

Council Meeting Staff Report

April 3, 2018

Agenda No.: C.

Indexes (Council Goals):

Presenters: Paul Andrus

Legislative File: OR0809-18

Title

Incorporated County Of Los Alamos Ordinance No. 02-281; An Ordinance Repealing Ordinances 571 and 664 in their Entirety and Enacting and Amending Certain Affordable Housing Provisions Into the Los Alamos County Code of Ordinances

Recommended Action

I Introduce, without prejudice, Incorporated County Of Los Alamos Ordinance No.02-281; An Ordinance Repealing Ordinances 571 and 664 in their Entirety and Enacting and Amending Certain Affordable Housing Provisions Into the Los Alamos County Code of Ordinances

County Manager's Recommendation

The County Manager recommends that Council introduce the motion as presented.

Body

Background

This Ordinance, 02-281, is an update to the update to the County's group of Affordable Housing Ordinances and is intended to accomplish the following:

1. Repeal and consolidate the County's current affordable housing Ordinances and their associated programs, as applicable, into one chapter and article;
2. Ensure that all of the County's affordable housing Ordinances have been appropriately codified; and
3. Make some specific updates to the County affordable housing Ordinances which will allow for the County's local affordable housing programs and policies to better align with state and federal affordable housing programs and regulations which will allow for the County to maximize its opportunities to provide affordable housing to it's Citizens.

The following current Ordinances and their underlying provisions of each are being proposed for repeal, consolidation and codification into Chapter 14, Article VII under this action:

Ordinance No. 551, Establishing an Affordable Housing Program pursuant to the Affordable Housing Act and which states additional ordinances will be needed to enable the County to create and administer specific housing programs, approved by Council January 26, 2010.

Ordinance No. 571, authorizing the land donation and discount program which specified the income limits for households which may be assisted by the program, passed by Council on August 17, 2010.

Ordinance No. 664 which updated the Affordable Housing Program, essentially repealed Ordinance No. 551 to ensure compliance with the State's latest rules and regulations and to enhance the methods available to the County to assist qualified County residents in acquiring or improving housing within the County. This Ordinance was approved by Council on March 8, 2016.

This proposed Ordinance was submitted to the New Mexico Mortgage Finance Authority ("MFA") for their review and approval as required by the New Mexico Affordable Housing Act, and MFA approved the ordinance in its conformity to the Affordable Housing Act by letter dated February 28th, 2018 (Attachment B).

In summary, Ordinance No. 02-281, as did the other previous Ordinances, authorizes the County to operate an Affordable Housing Program as provided under the most recently enacted State of New Mexico Affordable Housing Act. The same activities and programming that previously existed under Ordinances 551 and 571 remain the same as approved by County Council (including the ability for the County to operate other housing assistance programs under the Affordable Housing Program, including but not limited to existing programs such as the Home Renewal Program and Homebuyer Assistance Program), with the following specific update:

This ordinance authorizes the County to donate land for affordable housing that will serve up to **(60) percent Area Median Income (AMI)**. Previously, Ordinance No. 571 only allowed the County to consider donation of land when a project would serve households up to fifty (50) percent of AMI. This threshold is being recommended to be adjusted to 60% in order to align the County's policy with that of the Low-Income Housing Tax Credit Program (LIHTC) program. The LIHTC program is currently the only primary financing mechanism in the County available for affordable multi-family rental projects. The household income for a household of four is \$65, 287. (A household of four at 50% AMI is \$54,400). The income threshold for discount of County land toward a project remains at eighty (80) percent of the AMI.

The Public Hearing for this Ordinance is scheduled for the May 1, 2018 County Council meeting.

Alternatives

County Council could choose to not approve this ordinance and instruct staff to incorporate certain changes to it for future Council review and consideration.

Attachments

A - Incorporated County of Los Alamos Code Ordinance No. 02-281

B - Mortgage Finance Authority (MFA) Letter stating Ordinance No. 02-281 compliance with Affordable Housing Act and Rules