

Agenda

COMMUNITY DEVELOPMENT COMMISSION MEETING Wednesday, November 28, 2018 3:00 p.m. – 4:30 p.m.

500 Market Street: Roundhouse Conference Room

- 1. Call to Order
- 2. Roll Call
- 3. Approval of Agenda
- 4. Approval of Minutes: September 19, 2018
- 5. Request for Exception to Rental Prohibition.
 - a. Request approval to rent home located at 103 Catron Street, Unit 22 for 12-month timeframe on basis of extenuating circumstances Isaac Lucero, HOP Homeowner at El Corazon Condo Community.
- 6. Request Approval of Updated CDBG Policies and Procedures. (Jacqueline Beam, Planner, Office of Affordable Housing, jybeam@ci.santa-fe.nm.us)
 - a. Program Income
 - b. Section 3
 - c. Monitoring
- 7. Discussion of Community Development Block Grant (CDBG) and Affordable Housing Trust Fund (AHTF) 2019-2020 funding. (Jacqueline Beam, Planner, Office of Affordable Housing, jybeam@ci.santa-fe.nm.us, Alexandra Ladd, Director, Office of Affordable Housing, agladd@ci.santa-fe.nm.us).
 - a. Review of Funding History
 - b. Priorities for 2019-2020 Program Year
 - c. Recommended Changes for Request for Proposals (RFP) Scoring Criteria
- 8. Items from the Commission
- 9. Items from the Staff
- 10. Items from the Floor
- 11. Adjournment

PERSONS WITH DISABILITIES IN NEED OF ACCOMMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 955-6520, FIVE (5) WORKING DAYS PRIOR TO MEETING DATE.

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: 11/14/2018

TIME: <u>9:43 AM</u>

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CITY OF SANTA FE

COMMUNITY DEVELOPMENT COMMISSION

MEETING September 19, 2018

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MINUTES OF THE

CITY OF SANTA FE

COMMUNITY DEVELOPMENT COMMISSION MEETING Santa Fe, New Mexico

September 19, 2018

A meeting of the City of Santa Fe Community Development Commission was called to order by Councilor Renee Villarreal, Chair on this date at 3:35 p.m. at the Market Station Offices, 500 Market Street, Roundhouse Conference Room, Santa Fe, New Mexico.

Members Present:

Councilor Renee Villarreal, Chair Ken Hughes Carla Lopez John Padilla

Members Absent:

Paul Goblet, excused Willie Marquez, excused 1 vacancy

Staff Present:

Jacqueline Beam, Planner, Office of Affordable Housing Alexandra Ladd, Director, Office of Affordable Housing

Others Present:

Edward Archuleta, St. Elizabeth Shelter Michael Bartlett, St. Elizabeth Shelter Jo Ann G. Valdez, Stenographer

APPROVAL OF AGENDA

MOTION: A motion was made by Commissioner Padilla, seconded by Commissioner

Lopez to approve the agenda.

VOTE: The motion passed unanimously by voice vote.

APPROVAL OF MINUTES: August 28, 2018 meeting

MOTION: A motion was made by Commissioner Padilla, seconded by Commissioner

Hughes to approve the Minutes of the August 28, 2018 CDC meeting.

VOTE: The motion passed unanimously by voice vote.

STAFF REPORT: St. Elizabeth Project 2017-2018 (Alexandra Ladd-Director, Office of Affordable Housing)

Ms. Ladd introduced Edward Archuleta, the new Executive Director for St. Elizabeth Shelter and Michael Bartlett, the Business Director. She said they were here to present their request for approval and to answer any questions the Commission may have.

AHTF Allocation Approval Request:

a. St. Elizabeth, \$59,000

(Copies of the Memo dated September 14, 2108 from *Jacqueline Beam, Planner, Office of Affordable Housing via Alexandra Ladd, Director, Office of Affordable Housing to the Community Development Commission regarding Approval of Change of Source Funding for Casa Familia Sprinkler System PSA* were distributed and reviewed. A copy is hereby incorporated to these Minutes as Exhibit "A".)

ACTION REQUESTED:

Approve Change of Funding Source from Community Development Block Grant (CDBG) to Affordable Housing Trust Fund (AHTF) to support the final phrase of the St. Elizabeth Casa Familia Rehabilitation project, lowering proposed project cost from \$66,278 to \$59,000.

BACKGROUND:

For the 2016-2017 project year, the Community Development Commission recommended allocation of \$40,000 of CDBG funds to support the remodel of St. Elizabeth Casa Familia Rehabilitation project. The Professional Services Agreement (reference #16-0325) was approved by the Finance Committee (April 4, 2016), Community Development Commission (April 20, 2016), and City Council Public Hearing (May 11, 2016). Delays related to City permitting approvals, code enforcement and inspection resulted in the project not being completed by June 30, 2017. The original contract was amended to extend time of performance (reference #17-0467) through the next fiscal year, expiring on June 30, 2018.

The original contract amount of \$40,000 was not adequate to cover unanticipated costs related to the City's code enforcement requirement to add sprinklers to the facility. To cover this cost, St. Elizabeth requested \$66,278 in additional funds from CDBG which was approved by the Community Development Commission as per attached memorandum and minutes from June 20, 2017. However, in the meantime, the City's Annual Action

Plan for 2017-2018 was not accepted by HUD until December 2017, because of delays related to HUD's late grant notification process and other requested revisions. Staff was required by HUD to reprogram unexpended CDBG funds to specific projects. In this process, the additional funds for Casa Familia were not included and are subsequently committed to other projects, as per the 2017-2018 Action Plan.

ITEM AND ISSUE:

A memo from St. Elizabeth is attached describing the project timeline and current status of project completion. Work has commenced as per the original scope of work and requirements of the CDBG contract which expired on June 30, 2018; however, the project costs are projected to be less than what was estimated in June 2017.

At this time, CDBG funding will not be able to be used to cover the costs of adding sprinklers to the facility without initiating a substantial amendment to the City's Action Plan. Staff also requests an exception to the AHTF granting process, specifically the requirement that funds are allocated concurrently with the process for CDBG funds, as per SFCC 26-3.9(B):

All funds shall be allocated under a request for proposal that is conducted at least annually and concurrently with the process used for the community development block grant programs and is consistent with the provisions of this section and administrative guidelines. Loans and grants shall be disbursed according to standard city procurement practices.

Ms. Ladd said this is not the normal way they do the Affordable Housing Trust Funds but they do not want to wait until February. She said the materials/attachments in the Commissioners' packets provide all of the historical background of this project.

Staff proposed to initiate a new contract to cover the remaining costs of the project using AHTF funds (the project is allowable under the NM Affordable Housing Act). This action will not require HUD approval as the funds are local and it upholds the City's original commitment to support the extended costs of the project.

Attachments:

- A. Community Development Commission Memo and Minutes
- B. Memo from St. Elizabeth

Questions/Comments:

Councilor Villarreal asked if there were any questions relating to the change.

Commissioner Hughes asked Ms. Ladd if she was comfortable with this type of request within the objectives of the Affordable Housing Trust Fund.

Ms. Ladd said yes, this is a capital improvement to an emergency shelter facility, so it would be considered an eligible use of funds per the NM Affordable Housing Act.

Commissioner Hughes asked Mr. Archuleta and Mr. Bartlett if they would be at risk of fire code violation if this does not go through.

Mr. Bartlett said the City is requiring them to do this, so they would have to come up with the money one way or another.

Commissioner Hughes asked him if they are able to raise the rest of the money they need.

Mr. Archuleta said yes, they should be able to raise the rest of the money.

Commissioner Padilla said he won't go into the issue that a sprinkler system should have been done to begin with but the City – through their review process – asked that this be a part of St. Elizabeth's renovation work to be able to occupy the facility. He asked if this was to be able to occupy the facility or to continue to occupy the facility.

Mr. Bartlett said the problem was that the original permit for occupancy was issued based on a lower number of clients they were serving. He said there was a code issue as far as how the original permit was granted and they found this when they went in to get a permit for the renovation work. This took them by surprise.

Mr. Bartlett said he would not be able to live with himself if there was a fire that would ever happen at the facility.

Commissioner Padilla said following up on Commissioner Hughes' question on whether or not St. Elizabeth could come up with the difference – the total anticipated cost for the sprinkler system is \$67,000 and the request is for \$59,000. He asked if they will be able to come up with the remaining funding.

Mr. Bartlett said yes, they have raised the additional funds through private donors.

Commissioner Padilla asked where they were at with the project in terms of the installation of the system.

Mr. Bartlett said they have connected to the main; they have to build the riser room and the sprinklers themselves have to be installed. He said they have roughly about \$20,000 worth of work to do.

Commissioner Padilla asked if they currently use the facility.

Mr. Bartlett said yes.

Commissioner Padilla asked how they are going to handle the units that will go down during the renovation process, and will they be limiting the amount of people they will serve, or extend services to.

Mr. Bartlett said from what he understands, it should be a fairly smooth ride but to be honest, this is something they have never gone through, so they don't know for sure. He said they may have to rearrange people to make sure they have things structured and people are covered, so they have the least amount of affect on their clients as well.

Commissioner Padilla asked who the contractor was.

Mr. Bartlett said First Offense Fire Protection, out of Albuquerque.

Commissioner Padilla asked if they have spoken with any local providers.

Mr. Bartlett said the hard part they had in the beginning was finding City-approved individuals and City-approved individuals who want to work under the Davis-Bacon wage rates.

Commissioner Lopez asked staff if there was any issue with them changing the rules—in terms of the Affordable Housing Trust Fund.

Ms. Ladd said they are not changing the rules, they are just deviating from the process that is outlined. There is nothing that states that they cannot do that. The City has made changes like this in the past but she does want to be it clear, for the record, that this is not normally how they do business, but they are making an exception.

Councilor Villarreal asked what the balance was for the Affordable Housing Trust Fund before this amount.

Ms. Ladd said \$1.4 million, of which \$400,000 of that are obligated funds for this current year.

Commissioner Hughes said in that point, are more funds to be anticipated given the units being built that are contributing to that.

Ms. Ladd yes, there should be.

Commissioner Hughes asked her if they have any idea how much more should be coming in.

Ms. Ladd said it all depends on the process over at Land Use and how quickly the developments get through but they expect to collect at least \$400,000 by the end of this current fiscal year.

Councilor Villarreal asked if there were any other questions and there were none. She asked what is the pleasure of the Commission.

MOTION: A motion was made by Commissioner Lopez, seconded by Commissioner Hughes to approve the change of funding source from Community Block Grant (CDBG) to Affordable Housing Trust Fund to support the final phase of the St. Elizabeth Casa Familia Rehabilitation project, lowering proposed project cost from \$66,278 to \$59,000.

VOTE: The motion passed unanimously by voice vote.

ITEMS FROM THE COMMISSION

Councilor Villarreal requested that an agenda item be added for Items from Staff for future meetings.

Ms. Beam noted that there is a vacancy on the Commission-Olivia Moreno left and Paul Goblet's term expired but he is willing to serve again and has submitted his paper work. He is also willing to step down, if necessary.

Councilor Villarreal suggested that a press release be done announcing that there are vacancies on the Commission.

Commissioner Hughes noted that he and Jacqueline Beam visited a development in Albuquerque last week by the name of "Casa Feliz". This is a housing/rental project that is located in the Trumbull neighborhood in Albuquerque. Greater Albuquerque, a non-profit organization, and the Design Group has put this together. He shared pictures of the development with the Commissioners.

Councilor Villarreal asked if the units were affordable.

Commissioner Hughes said yes, they are all affordable and are rentals. He said it seems to fit into the fabric of the neighborhood quite nicely and it really increased the entire property value of the place. He thinks that this kind of approach might work here in Santa Fe.

Councilor Villarreal asked how they financed that.

Ms. Beam said they used tax credits and the City of Albuquerque has put money towards workforce housing projects.

Councilor Villarreal asked if there was anything else.

Ms. Ladd mentioned that the ground breaking for Soleras Station (Housing Trust project) is scheduled for next Wednesday and the Commissioners will be getting an invitation.

Councilor Villarreal asked for an update on the open house "Housing the Future: Housing for All".

Ms. Ladd said she is working with the new Land Use Director and she is hoping they can do this sometime in October or November.

Ms. Beam added that she recently saw a great webinar on additional ideas around ways to engage community and the one that had the highest response was going through employers. She said maybe this is something they can partner with Economic Development – having some kind of events focused around this.

Commissioner Padilla announced that the Housing Panel Forum that is presented by Friends of Architecture Santa Fe is scheduled for next Saturday, September 22nd, from 2-4 p.m. at Form and Concept Gallery, 435 S. Guadalupe, Santa Fe. He said they will launch their "Creative Housing Sheret" for the City of Santa Fe. Councilor Villarreal and Alexandra Ladd will be part of the panel. The Commissioners were invited to attend.

ITEMS FROM THE FLOOR

There were no items from the floor.

ADJOURNMENT

Its business being completed, Commissioner Padilla moved to adjourn the meeting, second by Commissioner Lopez, the meeting adjourned at 4:20 p.m.

Councilor Renee Villarreal, Chair

Community Development Commission Meeting: September 19, 2018

City of Santa Fe, New Mexico



Date: November 21, 2018

To: Community Development Commission

From: Alexandra Ladd, Director, Office of Affordable Housing

Re: HOP Homeowner Request to Rent Home

ACTION REQUESTED

Consider request from Isaac Lucero, HOP Homeowner, to rent home located at 103 Catron St, Unit 22 for a duration not to exceed 12-months.

BACKGROUND

Mr. Lucero purchased a home through the Housing Opportunity Program (HOP) in 2006. The subsidized price at the time he purchased the unit was \$69,706 (sales price adjusted to accommodate HOA dues) and a lien amount of \$290,294 was placed to secure the affordability of his home. Mr. Lucero rented his home in 2014/15 so that he could travel internationally. While he initiated a request to the City for approval, there is not record of the Community Development Commission granting the exception for the initial rental period.

ITEM AND ISSUE:

The Santa Fe Homes Program (SFHP) ordinance allows for an exception to the rental prohibition as approved by the Office of Affordable Housing. Staff believes that this section is applicable in this situation, given that the HOP Ordinance is no longer the governing legislation. Staff also recommends that approval of this request is conditioned with the following:

- 1. 12 month rental period (with a requirement that you contact the City within 30 days of the end of the term to certify that you are either in residence at the home or the home is vacant);
- 2. The rent you charge cannot exceed the affordable housing program's required rents. For your unit (1 BR) to be affordable to a renter earning 65% of the area median income (the income under which you originally qualified for the program) the maximum allowable rent is \$800, rounded (plus utilities);
- 3. You use a written lease agreement that is compliant with NM Uniform Owner Resident Relations Act and rely on resources provided through Legal Aid and other pro-bono legal entities to ensure that you and your tenant are aware of your rights and responsibilities as afforded under state law. A guide can be found at this link: https://nmhealth.org/publication/view/guide/278/.

To: Community Development Commission and Chairperson Renee Villarreal

From: Isaac E. Lucero, affordable housing program recipient under the City of Santa Fe's "HOP" Lien program

Dear Community Development Commission and Chair, Renee Villareal,

I am writing this letter to you, to ask for your consideration in allowing me to rent my home temporarily while I see my 19month old daughter, who is currently living with her mother and mother's family in the Philippines. I am making this request because it is very expensive to make the trip to the Philippines and the distance is so great. (Roughly \$1,000.00 round trip flight and 24 hours travel time from Albuquerque International Airport to their home in Northern Luzon, Philippines; 15-hour flight from Los Angeles to Manila, then 8-10 hour bus ride to her Province).

I am making this request to ask if I can rent my home for a period of 6 months to no more than 1 year.

My daughter and I talk on Facebook's Messenger's almost everyday but of course to be with her in person is very important to me. We are working on immigration paperwork for her and her mom, but the process is lengthy. Also, my daughter's mother is actively enrolled in college classes in the Philippines. We feel it is in our family's best interest if she finishes her college degree before immigrating to the United States.

Background:

I am a life long 6th generation native born New Mexican. My family settled in Northern New Mexico and both parents' grandparents moved to Santa Fe from more rural communities in northern parts of our State.

I purchased my affordable home through the City's HOP program at 103 Catron St, Unit 22, Santa Fe, NM 87501, in 2006.

First and Foremost, I love my home and I am greatly appreciative of the HOP program which has made home ownership in our city obtainable to me. The program has truly been a blessing. My home is my family's most significant asset. The only other greater asset, is my and my fiancé's future earning potential.

This being said, my life has changed a lot since 2006, when I purchased my home and entered into the HOP agreement. In 2006, 12 years ago, I was 27 and had no idea, I'd be 39 with my only child living in the Philippines.

Short note: I met my wife-to-be in 2015.

I would be most interested in renting my home to a teacher or young professional who may also be a candidate for affordable housing of their own in Santa Fe.

I would like to rent my home with all my furnishings in the unit so that moving back in will be easier.

Again, I am only looking for temporary reprieve of the HOP lien so that I can spend quality time with my daughter and wife-to be. It is not only the expense of mortgage and HOA dues, but I also believe that leaving a home vacant for 6 months or more, is a risk of its own.

I have only seen my daughter twice. Once when she was born in April 2017 and again for Christmas in 2017.

I have already forgone the idea of going to visit my daughter and Fiance' for Christmas, but I would like to go beginning the First of February 2018.

A picture of my daughter is attached.

Thank you and we are anxious to hear back on your determination.

Sincerely,

Isaac E. Lucero

isaacelucerosf@yahoo.cm



	Required Percentage
Unit Size	of SFHP Homes
Studio, 1 Bedroom and	25%
2 Bedroom	
3 Bedroom	50%
4 Bedroom	25%

- (2) The SFHP developer may request approval from the office of affordable housing to provide a mix of unit sizes that varies from the above. Factors that may be considered as a basis for approving a different unit size mix include, but are not limited to:
 - (a) A different mix would better match the mix of non-SFHP homes within the development.
 - (b) A different mix would better match the consumer demand for SFHP homes.
- C. The minimum sizes specified in this subsection shall not apply to units converted from existing rental units to ownership units. In such developments, the mix of size and type of SFHP Homes offered for sale shall be in proportion to the mix of non-SFHP homes offered for sale.
- D. SFHP homes at different price levels and of different home sizes shall be dispersed evenly among the non-SFHP homes and be evidenced by designation of home lots at time of plat recording for each phase of development.
- E. The SFHP homes shall be similar in architectural and landscaping appearance to the non-SFHP homes.
- F. The seller of an SFHP home shall provide a warranty of at least one year covering defects in materials and workmanship in addition to any manufacturers' warranties or warranties provided by a contractor or subcontractor, such as warranties on roofing and appliances. The minimum one year warranty on defects in materials and workmanship shall not preclude the seller or any person from providing a warranty of longer period. No developer, seller, general contractor, subcontractor or other person shall be permitted to request that an SFHP homebuyer sign a waiver of the required warranty. Any such waiver shall be considered null and void.

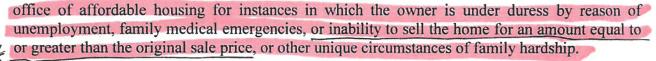
(Ord. #2005-30(A), §46; Ord. #2007-40, §24)

26-1.18 Affordability Controls on SFHP Homes; Rental Prohibition.

A. An SFHP developer selling a SFHP home or manufactured home lot shall cause to be recorded, in the county clerk's office, simultaneous with the recording of the deed of sale, a form of deed restriction, restrictive covenant or other legal instrument that fulfills the requirements set forth in the administrative procedures with regard to controls placed on the occupancy and subsequent resales of SFHP homes and SFHP manufactured home lots. In order to maintain affordability, the SFHP developer shall impose resale controls consisting of

mortgage liens, which include shared appreciation described below, and right of first refusal requirements as set forth in the administrative procedures. The effect of the recordation of said document(s) shall be to create, in accordance with state law, an obligation that runs with the property. The city shall approve the form of such documents prior to recordation. Initial affordability shall be achieved by including in the SFHP agreement terms of an escrow instruction requiring certification of SFHP compliance by the escrow agent.

- B. The amount of the above-described lien will be the difference between the SFHP price and the initial market value of the SFHP home or SFHP manufactured home lot. In order to provide additional equity to the SFHP buyer at the time of purchase, the initial market value shall be determined as ninety-five percent (95%) of the appraised value of the SFHP home or SFHP manufactured home lot.
- C. An SFHP lien will provide for shared appreciation by requiring the buyer to repay the original amount of the lien plus a share of appreciation, if any, upon resale of the home or manufactured home lot or violation of the occupancy requirements as described herein and by the administrative procedures. The city's share of appreciation, if any, will be in proportion to the ratio of the SFHP lien to the initial market value at the time of the SFHP buyer's initial purchase. The administrative procedures shall provide for a deduction from gross appreciation to account for capital improvements and repairs made during time of ownership and for a proportion of closing costs incurred upon resale. For purpose of example, following are steps used to determine the city's share of appreciation:
 - (1) Determine SFHP affordable home price (example: 3 bedroom home in income range 3): \$142,000
 - (2) Determine appraised value of SFHP home: \$220,000
 - (3) Determine initial market value of SFHP home: \$220,000 X 95% = \$209,000
 - (4) Determine amount of lien: \$209,000 \$142,000 = \$67,000
 - (5) Determine city's share of appreciation (proportion of lien to initial market value): \$67,000/\$209,000 = 32%
- D. Upon resale of an SFHP home or manufactured home lot, the affordability lien may be assumed by another SFHP buyer as approved by the city or its agent, or the seller must repay the SFHP lien to the city or its agent.
- E. The proceeds of repayment of SFHP liens resulting from SFHP agreements or annexations shall be credited to a housing trust fund approved by the governing body and managed by the office of affordable housing, which may include funds from other sources. Uses of housing trust fund monies may include down payment assistance, as well as subsidies for low-income rental, emergency and special needs housing. Funding from the trust fund must be awarded through a competitive process.
- F. An SFHP home buyer or SFHP manufactured home lot buyer shall not rent the SFHP unit or manufactured home lot to a second party, except as approved in writing by the





(Ord. #2005-30(A), §47; Ord. #2007-40, §25)

26-1.19 Enforcement of SFHP Agreement.

- A. When a sale is found to be not in compliance with the SFHP ordinance or SFHP agreement, or the information is insufficient to determine compliance, the SFHP developer shall be notified in writing and have the opportunity to rectify the noncompliance or supply the information lacking with respect to that SFHP home. However, in the event of such noncompliance, the city shall not certify any sale of an SFHP home and reserves the right not to certify the sale of any further non-SFHP units or manufactured home lots, while recognizing that this shall create an encumbrance and title flaw if any sale is made.
- B The enforcement provisions set forth in subsection 14-11.5D SFCC 1987 shall apply to all instances of noncompliance, including noncompliance as described in subsection 26-1.19A.

(Ord. #2005-30(A), §48)

26-1.20 Marketing To and Certifying SFHP Buyers.

- A. SFHP developers shall market SFHP Homes and SFHP manufactured home lots in accordance with the requirements set forth in the administrative procedures. Any marketing materials shall clearly state the policies of the SFHP program with regard to pricing of SFHP homes and manufactured home lots and buyer eligibility.
- B. In marketing SFHP homes and SFHP manufactured home lots the city or seller shall give preference to individuals who are citizens of Santa Fe county and/or are presently employed or under contract with an employer within Santa Fe county as may be limited by federal programs.
- C. The city or its agent shall maintain lists of prospective SFHP buyers who have passed preliminary prequalifications for financing. The city or its agent shall maintain information on basic homebuyer characteristics, such as household size and income by AMI to monitor the match between production and affordable housing demand. For SFHP developments for which the city or its agent expects immediate effective demand to outstrip the supply, the city or its agent may establish and maintain a fair and competitive process for allocating rights to purchase the homes or manufactured home lots. In developments where the city or its agent has established such a process, the developer shall be required to follow the process when selecting SFHP buyers. For developments other than those described above, the developer shall establish and maintain an equitable process of marketing homes and manufactured home lots, including waiting lists where demand exceeds supply.
- D. For each development with SFHP homes or SFHP manufactured home lots for sale, including annexations subject to SFHP, the office of affordable housing shall designate a qualified organization(s) to provide income certifications and maintenance of waiting lists. The