

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2011-15

INTRODUCED BY:

Reuben Wells
Rosemary Romero
Paul J. Dominguez
AN ORDINANCE

AMENDING SECTION 14-8.11(F) SFCC 1987 TO TEMPORARILY REDUCE THE PERCENTAGE REQUIREMENTS OF THE SANTA FE HOMES PROGRAM (SFHP);
~~AMENDING SECTION 26-1.8 TO INCLUDE A TEMPORARY 70% REDUCTION IN SFHP FEES FOR SFHP DEVELOPMENTS WITH TWO THROUGH TEN TOTAL UNITS; AND~~
AMENDING SECTION 26-1.15 SFCC 1987 TO TEMPORARILY REDUCE THE PERCENTAGE OF THE REQUIRED NUMBER OF FOR SALE SFHP HOMES IN A DEVELOPMENT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Section 14-8.11(F) SFCC 1987 (being Ord. No. 2001-38, §2) is amended

to read:

(F) Santa Fe Homes Program Requirements

(1) If a SFHP developer obtains a residential building permit for a SFHP development between (date of adoption of ordinance), 2011 through _____, 2014, then twenty percent of the total number of dwelling units

1 or manufactured home lots in an SFHP development shall be SFHP units and
2 meet all requirements of §26-1 SFCC 1987. A modification to a SFHP
3 agreement or HOP agreement that was entered into prior to (date of
4 adoption) shall be made to reflect the *twenty* percent requirement; *and if*
5 *applicable, an annexation agreement, subdivision plat or development plan*
6 *shall be administratively amended to reflect the reduction and redistribution*
7 *of SFHP or HOP lots and the amended annexation agreement, subdivision*
8 *plat or development plan shall be recorded or filed, as applicable, by the*
9 *owner or developer. Fifteen percent of the total number of dwelling units or*
10 *manufactured home lots offered for rent in an SFHP development shall be*
11 *SFHP units and meet all requirements of §26-1 SFCC 1987.*

12 (2) Effective _____, 2014, and thereafter, [F]thirty
13 percent of the total number of dwelling units or manufactured home lots in an
14 SFHP development shall be SFHP units and meet all requirements of §26-1
15 SFCC 1987. Fifteen percent of the total number of dwelling units or
16 manufactured home lots offered for rent in an SFHP development shall be
17 SFHP units and meet all requirements of §26-1 SFCC 1987.

18 **Section 2. Section 26-1.8 SFCC 1987 (being Ord. #2005-30(A), §37, as amended) is**
19 **amended to read:**

20 **26-1.8 Applicability.**

21 A. Except as set forth in this paragraph the SFHP shall apply to any application for
22 development including, but not limited to, annexation, rezoning, subdivision plat, increase in density,
23 development plan, extension of or connection to city utilities for land outside the city limits, and
24 building permits which proposes two (2) or more dwelling units or buildings or portions of buildings
25 which may be used for both nonresidential and residential purposes and manufactured home lots.

1 SFHP applies to the residential portion of the development.

2 (1) The SFHP applies to new construction and to the conversion of existing
3 rental units to ownership units.

4 (2) The SFHP shall not apply to a family transfer as set forth in subsection 14-
5 3.7(E)(3)(b) or a division of land into two (2) lots as set forth in subsection 14-2.3(E)(1)(a).

6 (3) It shall be the responsibility of the applicant to determine the applicability of
7 SFHP to the proposed development and comply with the requirements of SFHP.

8 (4) *If a SFHP developer obtains a residential building permit for a SFHP*
9 *development with two through ten total units between (date of adoption), 2011 and*
10 *, 2014, then a seventy percent (70%) reduction in fees associated with such*
11 *development shall be assessed in accordance with the SFHP administrative procedures.*

12 B. The SFHP shall apply to dwelling units in vacation time share projects as defined in
13 Article 14-12 SFCC 1987.

14 C. In addition to paragraph A.(2) above, the SFHP shall not apply to the following:

15 (1) Any development or portion thereof which is subject to any formal, written
16 and binding agreement entered into prior to August 15, 2005, with the city or Santa Fe county
17 which if within said agreement the signatories agreed to provide affordable housing or
18 payment in lieu thereof; or

19 (2) Dwelling units or manufactured home lots for an elementary, middle or high
20 school, community college, private four (4) year college or related institutions where
21 coursework leads to an associate of arts, bachelors or vocational degree or certification,
22 hospital or similar institution to be used exclusively by its employees or enrolled students and
23 their families. If the dwelling units are no longer used exclusively by its employees or
24 enrolled students, the SFHP shall apply at the time the units are converted.

25 D. Petitioners for annexations and the office of affordable housing shall negotiate all

1 terms for providing affordable housing on site including the distribution of development types and the
2 number of SFHP units required or alternate means of compliance. The number of SFHP units
3 required or alternate means of compliance may be in excess of that required by SFHP. These terms
4 shall be included in the annexation agreement. To the extent practicable, all other SFHP requirements
5 shall apply to annexations. In no case shall the agreement provide for less affordable housing or a
6 lesser in-lieu contribution than required by SFHP. As the property is developed, a separate SFHP
7 agreement in compliance with the annexation agreement shall be recorded with each subdivision plat
8 or development plan.

9 E. All provisions of the prior ordinance, titled Housing Opportunity Program (HOP)
10 remain in full force and effect with respect to any and all agreements executed by the city and others
11 which were required by HOP or incorporated HOP provisions by reference. Accordingly, the office of
12 affordable housing will continue to use and annually update the administrative procedures for the
13 HOP ordinance until such time as all obligations under such agreements have been satisfied.

14 **Section 3. Section 26-1.15 SFCC 1987 (being Ord. #2005-30(A), §44, as amended) is**
15 **amended to read:**

16 **26-1.15 Required Number of For Sale SFHP Homes in a Development.**

17 A. *If a SFHP developer obtains a residential building permit for a SFHP development*
18 *between (date of adoption of ordinance), 2011 and _____, 2014, then twenty percent (20%) of*
19 *the total number of dwelling units or manufactured home lots offered for sale in an SFHP*
20 *development shall be SFHP Homes, as follows:*

21 (1) *Ten percent (10%) of the total dwelling units or manufactured home lots*
22 *shall be sold at or below the affordable home price or affordable manufactured home lot*
23 *price, as applicable, for income range 2.*

24 (2) *Ten percent (10%) of the total dwelling units or manufactured home lots*
25 *shall be sold at or below the affordable home price or affordable manufactured home lot*

1 price, as applicable, for income range 3, and

2 (3) Zero percent (0%) of the total dwelling units or manufactured home lots
3 shall be sold at or below the affordable home price or affordable manufactured home lot
4 price, as applicable, for income range 4.

5 A modification to a SFHP agreement or HOP agreement that was entered into prior to (date of
6 adoption of Ordinance) shall be made to reflect the twenty percent requirement; and if applicable, an
7 annexation agreement, subdivision plat or development plan shall be administratively amended to
8 reflect the reduction and redistribution of SFHP or HOP lots and the amended annexation
9 agreement, subdivision plat or development plan shall be recorded or filed, as applicable, by the
10 owner or developer. Fifteen percent of the total number of dwelling units or manufactured home lots
11 offered for rent in an SFHP development shall be SFHP units and meet all requirements of §26-1
12 SFCC 1987.

13 [A]B. Effective _____, 2014, and thereafter, [F]thirty percent (30%) of the total
14 number of dwelling units or manufactured home lots offered for sale in an SFHP development shall
15 be SFHP Homes, as follows:

16 (1) Ten percent (10%) of the total dwelling units or manufactured home lots
17 shall be sold at or below the affordable home price or affordable manufactured home lot
18 price, as applicable, for income range 2.

19 (2) Ten percent (10%) of the total dwelling units or manufactured home lots
20 shall be sold at or below the affordable home price or affordable manufactured home lot
21 price, as applicable, for income range 3, and

22 (3) Ten percent (10%) of the total dwelling units or manufactured home lots
23 shall be sold at or below the affordable home price or affordable manufactured home lot
24 price, as applicable, for income range 4.

25 [B]C. If an applicant exceeds the percentage in income range 2 or income range 3 as set

1 forth above, the requirement in any higher income range may be reduced by the same percentage.

2 [C]D. The whole number resulting from this calculation shall be the number of SFHP
3 homes required to be constructed or SFHP manufactured home lots to be created. If the calculation
4 described results in a fraction of a unit, this obligation shall be satisfied as set forth in the
5 administrative procedures. Nothing herein shall prohibit a developer from building a greater number
6 of SFHP homes or creating a greater number of SFHP manufactured home lots than specified herein.
7 Such additional units shall meet all the requirements as an SFHP home or manufactured home lot to
8 be considered an SFHP home or manufactured home lot. The SFHP developer shall receive the fee
9 waivers described in subsection 14-8.11 G,(2) for such additional units so long as those units meet all
10 SFHP requirements.

11 [D]E. In any development with a mix of rental and ownership units or manufactured home
12 lots, the number of SFHP rental units or rental manufactured home lots shall be in the same
13 proportion as the number of non-SFHP rental units or rental manufactured home lots and likewise
14 with ownership units or ownership manufactured home lots.

15 [E]F. In any development with a mix of detached and attached ownership units, the
16 mix of SFHP units shall be in the same proportion as the mix of non-SFHP units.

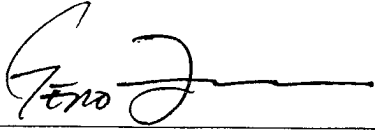
17 [F]G. In the event that two (2) or fewer SFHP Homes or SFHP manufactured home lots are
18 required, the SFHP Homes or manufactured home lots shall be affordable to income range 3 or
19 income range 2.

20 H. The Governing Body by adoption of a resolution may approve the temporary
21 modification to the requirements of this Section. This authority shall not be used for a specific SFHP
22 development or for an individual economic situation, but shall apply to all SFHP development due to
23 broad economic downturns.

24 **Section 4. Review. This Ordinance shall be reviewed by the governing body three (3)**
25 **years from the date of adoption.**

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APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Geno Zamora", written over a horizontal line.

GENO ZAMORA, CITY ATTORNEY