any partnership or corporation to qualify as an approved mortgagor pursuant to section 215.010(1)(d), RSMo, it shall be organized under the applicable laws of the state of Missouri, shall be established as a single purpose, single asset entity, and shall be limited as to distributions of earnings and income pursuant to section 215.090, RSMo.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000.* Original rule filed May 24, 2010, effective Jan. 30, 2011.

*Original authority: 215.030, RSMo 1969, amended 1974, 1982, 1985, 1989, 1993, 1995, 1998.