



**ACTION SHEET**  
**CITY COUNCIL COMMITTEE MEETING OF 07/09/14**  
**ITEM FROM FINANCE COMMITTEE MEETING OF 06/30/14**

**ISSUE:**

18. Request for Approval of a Resolution Amending the Administrative Procedures for the Santa Fe Homes Program ("SFHP") to Make SFHP Requirements Applicable to Condominium Units; to Remove the Sunset Date from the Fractional Fee Schedule and to Make Other Changes to the SFHP Administrative Procedures as are Necessary. (Councilor Ives) (Alexandra Ladd)

**Committee Review:**

Public Works Committee (no quorum)	06/23/14
City Council (scheduled)	07/09/14

Fiscal Impact – No

**FINANCE COMMITTEE ACTION: APPROVED AS CONSENT ITEM**

**SPECIAL CONDITIONS OR AMENDMENTS**

**STAFF FOLLOW-UP:**

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR TRUJILLO	Excused		
COUNCILOR RIVERA	X		
COUNCILOR LINDELL	Excused		
COUNCILOR MAESTAS	X		
CHAIRPERSON DOMINGUEZ	X		

3-17/14/FCIssue

**ACTION SHEET  
ITEM FROM THE  
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING  
OF  
MONDAY, JUNE 23, 2014**

**ITEM 15**

REQUEST FOR APPROVAL OF A RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE HOMES PROGRAM ("SFHP") TO MAKE SFHP REQUIREMENTS APPLICABLE TO CONDOMINIUM UNITS; TO REMOVE THE SUNSET DATE FROM THE FRACTIONAL FEE SCHEDULE AND TO MAKE OTHER CHANGES TO THE SFHP ADMINISTRATIVE PROCEDURES AS ARE NECESSARY (COUNCILOR IVES) (ALEXANDRA LADD)

**PUBLIC WORKS COMMITTEE ACTION:** Meeting cancelled due to lack of quorum

**SPECIAL CONDITIONS OR AMENDMENTS:**

**STAFF FOLLOW UP:**

<b>VOTE</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>
<b>CHAIRPERSON TRUJILLO</b>			
<b>COUNCILOR BUSHEE</b>			
<b>COUNCILOR DIMAS</b>			
<b>COUNCILOR DOMINGUEZ</b>			
<b>COUNCILOR RIVERA</b>			

# City of Santa Fe, New Mexico

## LEGISLATIVE SUMMARY

### Resolution No. 2014-\_\_\_\_ SFHP Administrative Procedures

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**SPONSOR(S):** Councilor Ives

**SUMMARY:** The resolution amends the administrative procedures for the Santa Fe Homes Program ("SFHP") to make SFHP requirements applicable to condominium units; to remove the sunset date from the fractional fee schedule and to make other changes to the SFHP administrative procedures as are necessary.

**PREPARED BY:** Rebecca Seligman, Legislative Liaison Assistant

**FISCAL IMPACT:** No

**DATE:** June 16, 2014

**ATTACHMENTS:** Resolution  
FIR

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**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2014-\_\_**

**INTRODUCED BY:**

Councilor Peter Ives

**A RESOLUTION**

**AMENDING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE HOMES PROGRAM (“SFHP”) TO MAKE SFHP REQUIREMENTS APPLICABLE TO CONDOMINIUM UNITS; TO REMOVE THE SUNSET DATE FROM THE FRACTIONAL FEE SCHEDULE AND TO MAKE OTHER CHANGES TO THE SFHP ADMINISTRATIVE PROCEDURES AS ARE NECESSARY.**

**WHEREAS**, On August 15, 2005, the governing body adopted Ordinance No. 2005-30A, establishing the Santa Fe Homes Program; and

**WHEREAS**, on August 15, 2005, the governing body also adopted Resolution No. 2005-69 administrative procedures for implementing the Santa Fe Homes Program; and

**WHEREAS**, the governing body has amended the administrative procedures for implementing the Santa Fe Homes Program by Resolution No. 2007-99, Resolution No. 2008-73, Resolution no. 2009-74, Resolution 2010-49, Resolution 2011-36 and Resolution 2014-20; and

**WHEREAS**, the governing body desires to amend the administrative procedures to reflect the amendments approved by Ordinance No. 2014 - 10, and make clerical corrections related to those

1 amendments.

2           **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
3 **CITY OF SANTA FE** that the following provisions of the *Administrative Procedures for the City of*  
4 *Santa Fe Santa Fe Homes Program* are hereby approved, as amended:

5           5.1     **Developments and Actions Subject to SFHP** – Except as provided in this  
6 paragraph, SFHP applies to any applications for development, including but not  
7 limited to, annexation, rezoning, subdivision plat, increase in density, development  
8 plan, extension of or connection to city utilities for land outside the city limits, ~~and~~  
9 application for building permits, which proposes two or more dwelling units or  
10 buildings or portions of buildings which may be used for both non-residential and  
11 residential purposes, and creation of two or more condominium units. SFHP applies  
12 to the residential portion of the development.

13           5.1.1   The SFHP applies to new construction, ~~and~~ to the conversion of existing rental  
14 units to ownership units and the conversion of commercial uses to residential uses.

15           7.10.2   The agreement shall be recorded at the County Clerk’s office at the time of recording  
16 the annexation plat, rezoning ordinance, final subdivision plat, final development  
17 plan, as appropriate, or prior to issuance of a building permit if the previous  
18 documents are not required, in which case a copy of the agreement shall be included  
19 with the submittal for a building permit. In projects of 2 – 10 units, for which a  
20 fractional fee payment is owed, the agreement is only recorded upon failure of  
21 Developer to pay the fee within a specified time frame.

22           8.8.1.1   For 2 to 10 housing units - a unit is not provided but the SFHP Developer  
23                   pays a fractional fee. To calculate this fee, the number of homes is multiplied  
24                   by 20% and the resulting number is the number of fractional unit(s) required.  
25                   The resulting number is multiplied by the “base fractional fee” which is half

1 the value of the Affordable Home Price of a 3 Bedroom Unit in Income  
2 Range 2. [~~If the SFHP developer obtains a residential building permit for a~~  
3 ~~SFHP development before June 8, 2014]~~ Currently, the fee is reduced by  
4 70%, which may be adjusted in response to market conditions. Appendix A  
5 provides the Fractional Fee Schedule and methodology for calculating the  
6 fee.

7 **8.12.2** For each development with SFHP homes or SFHP manufactured home lots for sale,  
8 including annexations subject to SFHP, the Office of Affordable Housing shall  
9 designate a qualified organization(s) to provide income certifications and  
10 maintenance of waiting lists. [~~The Office of Affordable Housing shall establish a fair~~  
11 ~~and competitive process for selecting the organization or organizations providing~~  
12 ~~these services, which process shall provide an opportunity for the developer to~~  
13 ~~provide input as to the organization(s) selected.] The organization and the SFHP  
14 developer shall enter into a written agreement that describes the scope of services  
15 and, if appropriate, fee structure. The SFHP developer may not terminate such  
16 agreement with the organization without the consent of the Office of Affordable  
17 Housing. Notwithstanding those requirements, and in order to assure access to SFHP  
18 homes and manufactured home lots by all potentially qualified SFHP buyers, any  
19 other service provider operating a homebuyer training, counseling and certification  
20 program approved by the Office of Affordable Housing may refer its clients to the  
21 selected organization for possible purchase of the SFHP homes or manufactured  
22 home lots. A SFHP developer may enter into agreements with outside entities to  
23 provide marketing or other services, which agreement shall not require approval from  
24 the Office of Affordable Housing.~~

25 **9.16** Term of Compliance - Rental housing developments subject to SFHP (or portions

1           thereof completed and occupied at different times) shall maintain required occupancy  
2           and rental rates in SFHP units for a period of [~~15~~]10 years after the date of issuance  
3           of a certificate of occupancy for the entire development or portions thereof. This  
4           requirement shall be made applicable to successors in title, if any, by means of a deed  
5           restriction.

6           **11.1.3** For the purposes of determining whether the purposes of this chapter would be better  
7           served under the proposed alternative, the city shall consider [~~all of~~] the following:

- 8           a.       whether implementation of an alternative would overly concentrate SFHP  
9           units within any specific area and if so, the City must reject the alternative  
10          unless the undesirable concentration of the SFHP units is offset by other  
11          identified benefits that result from implementation of the alternative in issue;  
12          and
- 13          b.       the extent to which other factors affect the feasibility of prompt construction  
14          of the SFHP units on the property, such as costs and delays, the need for  
15          appraisal, site design, zoning, infrastructure, clear title, grading and  
16          environmental review; and
- 17          c.       the potential of leveraging funds for other needed affordable housing  
18          programs described in the city's housing plans.

19           **BE IT FURTHER RESOLVED** that the following new definition is included in Section 6  
20          of the *Administrative Procedures for the City of Santa Fe Santa Fe Homes Program*:

21           **Condominium Unit** a physical portion of a housing or commercial structure(s) as  
22           designated for separate ownership and occupancy by a condominium declaration  
23           filed in the County record.

24           **BE IT FURTHER RESOLVED** that Appendix E of the *Administrative Procedures for the*  
25          *City of Santa Fe Santa Fe Homes Program* is repealed, and new Appendix E is approved, as follows:

1 **APPENDIX E**

2 **SFHP Buyer Questionnaire**

3 **(to be completed upon resale of a lien-controlled affordable home.)**

4 In order to ensure that Santa Fe's housing affordability programs best serve the needs in our  
5 community, please answer the following:

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6 **1) On a scale of 1 – 10, how helpful was the City of Santa Fe's affordable housing program**  
7 **in terms of enabling you to afford a home in Santa Fe? (Circle one.)**

8 (least helpful) 1 2 3 4 5 6 7 (most helpful)

9 **2) Which factors were most important in your ability to afford a home?**

10 **(Circle all that apply.)**

- 11 a. Downpayment assistance
- 12 b. Financial Counseling provided by a nonprofit housing counselor
- 13 c. Access to an affordable mortgage
- 14 d. Availability of newly built, energy efficient homes with subsidized sales prices

15 **3) Why are you selling your home?**

- 16 a. Moving from Santa Fe to another community
- 17 b. Buying another home within Santa Fe
- 18 c. Resolving financial difficulties (can't afford the payment, need to liquidate assets to  
19 meet other needs of the household).

20 **If you circled "b", please answer the following:**

21 i. Are you buying a new home to meet an emerging need of your household (birth  
22 of a child, children leaving home, etc.)

23 Yes \_\_\_\_\_ No \_\_\_\_\_

24 ii. Are you able to afford your new without any assistance as a result of the equity  
25 you realized in the home you are selling?

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Yes \_\_\_\_\_ No \_\_\_\_\_

**4) Tell us about your household**

- a. Number of people in your household: \_\_\_\_\_
- b. Income at time of sale: \$ \_\_\_\_\_

PASSED, APPROVED and ADOPTED this \_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
JAVIER M. GONZALES, MAYOR

ATTEST:

\_\_\_\_\_  
YOLANDA VIGIL, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

**City of Santa Fe  
Fiscal Impact Report (FIR)**

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

**Section A. General Information**

(Check) Bill: \_\_\_\_\_ Resolution:  X   
(A single FIR may be used for related bills and/or resolutions)

Short Title(s):  A RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE HOMES PROGRAM ("SFHP") TO MAKE SFHP REQUIREMENTS APPLICABLE TO CONDOMINIUM UNITS; TO REMOVE THE SUNSET DATE FROM THE FRACTIONAL FEE SCHEDULE AND TO MAKE OTHER CHANGES TO THE SFHP ADMINISTRATIVE PROCEDURES AS ARE NECESSARY.

Sponsor(s):  Councilor Ives   
 Reviewing Department(s):  City Attorney's Office / Housing and Community Development   
 Persons Completing FIR:  Rebecca Seligman / Alexandra Ladd  Date:  6/18/14  Phone:  955-6501 / 955-6346

Reviewed by City Attorney:  Kelly A. Brennan  Date:  6/19/14   
 (Signature)

Reviewed by Finance Director:  [Signature]  Date:  6/23/14   
 (Signature)

**Section B. Summary**

Briefly explain the purpose and major provisions of the bill/resolution:

The purpose of this resolution is to amend the administrative procedures for the Santa Fe Homes program ("SFHP") to make SFHP requirements applicable to condominium units; to remove the sunset date from the fractional fee schedule and make other changes to the SFHP Administrative Procedures as are necessary.

**Section C. Fiscal Impact**

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)\*

**1. Projected Expenditures:**

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs  
 "N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs  
 "NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

Finance Director: \_\_\_\_\_

X   Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Total:	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____

\* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. \*\*For fringe benefits contact the Finance Dept.

**2. Revenue Sources:**

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
Total:	\$ _____	_____	\$ _____	_____	_____	_____

**3. Expenditure/Revenue Narrative:**

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

None

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**Section D.      General Narrative**

**1. Conflicts:** Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

Staff is not aware of any conflicts.

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**2. Consequences of Not Enacting This Bill/Resolution:**

Are there consequences of not enacting this bill/resolution? If so, describe.

Administrative procedures would not be consistent with the SFHP ordinance regarding the removal of the 2014 sunset date; a loophole concerning the creation of condominium units would not be addressed and other typographical and minor edits would not be made.

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**3. Technical Issues:**

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

Staff is not aware of any errors or incorrect citations of law.

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**4. Community Impact:**

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

SFHP results in many positive benefits to the community by mandating the all new development provides a certain percentage of affordably-priced units. The amendments to these administrative procedures ensures that the application of the regulation is as effective and efficient as possible.

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Form adopted: 01/12/05; revised 8/24/05; revised 4/17/08