

**North Carolina Housing Finance Agency**  
3508 Bush Street  
Raleigh, NC 27609  
(919) 877-5700

April 13, 2017

*Via E-Mail Only*

Garth K. Dunklin, Chair  
N.C. Rules Review Commission  
N.C. Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6700  
oah.rules@oah.nc.gov

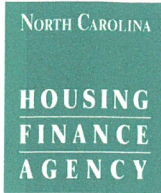
*Re: North Carolina Housing Finance Agency – Request for Waiver of Filing Deadline*

Dear Mr. Dunklin:

I am writing to you pursuant to 26 NCAC 05 .0204(a) to request a waiver of the deadline set forth in 26 NCAC 05 .0203(c) for submitting the North Carolina Housing Finance Agency's (the "Agency's") Periodic Review and Expiration of Existing Rules Report (the "Report") to the Rules Review Commission. Please note, we are not asking for the review date of July 20, 2017 to be rescheduled, but instead, to file the report later than the June 15, 2017 filing date and still have the report reviewed as scheduled.

Effective January 1, 2017, the agency hired a new Executive Director of the North Carolina Housing Finance Agency (the "Agency"). In addition, I was recently appointed Chairman of the Agency's Board of Directors by Governor Cooper on February 24, 2017. These leadership changes have resulted in transitions within the Agency that have demanded the attention of the Agency's leadership and legal counsel. In addition, in order to maintain continuity, the Agency wanted to have all rulemaking decisions related to the Report be made by the Agency's current, rather than outgoing, leadership. Furthermore, the Agency's rulemaking coordinator has recently been tasked with unrelated responsibilities that have demanded substantial time and attention, so other Agency staff have stepped in to lead the Agency's rules review.

These internal changes, and the fact that the Agency's Board of Directors did not have a scheduled meeting in March 2017, resulted in the Agency being unable to obtain the Board's approval of its



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preliminary Report until today's Board meeting. The Agency will publish its preliminary Report for public comment and submit the preliminary Report to the OAH for publication on the OAH's website immediately following today's Board meeting, but we understand that the OAH is not required to publish the preliminary Report on the OAH website until five (5) business days after today's receipt. Since the 60-day public comment period will not begin to run until the preliminary Report is published on both the Agency's website and the OAH's website, the 60-day public comment period will run through approximately June 20, 2017 – after the June 15, 2017 deadline. However, the Agency fully anticipates obtaining the Board's approval of the final Report at the first Agency Board meeting to be held after the public comment period ends (on June 29, 2017), meaning the Agency will be able to file the final Report in time for the Commission to review the Report as scheduled at its July 2017 meeting.

We truly regret that we will be unable to make the filing deadline, but respectfully ask that you consider the extraordinary transitions that our Agency has undergone (and continues to undergo) as you evaluate our request for a waiver of the filing deadline set forth in 26 NCAC 05 .0203(c).

Sincerely,

A handwritten signature in black ink that reads "R. Gene Davis, Jr." with a stylized flourish at the end.

R. Gene Davis, Jr.  
Chairman of the Board of Directors  
North Carolina Housing Finance Agency

cc: Amanda J. Reeder (*via email only*)  
Abigail M. Hammond (*via email only*)