

CHAPTER 20:09:26

HOUSING INFRASTRUCTURE FINANCING PROGRAM

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20:09:26:01. Definitions. Terms used in this chapter mean:

~~(1)~~(1) ~~"Authority," the South Dakota Housing Development Authority;~~ "Airport infrastructure funding," a loan from the housing infrastructure fund for airport infrastructure.

~~(2)~~ "Airport infrastructure project," improvements to or maintenance of airport infrastructure for an airport as described in SDCL 11-15-9.

~~(3)~~ "Authority," the South Dakota Housing Development Authority;

~~(2)~~(4) "Board," the board of commissioners of the authority;

~~(3)~~(5) "Housing infrastructure fund," a fund authorized pursuant to SDCL chapter 11-15 and administered by the authority for the purpose of making loans and grants for housing infrastructure projects and, making loans to a school district adjoining a federal military installation, and making loans for airport infrastructure;

~~(4)~~(6) "Housing infrastructure funding," a grant, a loan, or both a grant and a loan, from the housing infrastructure fund for a housing infrastructure project;

~~(5)~~(7) "Housing infrastructure project," the installation, replacement, upgrade, or improvement of public infrastructure for the support of a single-family or multi-family housing project;

~~(6)~~(8) "Indian tribe," as defined in SDCL 2-14-2;

~~(7)~~(9) "Political subdivision," any agency of this state, association, authority, board, city, commission, committee, council, county, local government entity, school district, task force, town, or township that is created or appointed by statute, ordinance, or resolution and is authorized to exercise any sovereign power derived from state law;

~~(8)~~(10) "Public infrastructure," as defined in SDCL 11-15-1;

~~(9)~~(11) "School district funding," a loan from the housing infrastructure fund for a school district project;

~~(10)~~(12) "School district project," the construction or expansion of a school building, as defined in SDCL 34-44-2, in a school district as described in SDCL 11-15-8;

~~(11)~~(13) "Total project cost," the total cost of a housing infrastructure project; and

~~(12)~~(14) "Written agreement," the contract between an applicant and the authority setting forth the terms and conditions of the housing infrastructure funding, ~~or~~ the school district funding, or the airport infrastructure funding.

Source: 49 SDR 125, effective July 3, 2023; 51 SDR 12, effective August 12, 2024.

General Authority: SDCL 11-15-6.

Law Implemented: SDCL 11-15-1 to 11-15-5, inclusive, 11-15-8, 11-15-9.

20:09:26:20. Access and documents. An applicant shall grant the authority reasonable access to the housing infrastructure project or school district project site and to the applicant's records related to the project. An applicant shall provide any information or documentation required by the authority, from time-to-time, for the purpose of verifying compliance with applicable law and the terms and conditions of the written agreement.

Source: 49 SDR 125, effective July 3, 2023; 52 SDR 10, effective August 4, 2025.

General Authority: SDCL 11-15-6.

Law Implemented: SDCL 11-15-1 to 11-15-5, inclusive.

20:09:26:22. School district funding application form. The authority shall prescribe the application form for school district funding and shall publish the form on the authority's website. The form must require the applicant to provide the information and documentation necessary for the authority to evaluate the proposed school district project based on the criteria established in § 20:09:26:23.

Source: 52 SDR 10, effective August 4, 2025.

General Authority: SDCL 11-15-6.

Law Implemented: SDCL 11-15-2, 11-15-8.

20:09:26:23. Criteria for school district funding. The authority shall evaluate an application for school district funding based on the following criteria:

- (1) Whether the applicant is a school district as described in SDCL 11-15-8;
- (2) The applicant's control of the school district project and the readiness of the applicant to proceed with construction of the proposed school district project; and
- (3) Whether the proposed school district project complies with applicable design standards, ordinances, regulations, and law.

Source: 52 SDR 10, effective August 4, 2025.

General Authority: SDCL 11-15-6.

Law Implemented: SDCL 11-15-2, 11-15-8.

20:09:26:24. School district funding approval – Written agreement. The board shall approve or deny an application based on the criteria established in § 20:09:26:23. If the application is approved by the board and the applicant elects to proceed, the parties must enter into a written agreement for the school district funding. The applicant shall also provide any additional documentation requested by the authority in connection with the written agreement or the school district funding.

Source: 52 SDR 10, effective August 4, 2025.

General Authority: SDCL 11-15-6.

Law Implemented: SDCL 11-15-2, 11-15-8.

20:09:26:25. Airport funding application form. The authority shall prescribe the application form for airport infrastructure funding and shall publish the form on the authority's website. The form must require the applicant to provide the information and documentation necessary for the authority to evaluate the proposed airport infrastructure project based on the criteria established in § 20:09:26:26.

Source:

General Authority: SDCL 11-15-6.

Law Implemented: SDCL 11-15-2, 11-15-9.

20:09:26:26. Criteria for airport infrastructure funding. The authority shall evaluate an application for airport infrastructure funding based on the following criteria:

(1) Whether the applicant is the owner or operator of an airport as described in SDCL 11-15-9.

(2) The applicant's control of the airport infrastructure project and the readiness of the applicant to proceed with construction of the proposed airport infrastructure project; and

(3) Whether the proposed airport infrastructure project complies with applicable design standards, ordinances, regulations, and law.

Source:

General Authority: SDCL 11-15-6.

Law Implemented: SDCL 11-15-2, 11-15-9.

20:09:26:27. Airport infrastructure funding approval – Written agreement. The board shall approve or deny an application based on the criteria established in § 20:09:26:26. If the application is approved by the board and the applicant elects to proceed, the parties must enter into a written agreement for the airport infrastructure funding. The applicant shall also provide any additional documentation requested by the authority in connection with the written agreement or the airport infrastructure funding.

Source:

General Authority: SDCL 11-15-6.

Law Implemented: SDCL 11-15-2, 11-15-9.