



County of Los Alamos

Minutes

County Council – Regular Session

*Denise Derkacs, Council Chair, Theresa Cull, Council Vice-Chair,
Melanee Hand, Suzie Havemann, Keith Lepsch,
David Reagor, and Randall Ryti, Councilors*

Tuesday, September 10, 2024

6:00 PM

Council Chambers - 1000 Central Avenue

1. OPENING/ROLL CALL

The meeting was delayed due to technical issues.

The Council Chair, Denise Derkacs, called the meeting to order at 6:04 p.m.

Chair Derkacs made a statement in remembrance of former Los Alamos National Laboratory Director Dr. Charles McMillan and observed a moment of silence to honor his memory.

Council Chair Derkacs made opening remarks regarding the procedure of the meeting.

Mr. John Craig, Deputy County Manager, listed the County employees in attendance via Zoom.

The following Councilors were in attendance:

**Present: 7 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann,
Councilor Lepsch, Councilor Reagor, and Councilor Ryti**

2. PLEDGE OF ALLEGIANCE

Led by: All.

3. STATEMENT REGARDING CLOSED SESSION

Councilor Lepsch read the following statement for inclusion in the minutes: “The matters discussed in the closed session of the County Council held on September 10, 2024, that began at 5:00 p.m. were limited only to the topics specified in the notice of the closed session, and no action was taken on any matter in the closed session. We request that this statement be included in the meeting minutes.”

4. PUBLIC COMMENT

None.

5. APPROVAL OF AGENDA

Chair Derkacs noted that there was a request to pull Item 6.A from this meeting's agenda and that it will be added to a later meeting.

A motion was made by Councilor Ryti, seconded by Councilor Cull, that Council approve the agenda removing item 6.A.

The motion passed with the following vote:

Yes: 7 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

6. PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

- A. I Voted. I Voted Early. Future Voter. Sticker Contest Announcement.

Removed from the agenda.

- B. Proclamation Designating September 21, 2024, as "National Clean Up Day in Los Alamos" (Accepted by Environmental Services Management Analyst Joshua Levings)

Councilor Hand read and presented the proclamation.

Mr. Joshua Levings, Environmental Services Management Analyst, spoke.

- C. Proclamation Designating the Month of September 2024, as "Voter Registration Month" and Tuesday, September 17, 2024, as "Voter Registration Day" in Los Alamos County (Accepted by County Clerk Naomi Maestas)

Councilor Havemann read and presented the proclamation.

Mr. David Hampton, League of Women Voters, spoke.

Ms. Jody Benson, League of Women Voters, accepted.

- D. Proclamation Designating September 17th through 23rd as "Constitution Week in Los Alamos" (Accepted by Linda Alt, Chapter Regent of the Valle Grande Chapter of the Daughters of the American Revolution)

Councilor Reagor read and presented the proclamation.

Ms. Linda Alt, Chapter Regent of the Valle Grande Chapter of the Daughters of the American Revolution, spoke.

- E. Proclamation Designating September 15th Through October 15th as "National Hispanic Heritage Month" In Los Alamos County (Accepted by Los Alamos County Employees)

Councilor Cull read and presented the proclamation.

Ms. Danielle Duran, Intergovernmental Affairs Manager, spoke.

7. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA

None.

8. CONSENT AGENDA

Councilor Reagor asked a question about item 8.C.

Ms. Helen Perraglio, Administrative Services Department Director, spoke.

Ms. Erika Thomas, Budget and Performance Manager, spoke.

Mr. Neddie Gurule, Chief Appraiser, spoke.

Consent Motion:

A motion was made by Councilor Cull, that Council approve the items on the Consent Agenda as presented and that the motions in the staff reports be included for the record.

After further discussion, Councilor Cull withdrew the motion.

A motion was made by Councilor Cull, seconded by Councilor Havemann, that Council approve the items on the Consent Agenda and that the motions contained in the staff reports, as amended be included for the record.

- A. Approval of Services Agreement No. AGR24-77 with United Diagnostic Services, LLC in the Amount of \$545,000.00, plus Applicable Gross Receipts Tax, for the purpose of Firefighter Cancer Screening Services

I move that Council approve Contract for General Services, Agreement No. AGR24-77 with United Diagnostic Services, LLC Firefighter Cancer Screening Services, in the amount not to exceed \$545,000.00 plus applicable gross receipts tax.

- B. Approval of County Council Minutes for the August 20, 2024, Work Session and August 27, 2024, Regular Session

I move that Council approve the County Council Minutes for the August 20, 2024, Work Session and August 27, 2024, Regular Session.

- C. Adoption of Property Tax Rates for Calendar Year 2024 as Certified by the State Department of Finance and Administration

I move that Council adopt the official 2024 Certificate of Property Tax Rates prepared by the State Department of Finance and Administration, Local Government Division shown in Attachment A and forward notification of this adoption to the County Assessor.

- D. Board/Commission Appointment(s) - Library Board

I move that Council nominate and appoint Michele Altherr to fill one vacancy on the Library Board to fill a term beginning on September 1, 2024, and ending August 31, 2026. I further move to reappoint Elizabeth Stelle and Brian Reardon to the Library Board for terms beginning September 1, 2024, and ending August 31, 2026.

- E. State of New Mexico Department of Finance and Administration Approval of the FY2025 Los Alamos County Budget

I move that Council acknowledge receipt of the State of New Mexico Department of Finance and Administration approval of the FY2025 Los Alamos County Budget and ask that Attachment A be included in the meeting minutes.

Approval of the Consent Agenda:

The motion passed with the following vote:

Yes: 7 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

9. PUBLIC HEARING(S)

- A.** Incorporated County of Los Alamos Code Ordinance No. 02-360, An Ordinance of the Incorporated County of Los Alamos Amending Article VII of Chapter 14, Affordable Housing

Mr. Dan Osborn, Housing and Special Projects Manager, presented.

Public comment:
None.

A motion was made by Councilor Havemann, seconded by Councilor Cull, that Council adopt Incorporated County of Los Alamos Code Ordinance No. 02-360, as presented in Attachment D, and ask staff to assure that it is published as provided in the County Charter.

The motion passed with the following vote:

Yes: 7 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

- B.** Incorporated County of Los Alamos Resolution No. 24-29, A Resolution of Support to Implement a Highway Improvement Project Identified as Hybrid Road Diet Two, along Trinity Drive from Oppenheimer Drive to Knecht Street

Mr. Juan Rael, Public Works Director, spoke.
Mr. Conrad Ley, Project Consultant, Wilson and Company, Inc., Engineers and Architects, presented.

Public comment:
Mr. James Wernicke spoke.
Ms. Jody Benson spoke.

A motion was made by Councilor Lepsch, seconded by Councilor Havemann, that Council approve Incorporated County of Los Alamos Resolution No. 24-29, A Resolution of Support for the New Mexico Department of Transportation to Implement a Highway Improvement Project Identified as Hybrid Road Diet Two, Along Trinity Drive Between Cross-Streets Oppenheimer Drive and Knecht Street.

The motion passed with the following vote:

Yes: 5 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, and Councilor Lepsch
No: 2 – Councilor Reagor and Councilor Ryti

RECESS

Councilor Derkacs called for a recess at 7:51 p.m. The meeting reconvened at 8:03 p.m.

10. BUSINESS

A. UNM-LA Capital Projects Presentation and Possible Approval of Project Funding and Budget Revision 2025-09

Ms. Anne Laurent, County Manager, spoke.

Dr. Mike Holtzclaw, Ph.D., Chancellor, UNM-LA, presented.

Public comment:

Mr. David Hampton spoke.

A motion was made by Councilor Ryti, seconded by Councilor Hand, that Council approve the project included in this agenda for the UNM-LA CIP allocation in the amount not to exceed \$600,000 and approve Budget Revision 2025-09. He further moved that they ask the County Manager to return with a budget option to increase the funding amount for FY25 in the amount of \$50,000.

The motion passed with the following vote:

Yes: 7 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

B. Contract for General Services, Agreement No. AGR24-75 with NV5 in the Amount of \$305,570.00, plus Applicable Gross Receipts Tax, for the Purpose An Artificial Turf Conceptual Study

Mr. Cory Styron, Community Services Director, presented.

Public comment:

None.

A motion was made by Councilor Havemann, seconded by Councilor Hand, that Council approve Contract for General Services, Agreement No. AGR24-75 with NV5 in the Amount of \$305,570.00, plus Applicable Gross Receipts Tax, for the Purpose of An Artificial Turf Conceptual Study.

The motion passed with the following vote:

Yes: 7 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

11. COUNCIL BUSINESS

A. General Council Business

1) Discussion and Possible Action to Submit Los Alamos County Representative for the Coalition of Sustainable Communities New Mexico Nominating Committee

Councilor Ryti presented.

Ms. Angelica Gurule, Sustainability Manager, spoke.

Public comment:

None.

A motion was made by Councilor Cull, seconded by Councilor Hand, that Council submit Suzie Havemann to be the Los Alamos County Representative for the Coalition of Sustainable Communities New Mexico Nominating Committee.

The motion passed with the following vote:

Yes: 7 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

B. Appointments

None.

C. Boards and Commission Vacancy Report

1) Board and Commission Vacancy Report

Councilor Derkacs mentioned the report is included in the agenda packet.

D. Board, Commission, and Working Group Reports

Councilor Cull reported on the Board of Public Utilities meeting.

Councilor Reagor reported on the Planning and Zoning Commission meeting. He also mentioned that Lodgers Tax Advisory Board would be meeting either later this month, or next month.

Councilor Ryti reported on the Historical Preservation Advisory Board meeting.

E. County Manager's Report

County Manager Anne Laurent reported on two upcoming surveys, one for the Community Health Plan and the other from the Economic Development Department.

F. Council Chair Report

Chair Derkacs reported on meetings with the County Manager, the County Attorney, and the Congressional Delegation. She also attended the dedication of the Bee Pollinator Demonstration Garden.

G. Approval of Councilor Expenses

None.

H. Preview of Upcoming Agenda Items

1) Tickler Report of Upcoming Agenda Items

Councilor Derkacs highlighted upcoming agenda items.

12. COUNCILOR COMMENTS

Councilor Ryti commented on an Open Space and Trail Management Plan session, the Energy Communities Alliance Executive Board meeting and white paper, a Main Street Futures meeting, and the National Association of Counties Environment, Energy, and Land Committee meeting. He also commented that he appreciated the moment of silence at the beginning of the meeting.

Councilor Hand commented on the North Central Regional Transit District (NCRTD) 20th Anniversary celebration.

13. ADJOURNMENT

The meeting adjourned at 9:11 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

Denise Derkacs, Council Chair

Attest:

Naomi D. Maestas, County Clerk

Meeting Transcribed by: Casey Salazar, Deputy Clerk



New Mexico
Department of Finance
and Administration

Governor Michelle Lujan Grisham
Cabinet Secretary Wayne Propst

407 Galisteo St,
Santa Fe, NM 87501
(505) 827-4985

Local Government Division
Jeannette Gallegos, Acting Division Director

August 29, 2024

The Honorable Denise Derkacs
Los Alamos County
1000 Central Ave.
Los Alamos, NM 87544

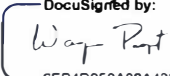
Order Setting Property Tax Rates - 2024 Property Tax Year

Dear Commissioner, Derkacs,

Pursuant to NMSA 1978, Sections 7-37-7(A) and 7-38-33(A), I issue this order setting the 2024 tax rates in the attached Certificate of Property Tax Rates (Certificate) for all governmental units imposing rates in your county.

NMSA 1978, Section 7-38-34 requires the Board of County Commissioners (Board) to issue and deliver to the County Assessor its own written order imposing these rates within five days of its receipt of this rate-setting order. **Before the Board issues its order, the county is responsible for ensuring that the rates are correct and must notify the Local Government Division of the Department of Finance and Administration of any errors, in accordance with 3.6.50.1 I (D) NMAC.** To further those efforts, please immediately share the Certificate with all governmental units (other than the State) that have rates included in the Certificate, so that they may also check the accuracy of their rates. In addition, please note that the "percentage change I" used as specified in NMSA 1978, Section 7-37-7.I (A) for yield control calculations this year is 1.71%.

Any questions concerning or suspected errors in the rates should be immediately brought to the attention of the Local Government Division's Budget and Finance Bureau Chief, Cordelia Chavez, at 505-231-7246; or Special Projects Analyst, Catrina Chavez, at 505-479-1247.

Sincerely
DocuSigned by:

6EB4D958A89A432
Wayne Propst
Secretary of Finance & Administration

cc: Property Tax Division, Taxation & Revenue Department (via email)
County Assessor (via email)
County Treasurer (via email)

Enclosure(s): Certificate of Property Tax Rates

Los Alamos County Council
Regular Session
September 10, 2024
Item 8.C
Attachment A

Certificate of Property Tax Rates in Mills
 Los Alamos County
 Tax Year 2024

OVERALL COUNTY NET TAXABLE VALUE: \$1,056,129,213

Property Classification	Residential	Non-Residential
Tax District	1 R	1 NR
Municipality	Los Alamos County (Incorporated)	Los Alamos County (Incorporated)
Public School District	Los Alamos	Los Alamos
College District	UNM Los Alamos	UNM Los Alamos
Taxable Value	926,509,590	129,619,623
Mill Levies for State, County, Municipality, and School District		
State Debt Service	1.360	1.360
Total State	1.360	1.360
County Operational	5.084	8.850
Total County	5.084	8.850
Municipal Operational	3.419	3.998
Total Municipal	3.419	3.998
School District Operational	0.300	0.500
School District Debt Service	8.760	8.760
School Building (House Bill 33 Levy)	2.902	3.246
Total School District	11.962	12.506
Total State, County, Municipal and School District	21.825	26.714

Tax District	1 R	1 NR
Mill Levies for College and Hospital		
College District Operational	1.738	2.000
Total Higher Education	1.738	2.000
Total Hospital	0.000	0.000
Total College and Hospital	1.738	2.000
Grand Total State, County, Municipal, Public School, College, Hospital	23.563	28.714
Mill Levies for Other Taxing Entities		
Total Other	0.000	0.000
Grand Total	23.563	28.714

Livestock Mill Levies

Category	Rate	Applicable Tax Districts
	10.000	
Cattle Indemnity	9.604	1,1,1,1
Sheep/Goats/Swine/Alpaca	9.088	1,1,1,1,1,1,1,1,1,1,1,1,1,1,1,1
Dairy Cattle	5.000	
Dairy Cattle	4.754	
Bison/Camelids/Ratite	7.945	
Horses/Asses/Mules	9.371	1,1,1,1

Other Assessments

Category	Taxing Entity	Description
Public Improvement Special Levy Rolls	Mirador PID	Refer to Attachment

Footnotes

Tax District	Classification	Assessment	Footnote
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Amendments

Date	Description
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EXHIBIT A

MIRADOR
PUBLIC IMPROVEMENT DISTRICT

FISCAL YEAR 2024-25 SPECIAL LEVY ROLL

MIRADOR PUBLIC IMPROVEMENT DISTRICT
 FY 2024-2025 FINAL SPECIAL LEVY ROLL

PIN	ACCOUNT	BLOCK	LOT	RES UNITS	COM BSF	LOT TYPE	LEVY CLASS	CO DATE	BP DATE	GROSS ANNUAL SPECIAL LEVY	VETERAN EXEMPTION	NET ANNUAL SPECIAL LEVY
1037107470495	R010757	5	8	1	0	50	DP50	5/21/2020	10/10/2019	\$1,830.00		\$1,830.00
1037107474497	R010758	5	9	1	0	50	DP50	5/21/2020	10/10/2019	\$1,830.00		\$1,830.00
1037107484488	R010759	5	23	1	0	50	DP50	3/16/2020	8/16/2019	\$1,830.00		\$1,830.00
1037107489490	R010760	5	22	1	0	50	DP50	3/16/2020	8/23/2019	\$1,830.00		\$1,830.00
1037107488503	R010761	5	12	1	0	50	DP50	5/14/2020	10/10/2019	\$1,830.00		\$1,830.00
1037107507497	R010762	5	19	1	0	50	DP50	3/16/2020	8/16/2019	\$1,830.00		\$1,830.00
1037107493492	R010763	5	21	1	0	50	DP50	3/16/2020	8/16/2019	\$1,830.00		\$1,830.00
1037107493504	R010764	5	13	1	0	50	DP50	5/14/2020	10/10/2019	\$1,830.00		\$1,830.00
1037107498506	R010765	5	14	1	0	50	DP50	5/1/2020	10/10/2019	\$1,830.00		\$1,830.00
1037107504507	R010766	5	15	1	0	50	DP50	4/23/2020	10/10/2019	\$1,830.00		\$1,830.00
1037107509508	R010767	5	16	1	0	50	DP50	4/16/2020	10/10/2019	\$1,830.00		\$1,830.00
1037107514508	R010768	5	17	1	0	50	DP50	4/16/2020	10/10/2019	\$1,830.00		\$1,830.00
1037107519509	R010769	5	18	1	0	50	DP50	4/16/2020	10/10/2019	\$1,830.00		\$1,830.00
1037107498494	R010770	5	20	1	0	50	DP50	3/16/2020	8/23/2019	\$1,830.00		\$1,830.00
1037107475484	R010778	5	25	1	0	50	DP50	2/20/2020	8/23/2019	\$1,830.00		\$1,830.00
1037107480486	R010779	5	24	1	0	50	DP50	2/20/2020	8/16/2019	\$1,830.00		\$1,830.00
1037107479499	R010780	5	10	1	0	50	DP50	5/21/2020	10/10/2019	\$1,830.00		\$1,830.00
1037107483501	R010781	5	11	1	0	50	DP50	5/21/2020	10/10/2019	\$1,830.00		\$1,830.00
1037107481468	R010789	6	8	1	0	50	DP50	1/30/2020	7/19/2019	\$1,830.00		\$1,830.00
1037107485470	R010790	6	9	1	0	50	DP50	1/30/2020	7/19/2019	\$1,830.00		\$1,830.00
1037107490472	R010791	6	10	1	0	50	DP50	1/14/2020	7/19/2019	\$1,830.00		\$0.00
1037107494474	R010792	6	11	1	0	50	DP50	1/14/2020	7/12/2019	\$1,830.00		\$1,830.00
1037107499477	R010793	6	12	1	0	50	DP50	1/14/2020	7/19/2019	\$1,830.00		\$1,830.00
1037107503479	R010794	6	13	1	0	50	DP50	12/5/2019	7/19/2019	\$1,830.00		\$1,830.00
1037107508481	R010795	6	14	1	0	50	DP50	12/5/2019	7/19/2019	\$1,830.00		\$1,830.00
1037107512483	R010796	6	15	1	0	50	DP50	12/5/2019	7/19/2019	\$1,830.00		\$1,830.00
1037107517485	R010797	6	16	1	0	50	DP50	11/27/2019	7/19/2019	\$1,830.00		\$1,830.00
1037107521487	R010798	6	17	1	0	50	DP50	11/27/2019	7/19/2019	\$1,830.00		\$1,830.00
1037107526489	R010799	6	18	1	0	50	DP50	11/27/2019	7/19/2019	\$1,830.00		\$1,830.00
1037107320529	R010846	1	17	1	0	50	UDP50	#N/A	#N/A	\$1,114.62		\$1,114.62
1037107343520	R010850	1	13	1	0	50	UDP50	#N/A	#N/A	\$1,114.62		\$1,114.62
1037107348519	R010851	1	12	1	0	50	UDP50	#N/A	#N/A	\$1,114.62		\$1,114.62
1037107387477	R010886	3	1	1	0	50	UDP50	#N/A	#N/A	\$1,114.62		\$1,114.62
1037107373470	R010887	3	23	1	0	50	UDP50	#N/A	#N/A	\$1,114.62		\$1,114.62
1037107382475	R010888	3	2	1	0	50	UDP50	#N/A	#N/A	\$1,114.62		\$1,114.62
1037107378473	R010889	3	24	1	0	50	UDP50	#N/A	#N/A	\$1,114.62		\$1,114.62
1037107369478	R010890	3	22	1	0	50	UDP50	#N/A	#N/A	\$1,114.62		\$1,114.62
1037107325494	R010901	3	13	1	0	50	UDP50	#N/A	#N/A	\$1,114.62		\$1,114.62
1037107330492	R010902	3	14	1	0	50	UDP50	#N/A	#N/A	\$1,114.62		\$1,114.62
1037107335490	R010903	3	15	1	0	50	UDP50	#N/A	#N/A	\$1,114.62		\$1,114.62
1037107340489	R010904	3	16	1	0	50	UDP50	#N/A	#N/A	\$1,114.62		\$1,114.62
1037107345487	R010905	3	17	1	0	50	UDP50	#N/A	#N/A	\$1,114.62		\$1,114.62
1037107349485	R010906	3	18	1	0	50	UDP50	#N/A	#N/A	\$1,114.62		\$1,114.62
1037107354483	R010907	3	19	1	0	50	UDP50	#N/A	#N/A	\$1,114.62		\$1,114.62
1037107359482	R010908	3	20	1	0	50	UDP50	#N/A	#N/A	\$1,114.62		\$1,114.62
1037107363480	R010909	3	21	1	0	50	UDP50	#N/A	#N/A	\$1,114.62		\$1,114.62
1037107380486	R010744	3	3	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107401481	R010746	1	1	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107382509	R010800	1	6	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107390506	R010801	1	5	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107393498	R010802	1	4	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107396493	R010803	1	3	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107398487	R010804	1	2	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107420439	R010806	1	55	1	0	60	DP60	9/29/2021	11/12/2020	\$2,130.00		\$2,130.00
1037107415437	R010807	1	54	1	0	60	DP60	11/8/2021	11/23/2020	\$2,130.00		\$2,130.00
1037107409434	R010808	1	53	1	0	60	DP60	11/1/2021	11/23/2020	\$2,130.00		\$2,130.00
1037107404432	R010809	1	52	1	0	60	DP60	12/9/2021	12/10/2020	\$2,130.00		\$2,130.00
1037107398429	R010810	1	51	1	0	60	DP60	3/14/2022	5/10/2021	\$2,130.00		\$2,130.00
1037107393426	R010811	1	50	1	0	60	DP60	5/26/2022	5/7/2021	\$2,130.00		\$2,130.00
1037107388424	R010812	1	49	1	0	60	DP60	5/4/2022	6/23/2021	\$2,130.00		\$2,130.00
1037107382421	R010813	1	48	1	0	60	DP60	4/27/2022	6/23/2021	\$2,130.00		\$2,130.00
1037107377419	R010814	1	47	1	0	60	DP60	6/10/2022	7/30/2021	\$2,130.00		\$2,130.00
1037107371416	R010815	1	46	1	0	60	DP60	9/16/2022	7/30/2021	\$2,130.00		\$2,130.00
1037107366413	R010816	1	45	1	0	60	DP60	12/2/2022	8/11/2021	\$2,130.00		\$2,130.00
1037107361411	R010817	1	44	1	0	60	DP60	9/26/2022	9/15/2021	\$2,130.00		\$2,130.00
1037107355408	R010818	1	43	1	0	60	DP60	11/15/2022	9/15/2021	\$2,130.00		\$2,130.00
1037107349406	R010819	1	42	1	0	60	DP60	3/10/2023	9/15/2021	\$2,130.00		\$2,130.00
1037107344405	R010820	1	41	1	0	60	DP60	2/17/2023	9/16/2021	\$2,130.00		\$2,130.00
1037107337403	R010821	1	40	1	0	60	DP60	12/2/2022	10/22/2021	\$2,130.00		\$2,130.00
1037107332401	R010822	1	39	1	0	60	DP60	11/18/2023	10/22/2021	\$2,130.00		\$2,130.00
1037107371510	R010835	1	7	1	0	50	UDP50	#N/A	#N/A	\$1,114.62		\$1,114.62
1037107311488	R010839	1	24	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107310494	R010840	1	23	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107310500	R010841	1	22	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107310506	R010842	1	21	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107310512	R010843	1	20	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107309519	R010844	1	19	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107312527	R010845	1	18	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107326526	R010847	1	16	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34

MIRADOR PUBLIC IMPROVEMENT DISTRICT
 FY 2024-2025 FINAL SPECIAL LEVY ROLL

PIN	ACCOUNT	BLOCK	LOT	RES UNITS	COM B5F	LOT TYPE	LEVY CLASS	CO DATE	BP DATE	GROSS ANNUAL SPECIAL LEVY	VETERAN EXEMPTION	NET ANNUAL SPECIAL LEVY
1037107332524	R010848	1	15	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107338522	R010849	1	14	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107352517	R010852	1	11	1	0	50	UDP50	#N/A	#N/A	\$1,114.62		\$1,114.62
1037107357515	R010853	1	10	1	0	50	DP50	7/11/2022	7/30/2021	\$1,830.00		\$1,830.00
1037107362514	R010854	1	9	1	0	50	UDP50	#N/A	#N/A	\$1,114.62		\$1,114.62
1037107366512	R010855	1	8	1	0	50	DP50	6/6/2022	6/23/2021	\$1,830.00		\$1,830.00
1037107410455	R010856	2	2	1	0	60	DP60	9/29/2021	11/12/2020	\$2,130.00		\$2,130.00
1037107356429	R010857	2	12	1	0	60	DP60	10/14/2022	8/11/2021	\$2,130.00		\$2,130.00
1037107405466	R010858	2	28	1	0	60	DP60	5/2/2023	4/6/2022	\$2,130.00		\$2,130.00
1037107362431	R010859	2	11	1	0	60	DP60	5/12/2023	8/11/2021	\$2,130.00		\$2,130.00
1037107356446	R010860	2	19	1	0	60	DP60	9/15/2023	6/8/2022	\$2,130.00		\$2,130.00
1037107367434	R010861	2	10	1	0	60	DP60	7/11/2022	7/30/2021	\$2,130.00		\$2,130.00
1037107361447	R010862	2	20	1	0	60	DP60	6/23/2023	6/8/2022	\$2,130.00		\$2,130.00
1037107373437	R010863	2	9	1	0	60	DP60	9/2/2022	6/23/2021	\$2,130.00		\$2,130.00
1037107367448	R010864	2	21	1	0	60	DP60	8/2/2023	6/8/2022	\$2,130.00		\$2,130.00
1037107378439	R010865	2	8	1	0	60	DP60	6/6/2022	6/23/2021	\$2,130.00		\$2,130.00
1037107372451	R010866	2	22	1	0	60	DP60	8/11/2023	4/27/2022	\$2,130.00		\$2,130.00
1037107383442	R010867	2	7	1	0	60	DP60	4/27/2022	5/7/2021	\$2,130.00		\$2,130.00
1037107378453	R010868	2	23	1	0	60	DP60	8/7/2023	4/27/2022	\$2,130.00		\$2,130.00
1037107389444	R010869	2	6	1	0	60	DP60	4/4/2022	5/7/2021	\$2,130.00		\$2,130.00
1037107383456	R010870	2	24	1	0	60	DP60	7/13/2023	4/8/2022	\$2,130.00		\$2,130.00
1037107394447	R010871	2	5	1	0	60	DP60	3/21/2022	5/7/2021	\$2,130.00		\$2,130.00
1037107389458	R010872	2	25	1	0	60	DP60	6/29/2023	4/27/2022	\$2,130.00		\$2,130.00
1037107400449	R010873	2	4	1	0	60	DP60	2/15/2022	11/23/2020	\$2,130.00		\$2,130.00
1037107394461	R010874	2	26	1	0	60	DP60	5/12/2023	4/6/2022	\$2,130.00		\$2,130.00
1037107405452	R010875	2	3	1	0	60	DP60	2/15/2022	11/23/2020	\$2,130.00		\$2,130.00
1037107399464	R010876	2	27	1	0	60	DP60	5/2/2023	4/6/2022	\$2,130.00		\$2,130.00
1037107416457	R010877	2	1	1	0	60	DP60	7/12/2022	11/23/2020	\$2,130.00		\$2,130.00
1037107410469	R010878	2	29	1	0	60	DP60	4/21/2023	5/18/2022	\$2,130.00		\$2,130.00
1037107334450	R010880	2	17	1	0	70	UDP70	#N/A	12/15/2022	\$1,553.16		\$1,553.16
1037107333422	R010881	2	13	1	0	70	DP70	5/13/2024	12/15/2022	\$2,550.00		\$2,550.00
1037107333429	R010882	2	14	1	0	70	UDP70	#N/A	12/15/2022	\$1,553.16		\$1,553.16
1037107333436	R010883	2	15	1	0	70	UDP70	#N/A	12/15/2022	\$1,553.16		\$1,553.16
1037107333444	R010884	2	16	1	0	70	UDP70	#N/A	12/15/2022	\$1,553.16		\$1,553.16
1037107335457	R010885	2	18	1	0	70	UDP70	#N/A	12/15/2022	\$1,553.16		\$1,553.16
1037107328506	R010892	3	12	1	0	50	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107334504	R010893	3	11	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107340502	R010894	3	10	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107346500	R010895	3	9	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107351498	R010896	3	8	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107357496	R010897	3	7	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107363494	R010898	3	6	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107368492	R010899	3	5	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107375490	R010900	3	4	1	0	60	UDP60	#N/A	#N/A	\$1,297.34		\$1,297.34
1037107423494	R010741	4	2	1	0	70	DP70	12/11/2020	5/11/2020	\$2,550.00		\$2,550.00
1037107416490	R010748	4	1	1	0	70	DP70	12/29/2020	5/11/2020	\$2,550.00		\$2,550.00
1037107429497	R010749	4	3	1	0	70	DP70	12/23/2020	5/11/2020	\$2,550.00		\$2,550.00
1037107424474	R010750	5	1	1	0	70	DP70	9/21/2020	4/14/2020	\$2,550.00		\$2,550.00
1037107431477	R010751	5	2	1	0	70	DP70	9/21/2020	4/14/2020	\$2,550.00		\$2,550.00
1037107437480	R010752	5	3	1	0	70	DP70	9/15/2020	4/14/2020	\$2,550.00		\$2,550.00
1037107443483	R010753	5	4	1	0	70	DP70	9/17/2020	4/10/2020	\$2,550.00		\$2,550.00
1037107450486	R010754	5	5	1	0	70	DP70	9/16/2020	4/10/2020	\$2,550.00		\$2,550.00
1037107456489	R010755	5	6	1	0	70	DP70	8/17/2020	4/14/2020	\$2,550.00		\$2,550.00
1037107462492	R010756	5	7	1	0	70	DP70	8/17/2020	4/10/2020	\$2,550.00		\$2,550.00
1037107430462	R010771	5	32	1	0	70	DP70	4/14/2021	8/7/2020	\$2,550.00		\$2,550.00
1037107436465	R010772	5	31	1	0	70	DP70	3/4/2021	7/16/2020	\$2,550.00		\$2,550.00
1037107443468	R010773	5	30	1	0	70	DP70	3/4/2021	7/16/2020	\$2,550.00		\$2,550.00
1037107449471	R010774	5	29	1	0	70	DP70	3/24/2021	5/12/2020	\$2,550.00		\$2,550.00
1037107455474	R010775	5	28	1	0	70	DP70	12/3/2020	5/12/2020	\$2,550.00		\$2,550.00
1037107462477	R010776	5	27	1	0	70	DP70	11/19/2020	5/13/2020	\$2,550.00		\$2,550.00
1037107468480	R010777	5	26	1	0	70	DP70	12/17/2020	5/12/2020	\$2,550.00		\$2,550.00
1037107437447	R010782	6	1	1	0	70	DP70	4/8/2021	8/7/2020	\$2,550.00		\$2,550.00
1037107444450	R010783	6	2	1	0	70	DP70	4/8/2021	8/7/2020	\$2,550.00		\$2,550.00
1037107450453	R010784	6	3	1	0	70	DP70	4/8/2021	7/16/2020	\$2,550.00		\$2,550.00
1037107456456	R010785	6	4	1	0	70	DP70	2/18/2021	5/13/2020	\$2,550.00		\$2,550.00
1037107462459	R010786	6	5	1	0	70	DP70	3/24/2021	5/13/2020	\$2,550.00		\$2,550.00
1037107469462	R010787	6	6	1	0	70	DP70	1/8/2021	5/13/2020	\$2,550.00		\$2,550.00
1037107475465	R010788	6	7	1	0	70	DP70	1/6/2021	5/13/2020	\$2,550.00		\$2,550.00
1037107317394	R010824	1	38	1	0	70	DP70	10/2/2023	7/28/2022	\$2,550.00		\$2,550.00
1037107314400	R010825	1	37	1	0	70	DP70	10/18/2023	7/28/2022	\$2,550.00		\$2,550.00
1037107313406	R010826	1	36	1	0	70	DP70	10/17/2023	7/28/2022	\$2,550.00		\$2,550.00
1037107313413	R010827	1	35	1	0	70	DP70	11/3/2023	7/28/2022	\$2,550.00		\$2,550.00
1037107314420	R010828	1	34	1	0	70	DP70	1/17/2024	9/8/2022	\$2,550.00		\$2,550.00
1037107314427	R010829	1	33	1	0	70	DP70	3/6/2024	8/26/2022	\$2,550.00		\$2,550.00
1037107314434	R010830	1	32	1	0	70	UDP70	#N/A	8/26/2022	\$1,553.16		\$1,553.16
1037107314441	R010831	1	31	1	0	70	DP70	3/6/2024	9/7/2022	\$2,550.00		\$2,550.00
1037107313448	R010832	1	30	1	0	70	DP70	4/5/2024	8/26/2022	\$2,550.00		\$2,550.00
1037107312455	R010833	1	29	1	0	70	DP70	4/5/2024	8/26/2022	\$2,550.00		\$2,550.00
1037107313462	R010834	1	28	1	0	70	UDP70	#N/A	8/26/2022	\$1,553.16		\$1,553.16

MIRADOR PUBLIC IMPROVEMENT DISTRICT
 FY 2024-2025 FINAL SPECIAL LEVY ROLL

PIN	ACCOUNT	BLOCK	LOT	RES UNITS	COM BSF	LOT TYPE	LEVY CLASS	CO DATE	BP DATE	GROSS ANNUAL SPECIAL LEVY	VETERAN EXEMPTION	NET ANNUAL SPECIAL LEVY
1037107314471	R010836	1	27	1	0	70	UDP70	#N/A	#N/A	\$1,553.16		\$1,553.16
1037107313477	R010837	1	26	1	0	70	UDP70	#N/A	#N/A	\$1,553.16		\$1,553.16
1037107311482	R010838	1	25	1	0	70	UDP70	#N/A	#N/A	\$1,553.16		\$1,553.16
1038107017504	R010739		MIR D	57	4,250	COM	UDPCOM	#N/A	#N/A	\$40,976.55		\$40,976.55
1037107415476	R010914		MIR RDS	1	0	EXEMPT	EXEMPT	#N/A	#N/A	\$0.00		\$0.00
1037107367406	R010745		MIR F	1	0	EXEMPT	EXEMPT	#N/A	#N/A	\$0.00		\$0.00
1037107374505	R010747	0	MIR 005	1	0	EXEMPT	EXEMPT	#N/A	#N/A	\$0.00		\$0.00
1037107425441	R010805	0	MIR 008	1	0	EXEMPT	EXEMPT	#N/A	#N/A	\$0.00		\$0.00
1037107327398	R010823	0	MIR 001	1	0	EXEMPT	EXEMPT	#N/A	#N/A	\$0.00		\$0.00
1037107361465	R010879	0	MIR 006	1	0	EXEMPT	EXEMPT	#N/A	#N/A	\$0.00		\$0.00
1037107323507	R010891	0	MIR 004	1	0	EXEMPT	EXEMPT	#N/A	#N/A	\$0.00		\$0.00
1037107504471	R010910		MIR E	1	0	EXEMPT	EXEMPT	#N/A	#N/A	\$0.00		\$0.00
1037107331414	R010911	0	MIR 002	1	0	EXEMPT	EXEMPT	#N/A	#N/A	\$0.00		\$0.00
1037107349419	R010912	0	MIR 003	1	0	EXEMPT	EXEMPT	#N/A	#N/A	\$0.00		\$0.00
1037107469488	R010913	0	MIR 009	1	0	EXEMPT	EXEMPT	#N/A	#N/A	\$0.00		\$0.00
TOTAL										\$341,161.41	(\$1,830.00)	\$339,331.41

8. Consent Agenda

C. Adoption of Property Tax Rates for Calendar Year 2024 as Certified by the State Department of Finance and Administration

Corrected Attachment

Attachment B: Property Taxes - Comparison of Rates, Values and Revenues - Tax Years 2023 and 2024

**LOS ALAMOS COUNTY
PROPERTY TAXES
COMPARISON of RATES, VALUES and
REVENUES
TAX YEARS 2023 AND 2024**

Purpose	RESIDENTIAL			NON-RESIDENTIAL		
	2023	2024	Increase (Decrease)	2023	2024	Increase (Decrease)
STATE DEBT SERVICE	1.360	1.360	0.000	1.360	1.360	0.000
OPERATING LEVY:						
County	5.250	5.084	(0.166)	8.850	8.850	0.000
Municipal	3.531	3.419	(0.112)	3.998	3.998	0.000
Subtotal County Ops	8.781	8.503	(0.278)	12.848	12.848	0.000
DEBT SERVICE						
County	0.000	0.000	0.000	0.000	0.000	0.000
Municipal	0.000	0.000	0.000	0.000	0.000	0.000
OTHER ENTITIES:						
School Dist Op	0.310	0.300	(0.010)	0.500	0.500	0.000
School Dist. Debt Service	8.760	8.760	0.000	8.760	8.760	0.000
HB33 Schl Bldg	2.997	2.902	(0.095)	3.246	3.246	0.000
LA Community College	1.795	1.738	(0.057)	2.000	2.000	0.000
UNMLA--Debt Service			0.000	0.000	0.000	0.000
Grand Total	24.003	23.563	(0.440)	28.714	28.714	0.000 0.00%
Net Taxable Value	808,282,870	926,509,590	118,226,720	113,117,962	129,619,623	16,501,661
County Revenue at 99.55% Collections	7,065,593	7,842,660	777,067	1,446,800	1,657,859	211,059
Total (Res. & non-Res.) County Revenue - Est.	8,512,393	9,500,519	988,126			
Sample Total Taxes Due: (at various levels of full assessed value - note that taxes are based upon taxable value)						
\$100,000 Property	800.10	785.43	-1.83%	957.13	957.13	0.00%
\$200,000 Property	1,600.20	1,570.87	-1.83%	1,914.27	1,914.27	0.00%
\$300,000 Property	2,400.30	2,356.30	-1.83%	2,871.40	2,871.40	0.00%
\$400,000 Property	3,200.40	3,141.73	-1.83%	3,828.53	3,828.53	0.00%
\$500,000 Property	4,000.50	3,927.17	-1.83%	4,785.67	4,785.67	0.00%
Individual taxpayers should not assume that their tax bills will change by the same percentage shown on attachment B, because changes in individual property valuation are not constant and will affect individual tax bills.						

Los Alamos County Council
Regular Session
September 10, 2024
Item 8.C
Corrected Attachment
Attachment B



New Mexico
Department of Finance
and Administration

407 Galisteo St,
Santa Fe, NM 87501
(505) 827-4985

Governor Michelle Lujan Grisham
Cabinet Secretary Wayne Propst

Local Government Division
Jeannette Gallegos, Acting Division Director

August 26, 2024

The Honorable Denise Derkacs
Los Alamos County
1000 Central Ave.
Los Alamos, NM 87544

Dear Commissioner Chair Derkacs:

The final budget for your local government entity for Fiscal Year 2024-2025, as approved by your governing body, has been examined and reviewed. The Department of Finance and Administration, Local Government Division (LGD) finds it has been developed in accordance with applicable statutes and budgeting guidelines, and sufficient resources appear to be available to cover budgeted expenditures. In addition, the *Budget Certification of Local Public Bodies* rule, 2.2.3 NMAC, requires that your entity's audit or "Agreed Upon Procedures" (per the *Tier System Reporting* rule, 2.2.2.16 NMAC) for Fiscal Year 2023 should have been submitted to the Office of the State Auditor as of this time. LGD's information indicates that you are in compliance with this requirement. Therefore, in accordance with Section 6-6-2E NMSA 1978, the LGD certifies your entity's final Fiscal Year 2024-2025 budget.

Please take note that state statute requires all revenue sources be expended only for public purposes, and if applicable, in accordance with the Procurement Code, Chapter 13, Article 1, NMSA 1978. Use of public revenue is governed by Article 9, Section 14 of the Constitution of the State of New Mexico, commonly referred to as the anti-donation clause.

Budgets approved by the LGD are required to be made a part of the minutes of your governing body according to Section 6-6-5 NMSA 1978. In addition, Section 6-6-6 NMSA 1978 provides that the approved budget is binding on local officials and governing authorities; and any official or governing authority approving claims or paying warrants in excess of the approved budget or available funds will be liable for the excess amounts.

Finally, as required by Section 6-6-2H NMSA 1978, LGD is required to approve all budget increases and transfers between funds not included in the final approved budget via submission on the Local Government Budget Management System (LGBMS).

If you have questions regarding this matter, please call Kathleen Coates of my staff at 505-487-3907, or via email at Kathleen.coates@dfa.nm.gov

Sincerely,
DocuSigned by:

Jeannette Gallegos, Acting Division Director
Local Government Division

xc: file

Los Alamos County Council
Regular Session
September 10, 2024
Item 8.E
Attachment A

ATTACHMENT A

AMENDED

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE 02-360

**AN ORDINANCE OF THE INCORPORATED COUNTY OF LOS ALAMOS
AMENDING ARTICLE VII OF CHAPTER 14, AFFORDABLE HOUSING**

WHEREAS, the Incorporated County of Los Alamos, New Mexico (“County”) is a home rule county possessing the full power of local self-government pursuant to Article X, Sections 5 and 6 of the New Mexico Constitution, NMSA 1978, Chapters 3, 4 and 5, and County’s Home Rule Charter; and

WHEREAS, the State Legislature, in Chapter 6, Article 27 NMSA 1978, Sections 1 through 9, “The Affordable Housing Act,” has granted counties or municipalities the power to provide housing assistance grants pursuant to Article 9, Section 14 of the constitution of New Mexico if the governing body enacts an ordinance authorizing such grants and stating the requirements and purposes of the grants; and

WHEREAS, County may donate, provide, or pay all or a portion of the costs of acquisitions, development, construction, financing, operating or owning affordable housing; and

WHEREAS, County has, through this Ordinance, adopted specific language authorizing County to provide housing assistance grants within the County pursuant to Chapter 14 of the Los Alamos County Code of Ordinances (“County Code”) and pursuant to the Affordable Housing Act; and

WHEREAS, to create a thriving and vibrant community, the County Council desires to provide more diverse housing options, particularly to low or moderate income households; and

WHEREAS, updated analysis of the County’s housing market indicates that the County continues to struggle to provide diverse affordable housing options to its residents and prospective residents under the current definition of “affordable” in Chapter 14 of the County Code; and

WHEREAS, on August 27, 2024, County Council of the Incorporated County of Los Alamos, New Mexico adopted an amended Affordable Housing Plan for the County that provides updated market analysis, as well as recommendations, and strategies that better reflect the character and needs of the housing market; and

WHEREAS, the County Council deems it to be in the best interest of the County, its residents and those who wish to be residents to amend Chapter 14 of the County Code to broaden the eligibility requirements and scope for affordable housing within the County to increase the current market supply and demand for affordable housing, and to update the means by which County can contribute and support the development of affordable housing.

[this section intentionally left blank]

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF THE COUNTY OF LOS ALAMOS, NEW MEXICO:

Section 1. Article VII of Chapter 14 of the County Code of Ordinances is hereby amended as follows:

DIVISION 1. GENERALLY

Sec. 14-251. Purpose; generally.

There is hereby created a county affordable housing program which is to provide assistance to qualified recipients in acquiring, developing, managing, ~~or~~ improving, or otherwise providing affordable housing within the county and to:

- (a) Establish procedures to ensure that all housing assistance grantees are qualifying grantees as defined in this article and who meet the requirements of the Act ~~and the rules~~ both at the time of the award and throughout the term of any grant or loan under the program;
- (b) Establish an application and award timetable for state housing assistance grants or loans to permit the selection of the qualifying grantee(s) by the county;
- (c) Create an evaluation process to determine:
 - (1) The financial and management stability of an applicant;
 - (2) The demonstrated commitment of the applicant to the community;
 - (3) A cost-benefit analysis of the project proposed by the applicant including how the contribution will reduce the housing costs to persons of low or moderate income;
 - (4) The benefits to the community of a proposed project;
 - (5) The type or amount of assistance to be provided;
 - (6) The scope of an affordable housing project;
 - (7) Any substantive or matching contribution by the applicant to the proposed project;
 - (8) A performance schedule for the qualifying grantee with performance criteria; and
 - (9) Any other rules or procedures which the county believes are necessary for a full review and evaluation of an applicant and the application or which the MFA believes is necessary for a full review of the county's evaluation of the applicant.
- (d) Require long-term affordability of the county's affordable housing projects so that a project cannot be sold shortly after completion and taken out of the affordable housing market;
- (e) Require that a grant or loan for a project must impose a contractual obligation on the qualifying grantee that all of the affordable housing units in any project be occupied by persons of low or moderate income;
- (f) Provide for adequate security against the loss of public funds or property in the event that the qualifying grantee abandons or otherwise fails to complete a project;
- (g) Require review and approval of a housing grant project budget by the county and/or the MFA before any expenditure of grant funds or transfer of granted property;
- (h) Require that a condition of grant or loan approval be proof of compliance with all applicable State and local laws, rules and ordinances;

- (i) Provide definitions for "affordable" and "affordable housing" and for "low-income" and "moderate-income" setting out requirements for verification of income levels;
- (j) Provide the county with a mechanism for implementing a valid affordable housing program;
- (k) Establish a procedure and associated application for the purpose of waiving applicable county permit fees that are directly connected to projects that will result in the provision of affordable housing as defined under this chapter and article and the Affordable Housing Act, NMSA 1978, §§ 6-27-1 through 6-27-9, or as may be amended; and
- (l) Require that the county enter into a contract with the qualifying grantee consistent with the Act, which contract shall include remedies and default provisions in the event of unsatisfactory performance, and that subject the recipient of a contribution to the jurisdiction of the New Mexico courts to enforce compliance with the Act, the rules, and any agreement(s) between the recipient and the county.
- (m) Require that all housing programs and assistance are in compliance with the Act and the rules, as amended, and require compliance with the Act and the rules in the provision of all contributions and by the recipients of contributions.

Sec. 14-252. Definitions.

The following words, terms, and definitions shall have the following meanings with this article and division where applicable or otherwise specified:

- (a) *Act* or *AHA* shall mean the Affordable Housing Act, NMSA 1978, §§ 6-27-1 through 6-27-9, or as may be amended from time to time.
- (b) *Affordable* shall mean consistent with minimum rent and/or income limitations set forth in the Act and in guidelines established by MFA.
- (c) *Affordable housing* means residential housing primarily for persons or households of low or moderate income. ~~with incomes 80 percent per cent of the county median family income, adjusted for family size, as calculated annually by HUD.~~
- (d) *Affordable housing funds* shall mean any or all funds awarded or to be awarded, loaned or otherwise distributed under the Act.
- (e) *Affordable housing plan* or *plan* shall mean a plan pursuant to an affordable housing program that contemplates one or more affordable housing projects, which may be developed in one or more phases.
- (f) *Affordable housing program* or *program* shall mean any programs the county and/or the MFA establish pursuant to the Act.
- (g) *Affordable housing project* or *project* shall mean any work or undertaking, whether demolition or site preparation, new construction, acquisition of existing residential housing, remodeling, improvement, rehabilitation or conversion and resale, land donation, homeowner down payment or closing cost assistance, which may be undertaken in one or more phases, as part of an affordable housing plan, as approved by the county and/or the MFA for the primary purposes as allowed by the Act.
- (h) *Affordable housing provider* shall mean an individual or entity that satisfies the requirements of a qualifying grantee and has been approved by the county and/or the MFA to participate in an affordable housing program.
- ~~(h) *Affordability period* shall mean that amount of time represented by the term of a mortgage or other legal document during which only a qualified recipient or builder may~~

~~hold title to or lease of real property for the development of which the county has provided affordable housing assistance in the form of an award, loan, donation, or otherwise conveyed form. The affordability period shall increase incrementally with the fair market value amount of county assistance provided. For the purposes of this chapter and article, affordability period, unless otherwise provided, shall be:~~

- ~~(1) From \$1.00 to \$14,999.99, then the affordability period shall be not less than five years.~~
- ~~(2) From \$15,000.00 up to and including \$40,000.00, then the affordability period shall be not less than ten years.~~
- ~~(3) From \$40,000.00 up to and including \$100,000.00, then the affordability period shall be not less than 15 years.~~
- ~~(4) Greater than \$100,000.00, then the affordability period shall be not less than 20 years.~~

~~(i) Affordability period means that amount of time represented by the term of a mortgage during which only a qualified recipient or builder may hold title to or lease of real property conveyed by the county under authority of this chapter and article and shall not be less than the following time periods:~~

- ~~(1) With a donation or discount from \$1.00 to \$14,999.99, then the affordability period shall be five years;~~
- ~~(2) With a donation or discount from \$15,000.00 up to and including \$40,000.00, then the affordability period shall be ten years;~~
- ~~(3) With a donation or discount from \$40,001.00 up to and including \$100,000.00, then the affordability period shall be 15 years;~~
- ~~(4) With a donation or discount from \$100,001.00 up to and including \$200,000.00, then the affordability period shall be 20 years;~~
- ~~(5) With a donation or discount from \$200,001.00 up to and including \$300,000.00, then the affordability period shall be 25 years; and~~
- ~~(6) With a donation or discount greater than \$300,001.00, then the affordability period shall be 30 years.~~

~~(j) (i) Applicant shall mean, subject to further qualifications, an individual, a governmental housing agency, regional housing authority, a for-profit venture, syndicate, or association or a nonprofit organization meeting the appropriate criteria of the county and/or the MFA.~~

~~(j) (k) Application shall mean an application to participate in one or more affordable housing programs under the Act submitted by an applicant to the county.~~

~~(k) (l) Builder shall mean an individual or entity licensed as a general contractor to construct residential housing in the State that satisfies the requirements of a qualifying grantee and has been approved by the county and/or the MFA to participate in an affordable housing program. The term builder shall also include an individual or entity that satisfies the requirements of a qualifying grantee and has been approved by the county and/or the MFA to participate in an affordable housing program, who is not licensed as a general contractor in the State, provided such individual or entity contracts with a general contractor licensed in the State to construct residential housing.~~

- ~~(h)~~(m) *Building* shall mean a structure capable of being renovated or converted into affordable housing or a structure that is to be demolished and is located on land donated for use in connection with an affordable housing project.
- ~~(m)~~(n) *County permit fee waiver* shall mean the approval to waive certain county building, planning and utility permit fees when associated with an eligible affordable housing activity. Waivers shall be granted only after the project has been deemed eligible by application and can be documented as part of an approved county affordable housing program or a housing project meeting the definition of affordable housing. Individual homeowners can apply to the county for the waiver or proof of eligibility can also be determined through verification of income provided by an acceptable third party documentation, ~~including but not limited to income verification provided by Habitat for Humanity, the Los Alamos Housing Partnership, or other~~ or affordable housing providers that meets the criteria as an eligible entity under AHA rules.
- ~~(n)~~(o) *County* shall mean the Incorporated County of Los Alamos, New Mexico., ~~a New Mexico municipal corporation.~~
- ~~(o)~~(p) *Congregate housing facility* shall mean residential housing designed for occupancy by more than four persons of low or moderate income living independently of each other. The facility may contain group dining, recreational, health care or other communal living facilities and each unit in a congregate housing facility shall contain at least its own living, sleeping, and bathing facilities.
- ~~(p)~~(q) *Contribution* shall mean any provision of assistance for affordable housing, including and Affordable Housing Grant or affordable housing funds, made by a state, county, municipality or the MFA.
- (r) *Discount* is that amount of money equal to the difference between the fair market value of the property and the cash received by the county at the time of sale of the property, which difference is represented by the promissory note payable to the county by a builder or qualified recipient and which difference is intended to be forgiven by the county at the end of the affordability period in accordance with this chapter and article and the program rules and regulations in order to assist low or moderate income qualified recipients in obtaining affordable housing in the county.
- (s) *Donation* is that amount of money equal to the fair market value of the property as represented by the promissory note payable to the county by the builder or qualified recipient and which is intended to be forgiven by the county at the end of the affordability period in accordance this chapter and article and the program rules and regulations in order to assist qualified recipients of below 120 percent area median income as defined by HUD obtaining affordable housing in the county.
- ~~(q)~~(t) *Federal government* shall mean the United States of America and any agency or instrumentality, corporate or otherwise, of the United States of America.
- ~~(r)~~(u) *"Household"* shall mean one or more persons occupying a housing unit.
- ~~(s)~~(v) *Housing assistance grant* means the donation by the county of land for construction of affordable housing; an existing Building for conversion or renovation as affordable housing; the costs of acquisition, development, construction, financing and operating or owning affordable housing, infrastructure or the costs of infrastructure necessary to support affordable housing or interest rate write downs for affordable housing rehabilitation loans; the waiving of applicable building permit fees for housing development or rehabilitation activities that are determined by the county to low or

moderate income homeowners or renters upon submission and approval of a county-administered application.

~~(t)~~(w) *HUD* shall mean the United States Department of Housing and Urban Development.

~~(u)~~ *Infrastructure* shall mean ~~infrastructure improvements and infrastructure purposes.~~

~~(v)~~(x) *Infrastructure improvement* includes, but is not limited to:

- (1) Sanitary sewage systems, including collection, transport, storage, treatment, dispersal, effluent use and discharge;
- (2) Drainage and flood control systems, including collection, transport, diversion, storage, detention, retention, dispersal, use and discharge;
- (3) Water systems for domestic purposes, including production, collection, storage, treatment, transport, delivery, connection and dispersal;
- (4) Areas for motor vehicle use for road access, ingress, egress and parking;
- (5) Trails and areas for pedestrian, equestrian, bicycle or other non-motor vehicle use for access, ingress, egress and parking;
- (6) Parks, recreational facilities and open space areas for the use of residents for entertainment, assembly and recreation;
- (7) Landscaping, including earthworks, structures, plants, trees and related water delivery systems;
- (8) Electrical transmission and distribution facilities;
- (9) Natural gas distribution facilities;
- (10) Lighting systems;
- (11) Cable, internet or other telecommunications ~~lines~~ and related equipment;
- (12) Traffic control systems and devices, including signals, controls, markings and signs;
- (13) Inspection, construction management and related costs in connection with the furnishing of the items listed in this subsection; ~~or~~
- (14) Heating, air conditioning and weatherization facilities, systems or services, and energy efficiency improvements that are affixed to real property.

~~(w)~~(y) *Infrastructure purpose* shall mean:

- (1) Planning, design, engineering, construction, acquisition or installation of infrastructure, including the costs of applications, impact fees and other fees, permits and approvals related to construction, acquisition or installation of the infrastructure, provided the county may determine it appropriate to reduce or waive building and planning permit fees, sewer, water, electric and gas hookup fees and other fees with respect to an affordable housing project for which affordable housing funds and/or housing assistance grants are awarded, loaned, donated or otherwise distributed under the Act and the county's approved affordable housing plan;
- (2) Acquiring, converting, renovating or improving existing facilities for infrastructure, including facilities owned, leased or installed by the ~~owner~~ qualified grantee.

- (3) Acquiring interests in real property or water rights for infrastructure, including interests of the ~~owner~~ qualified grantee; or
- (4) Incurring expenses incident to and reasonably necessary to carry out the purposes specified in this subsection.
- ~~(x)~~(z) *Low income household* means a household earning less than 80 percent of the county's area median income, as calculated by the United States Department of Housing and Urban Development or the actual AMI for Los Alamos County.
- ~~(y)~~(aa) *MFA* shall mean the New Mexico Mortgage Finance Authority.
- ~~(z)~~(bb) *MFA Act* shall mean the Affordable Housing Act, Affordable Housing Act, NMSA 1978, §§ 6-27-1 through 6-27-9, and as may be amended.
- ~~(aa)~~(cc) *Moderate income household* means a household earning between 80 and 120 percent of the county's Area Median Income, as calculated by the United States Department of Housing and Urban Development or the actual AMI for Los Alamos County.
- ~~(bb)~~(dd) *Mortgage* shall mean a mortgage, mortgage deed, deed of trust or other instrument creating a lien, subject only to title exceptions as may be acceptable to the county and/or MFA on a fee interest in real property located within the State or on a leasehold interest that has a remaining term at the time of computation that exceeds or is renewable at the option of the lessee until after the maturity day of the mortgage loan.
- ~~(cc)~~(ee) *Mortgage lender* shall mean any bank or trust company, mortgage company, mortgage banker, national banking association, savings bank, savings and loan association, credit union, building and loan association and any other lending institution; provided that the mortgage lender maintains an office in the State, is authorized to make mortgage loans in the State and is approved by the county and/or the MFA and either the Federal Housing Authority, Veterans' Affairs, Federal National Mortgage Association (now known as Fannie Mae), or Federal Home Loan Mortgage Corporation.
- ~~(dd)~~(ff) *Mortgage loan* shall mean a financial obligation secured by a mortgage, including a mortgage loan for a project.
- ~~(ee)~~(gg) *Multiple family housing project* shall mean residential housing that is designed for occupancy by more than four persons or families living independently of each other or living in a congregate housing facility, at least 60 percent of whom are persons of low or moderate income, including without limitation persons of low or moderate income who are elderly and handicapped as determined by the county and/or MFA, provided that the percentage of low or moderate -income persons and families shall be at least the minimum, if any, required by Federal tax law.
- ~~(ff)~~(hh) *Multi-family housing program* shall mean a program involving a congregate housing facility, a multiple family housing project or a transitional housing facility.
- ~~(gg)~~(ii) *Persons of low income* shall mean persons and families within the State who earn ~~less than~~ 80 percent or less of the county area median income, as calculated by the United States Department of Housing and Urban Development or the actual AMI for Los Alamos County.
- ~~(hh)~~(jj) *Persons of moderate income* shall mean person and families within the State who earn between 80 and 120 percent of the county area median income, as calculated by the United States Department of Housing and Urban Development or the actual AMI for Los Alamos County.

- ~~(hh)~~(kk) *Policies and procedures* shall mean policies and procedures of the MFA, including but not limited to, mortgage loan purchasing, selling, servicing and reservation procedures, which the MFA may update and revise from time to time as the MFA deems appropriate.
- ~~(ii)~~(ll) *Public service agencies* shall include, but are not limited to, any entities that support affordable housing and which believe that the program or project proposed by the applicant is worthy and advisable, but which are not involved, either directly or indirectly, in the affordable housing program or project for which the applicant is applying.
- ~~(jj)~~(mm) *Qualifying grantee* means an individual who is qualified to receive assistance pursuant to the Act and is approved by the county and/or the MFA; or a governmental housing agency, regional housing authority, corporation, a limited liability company, partnership, joint venture, syndicate, association or a nonprofit organization that is organized under State or local laws and can provide proof of such organization; if a non-profit organization, has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; and is approved by the county and/or the MFA.
- ~~(nn)~~ *Qualifying recipient* means a person or persons of low or moderate or very low income who is qualified to receive a deferred payment homebuyer assistance loan from the county pursuant to the Act, MFA Rules, this Code Ordinance, and is approved by the county and/or the MFA or designated party as a qualifying recipient.
- ~~(kk)~~(oo) *Recertification* shall mean the recertification of applicants and/or qualifying grantees participating in any affordable housing programs or in any programs under the Act as determined necessary from time to time by the county and/or MFA.
- ~~(ll)~~(pp) *Rehabilitation* shall mean the substantial renovation, demolition or reconstruction of an existing single-family residence or a multi-family housing project, which complies with requirements established by county and/or the MFA. Rehabilitation shall not include routine or ordinary repairs, improvements or maintenance, such as interior decorating, remodeling or exterior painting, except in conjunction with other substantial renovation or reconstruction.
- ~~(mm)~~(qq) *Residential housing* shall mean any building, structure or portion thereof that is primarily occupied, or designed or intended primarily for occupancy, as a residence by one or more households and any real property that is offered for sale or lease for the construction or location thereon of such a building, structure or portion thereof. "Residential housing" includes congregate housing, manufactured homes and housing intended to provide or providing transitional or temporary housing for homeless persons.
- ~~(nn)~~(rr) *Residential use* shall mean that the structure or the portion of the structure to benefit from the affordable housing funds or housing assistance grant, is designed primarily for use as the principal residence of the occupant or occupants and shall exclude vacation or recreational homes.
- ~~(oo)~~(ss) *RFP* shall mean any request for proposal made by the county.
- ~~(pp)~~(tt) *Rules* shall mean the rules issued pursuant to NMSA 1978, §§ 58-18-1 through 58-18-27 (the "Mortgage Finance Authority Act") and pursuant to the Affordable Housing Act, NMSA 1978, §§ 6-27-1 through 6-27-9 (the "Act").
- ~~(qq)~~(uu) *State* shall mean the State of New Mexico.

~~(v)~~(vv) *Transitional housing facility* shall mean residential housing that is designed for temporary or transitional occupancy by persons of low or moderate income or special needs.

Sec. 14-253. Program solicitations, applications, review criteria, and awards.

With the exception of housing assistance grants involving funding from the State which shall be governed as specified below, the following requirements shall apply to all housing assistance grants and/or affordable housing funds awarded, loaned, or otherwise distributed by the county under the Act and the any applicable county programs to a qualifying grantee:

- (a) *Request for proposals.* The county, in its discretion, may issue one or more RFPs to solicit applications from applicants or may otherwise identify a qualifying grantee for the use of any affordable housing funds or housing assistance grants to be awarded, loaned, donated, or otherwise distributed under the Act.
- (b) *Applicant eligibility.* The following applicants are eligible under the Act to apply for affordable housing funds or a housing assistance grant to provide housing or related services to persons of low or moderate income in the community:
 - (1) All individuals who are qualified to receive assistance pursuant to the Act, the rules, and this chapter and article that are approved by the county and/or the MFA;
 - (2) All regional housing authorities and any governmental housing agencies;
 - (3) All for-profit organizations, including any corporation, limited liability company, partnership, joint venture, syndicate or association;
 - (4) All non-profit organizations meeting the following requirements:
 - a. A primary mission of the nonprofit organization must be to provide housing or housing-related services to persons of low or moderate income;
 - b. The non-profit organization must have received its 501(c)(3) designation prior to submitting an application; and
 - c. Have no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual other than a person of low or moderate income.
 - (5) All non-individual applicants must:
 - a. Be organized under State or local laws and provide proof of such organization, be authorized to conduct business in New Mexico and be approved by the county and/or the MFA, including but not limited to having a current county business registration;
 - b. Have a functioning accounting system that is operated in accordance with generally accepted accounting principles or that has designated, and
 - c. Contracted with an entity that will maintain such an accounting system consistent with generally accepted accounting principles;
 - d. Have among its purposes significant activities related to providing housing or services to persons or households of low or moderate income; and
 - e. Have no significant outstanding or unresolved monitoring findings from the county, the MFA, or its most recent independent financial audit, or if it has any such findings, it has a letter certifying from the county, the MFA, or auditor stating that the findings are in the process of being resolved.

(c) *Applications.*

- (1) Applications. Applicants wishing to apply for a housing assistance grant including the use of any affordable housing funds, or to participate in any affordable housing program are required to submit to the county the following (as applicable):
 - a. One original application, together with all required schedules, documents, or such other information which may be required by the county or in any RFP which may have been issued by the county, must be included in the completed application;
 - b. A proposal describing the nature and scope of the affordable housing project proposed by the applicant and for which the applicant is applying for funds or a grant under the Act, and which describes the type and/or amount of assistance which the applicant proposes to provide to persons of low or moderate income. For proposed affordable housing projects to include land donation from the county, the applicant must indicate that all the housing units will be for households ~~below 60-AMI~~ of low or moderate income as defined by HUD;
 - c. Executive summary and project narrative(s) that address the evaluation criteria set forth in any RFP issued by the county for the affordable housing funds or the housing assistance grant for which the applicant is applying;
 - d. A proposed budget for the affordable housing project for which the applicant is applying for affordable housing funds or for a housing assistance grant;
 - e. Current independent financial audit;
 - f. If the applicant is a non-profit organization:
 1. Proof of current IRS tax status such as 501(c)(3) status;
 2. Documentation that confirms that no part of applicants' net earnings inures to the benefit of any member, founder, contributor or individual;
 - g. If an applicant is a legal entity, including a non-profit organization:
 1. A current annual budget for the applicant, including all sources and uses of funds not just those related to relevant programs and/or a current annual budget only for the program for which the applicant is applying for a housing assistance grant, or as otherwise may be required by the county and/or the MFA in its discretion;
 2. An approved mission statement that the applicant has among its purposes significant activities related to providing housing or housing-related services to persons or households of low or moderate income;
 3. A list of members of the applicant's current board of directors or other governing body, including designated homeless participation, where required by the county;
 4. Evidence (or a certification as may be allowed by the county) that the applicant has a functioning accounting system that is operated in accordance with generally accepted accounting principles, or has a valid contract with a designated entity that will maintain such an

- accounting system consistent with generally accepted accounting principles;
5. Evidence that the applicant has no significant outstanding or unresolved monitoring findings from the county, the MFA, or its most recent independent financial audit; or if it has any significant outstanding or unresolved monitoring findings from the county, the MFA, or its most recent independent financial audit, it has a certified letter from the county, the MFA, or the auditor stating that the findings are in the process of being resolved;
 6. An organizational chart, including job titles and qualifications for the applicant's employees or as otherwise may be required by the county and/or the MFA in its discretion. Job descriptions may be submitted as appropriate; and
 7. Documentation that the applicant is duly organized under State or local law and certification that the applicant is in good standing with any State authorities, including the New Mexico Public Regulation Commission and/or the Secretary of State.
- h. Information as may be required by the county and/or the MFA in order for it to determine the financial and management stability of the applicant;
 - i. Information as may be required by the county and/or the MFA in order for it to determine the demonstrated commitment of the applicant to the community;
 - j. A completed cost-benefit analysis of the affordable housing project proposed by the applicant. Any cost-benefit analysis must include documentation that clearly evidences that there is or will be a direct benefit from the project proposed by the applicant to the community and/or to the purported beneficiaries of the project, consistent with the provisions of the Act;
 - k. Adequate information, as required by the county, regarding applicant's proposed affordable housing project. The information provided must clearly evidence the need for the subsidy, that the value of the housing assistance grant reduces the housing costs to persons of affordable housing rules checklist low or moderate income, and that there is or will be a direct benefit from the project proposed by the applicant to the community and/or to the purported beneficiaries of the project, consistent with the provisions of the Act;
 - l. Information supporting the benefits to the community of the affordable housing project proposed by the applicant;
 - m. If applicable, proof of substantive or matching funds or contributions and/or in-kind donations to the proposed affordable housing project in connection with the application for funds under the Act. Nothing contained herein shall prevent or preclude an applicant from matching or using local, private, or Federal funds in connection with a specific housing assistance grant or a grant of affordable housing funds under the Act;
 - n. Any certifications or other proof which the county may require in order for the county to confirm that the applicant is in compliance with all applicable Federal, State and local laws, rules and ordinances;

- o. A verification signed by the applicant before a notary public that the information provided, upon penalty of perjury, is true and correct to the best of the applicant's information, knowledge, and belief;
 - p. Certifications as may be required by the county and signed by chief executive officer, board president, or other authorized official of the applicant; ~~provided that the county at its discretion may waive any of the foregoing requirements if not deemed applicable.~~
 - q. ~~Applicant shall submit adequate information, as required by the county and/or MFA, of the Affordable Housing Project proposed by the Applicant. The information provided must clearly evidence the need for the subsidy, that the value of the housing assistance grant reduces the housing costs to Person of Low- or Moderate-income, and that there will be a direct benefit from the project proposed by the Applicant to the community and/or to the purported beneficiaries of the project, consistent with the provision of the Act.~~
- (2) Additional requirements for multi-family housing projects. For applicants who are submitting applications in connection with a multi-family housing program, the applicant must also submit to the county the following additional information:
- a. A verified certificate that, among other things:
 - 1. Identifies every multi-family housing program, including every assisted or insured project of HUD, Rural Housing Services (RHS), FHA and any other state or local government housing finance agency in which such applicant or its principals has been or is a principal;
 - 2. Except as shown on such certificate, states that:
 - i. No mortgage on a project listed on such certificate has ever been in default, assigned to the Federal Government or foreclosed, nor has any mortgage relief by the mortgagee been given;
 - ii. There has not been a suspension or termination of payments under any HUD assistance contract in which the applicant has had a legal or beneficial interest;
 - iii. Such applicant has not been suspended, debarred or otherwise restricted by any department or agency of the Federal Government or any state government from doing business with such department or agency because of misconduct or alleged misconduct; and
 - iv. The applicant has not defaulted on an obligation covered by a surety or performance bond.
- If such applicant cannot certify to each of the above, such applicant shall submit a signed statement to explain the facts and circumstances that such applicant believes will explain the lack of certification. The county or MFA may then determine if such applicant is or is not qualified.
- b. The experience of the applicant in developing, financing and managing multi-family housing projects; and

- c. Whether the applicant has been found by the United States Equal Employment Opportunity Commission or the New Mexico Human Rights Commission to be in non-compliance with any applicable civil rights laws.
- (3) Additional requirements for mortgage lenders. If the applicant is a mortgage lender, the county shall consider, among other things:
- a. The financial condition of the applicant;
 - b. The terms and conditions of any loans to be made;
 - c. The aggregate principal balances of any loans to be made to each applicant compared with the aggregate principal balances of the loans to be made to all other applicants;
 - d. The county's or MFA's assessment of the ability of the applicant or its designated service to act as originator and servicer of mortgage loans for any multi-family housing programs or other programs to be financed; and
 - e. Previous participation by the applicant in the MFA's programs and HUD, Federal housing authority, or rural housing service programs.
- (4) Submission procedure.
- a. *Time, place and method of submission delivery.*
 1. If the county has issued an RFP, all applications must be received by the county no later than the deadline set forth in the RFP; otherwise, all applications must be received by the county by the deadline the county has established in connection with the respective award or grant. The county shall be allowed not less than 45 days in which to review any such applications or otherwise determine or confirm that an applicant is a qualifying grantee under the Act and consistent with the rules.
 2. Applications shall be submitted by applicants to the county in the form required by the county and shall contain all information which is required by this chapter, article, and division and any RFP which may have been issued.
 - b. *Additional factors.* The application procedures shall take into consideration:
 1. Timely completion and submission to the county of an application or other appropriate response to any solicitation by the county;
 2. Timely submission of all other information and documentation related to the program required by the county as set forth in this chapter and article or as set forth in the rules;
 3. Timely payment of any fees required to be paid to the county at the time of submission of the application; and
 4. Compliance with program eligibility requirements as set forth in the Act, the rules, and this article.
 - c. Submission format.
 1. County forms must be used when provided and no substitutions will be accepted; however, attachments may be provided as necessary.

2. An applicant's failure to provide or complete any element of an application, including all requirements of the county or as may be listed on any RFP may result in the rejection of the application prior to review.
 3. Illegible information, information inconsistent with other information provided in the application, and/or incomplete forms will be treated as missing information and evaluated accordingly.
 4. The county reserves the right to request further information from any applicant so long as the request is done fairly and does not provide any applicant an undue advantage over another applicant.
 5. The county, in its discretion, may cancel any RFP or reject any or all proposals in whole or part submitted by any applicant.
 6. The county shall not be responsible for any expenses incurred by an applicant in preparing and submitting an application. However, the county and/or the MFA may establish and collect fees from applicants who file applications. Notice that fees will be charged and the amount of any such fees shall be included by the county and/or the MFA in any RFP or otherwise shall be advertised as part of the application solicitation process.
- (5) Review by the county. On receipt of an application, the county shall:
- a. Determine whether the application submitted by the applicant is complete and responsive;
 - b. Determine whether the applicant is a qualifying grantee as defined in this article and in the Act;
 - c. Review and analyze whether the applicant has shown a demonstrated need for activities to promote and provide affordable housing and related services to persons of low or moderate income;
 - d. Determine whether the applicant has demonstrated experience related to providing housing or services to persons of low or moderate income, as well as experience and/or the capacity to administer the affordable housing program or project for which the applicant has applied;
 - e. Determine whether the applicant's proposal provides a plan for coordinating with other service providers in the community; whether the applicant's plan addresses how persons of low or moderate income in need of housing and/or housing related supportive services can receive supportive services and referrals to Federal, State and local resources; and, whether the applicant's plan addresses outreach efforts to reach the population to be served as identified by the county in any RFP or otherwise;
 - f. Determine whether the applicant has support from public service agencies, or such other support as may be required by the county and/or the MFA in its discretion, for its proposed services in the community;
 - g. Ascertain the amount of any matching funds or in-kind services specific to the program that may be utilized by the applicant in connection with the program;

- h. Ascertain whether any local, private, or Federal funds will be used by the applicant in connection with the specific grant for which the applicant is applying;
 - i. Ascertain whether the applicant has and can demonstrate the capability to manage the implementation of the program for which the applicant is applying;
 - j. If applicant is a prior recipient of either a housing assistance grant, affordable housing funds and/or other program funds, confirm that the applicant had no outstanding findings or matters of non-compliance with program requirements from the county or the MFA, as applicable or if it has any such findings, it has a certified letter from the county, the MFA, or auditor stating that the findings are in the process of being resolved;
 - k. If applicant is a prior recipient of either a housing assistance grant, affordable housing funds and/or other program funds, confirm that the applicant reasonably committed and expended the funds under the prior program and/or met anticipated production levels as set forth in any contract with the county or the MFA, as applicable, for those prior program funds;
 - l. Evaluate the applicant's proposal in part based upon the applicant's current financial audit;
 - m. Evaluate the applicant's proposed budget for the project for which the applicant is applying for affordable housing funds or a housing assistance grant, which proposed budget must be approved by the county and/or the MFA before applicant can be approved as a qualifying grantee and any expenditure of grant funds under the Act or granted property is transferred to the applicant;
 - n. On receipt of an application from a builder, the county will analyze the builder's ability to construct and sell sufficient residential housing units to persons of low or moderate income within the time or times as may be required by the county; and
 - o. Consider other factors it deems appropriate to ensure a reasonable geographic allocation for all affordable housing programs.
- (6) Certification by the county to the MFA. The county shall certify an Application to the MFA in writing upon:
- a. Completion of its review of the Application;
 - b. Determination that the Application is complete;
 - c. Determination that the requirement of the Act, the Rules and this Ordinance have been satisfied; and
 - d. Determination that the Applicant is a Qualifying Grantee.
- (7) Review by the MFA. The MFA upon its receipt of the certification from the county may, in its discretion, review the Application and any of the materials submitted by the Applicant to the county. The MFA may also request any additional information from the Applicant, which it may require in order to determine whether the Applicant is a Qualifying Grantee under the Act and the Application is complete. The MFA will notify the county of its determination of whether or not the Application is complete and that the requirements of the Act and the Rules have been satisfied

and the Applicant is a Qualifying Grantee. Unless the period is extended for good cause shown, the MFA shall act on an Application within forty-five (45) days of its receipt of any Application, which the MFA deems to be complete, and, if not acted upon, the Application shall be deemed to be Approved.

- (8) Notification of acceptance. The county, upon completion of its review of the application and an evaluation of the criteria for approval of the application as set forth in this chapter or article and in any RFP issued by the county and upon its determination that the applicant is a qualifying grantee, by written notice shall notify each applicant which has submitted an application of the approval or disapproval of its application. Upon approval of its application, the applicant shall be considered approved to participate in the affordable housing program. The county's and/or the MFA's determination of any application shall be conclusive.
- (9) The county may permit pre-qualification of applicants as qualifying grantees, as follows:
- a. The county may review information submitted by eligible applicant and certify in writing that applicant is a Potential qualifying grantee (PQG);
 - b. The county must then provide copy of certification to MFA, upon its request;
 - c. The county's certification shall be valid for up to one year, subject to the ability of PQG to certify in writing at time of application or response to RFP that there have been no material changes in any of the information or documentation provided by, or representations made by PQG to the county and upon which the county based its decision to certify the applicant as a PQG; and
 - d. Notwithstanding the foregoing, certification as PQG does not mean that the PQG will be chosen by the county as a qualifying grantee, or that MFA will determine that PQG is a qualifying grantee, or that any application submitted by PQG is complete or otherwise in compliance with the Act or rules, or that PQG will be awarded any affordable housing funds or housing assistance grants.
- (d) *Additional requirements.* Upon acceptance, the following additional requirements shall apply to any applicant, who is a qualifying grantee:
- (1) Contracted requirements. The qualifying grantee shall enter into one or more contracts with the county, which contract(s) shall be consistent with the Act and subject to the review of the MFA, in its discretion, and which contract(s) shall include remedies and default provisions in the event of the unsatisfactory performance by the qualifying grantee.
 - (2) Security provisions; collateral requirements. In accordance with the Act, the rules and this chapter and article, the county shall require the qualifying grantee to execute documents, which will provide adequate security against the loss of public funds or property in the event the qualifying grantee abandons or fails to complete the affordable housing project, and which shall further provide, as may be permitted by law, for the recovery of any attorney's fees and costs which the county and/or the MFA may incur in enforcing the provisions of this article, the rules, the Act and/or any agreement entered into by the county and the qualifying grantee, and which documents may include, but are not limited to the following: note, mortgage, loan agreement, land use restriction agreement, restrictive covenant agreements and/or any other agreement which the county may require in order to

allow for any funds which the qualifying grantee may receive under a housing assistance grant or affordable housing funds to be adequately secured and to allow the county and the MFA to ensure that such funds shall be utilized by the qualifying grantee in accordance with the Act, the rules and this chapter and article.

- (3) Performance schedule and criteria. The qualifying grantee shall be required in the contract to abide by a reasonable performance schedule and performance criteria that the county, in its discretion, may establish.
- (4) Examination of books and records. The qualifying grantee shall submit to and the county shall cause to be made such examinations of the books and records of each qualifying grantee as the county and/or the MFA deems necessary or appropriate to determine the qualifying grantee's compliance with the terms of the Act, the rules, this chapter and article and any contracts between the qualifying grantee and the county. The county and/or the MFA may require each qualifying grantee to pay the costs of any such examination.
- (5) Infrastructure cost reimbursement contracts.
 - a. Cost reimbursements. Payment to a qualifying grantee under cost reimbursable contract provisions shall be made upon the county's receipt from the qualifying grantee of certified and documented invoices for actual expenditures allowable under the terms of any agreement between the qualifying grantee and the county.
 - b. Cost reimbursements for units of service. Payment under any unit cost contract provisions shall be made upon the county's receipt from the qualifying grantee of a certified and documented invoice showing the number of units of service provided during the billing period.
 - c. Rate at which costs incurred. Under unit cost or cost reimbursable contracts, it is anticipated that costs will be incurred by the qualifying grantee at an approximate level rate during the term of any agreement between the qualifying grantee and the county. If the county determines that the qualifying grantee is underspending or overspending, then the county may reduce the budget and/or exercise such other budgetary fiscal controls it deems appropriate.
 - d. Invoices. qualifying grantees shall not submit invoices more than once a month, unless written approval is obtained in advance from the county. Failure to submit invoices within 20 days of the close of the month for which payment is sought may result in the non-availability of funds for reimbursement.
 - e. No dual application of costs. The qualifying grantee shall certify that any direct or indirect costs claimed by the qualifying guarantee will not be allocable to or included as a cost of any other program, project, contract, or activity operated by the qualifying grantee and which has not been approved by the county and/or the MFA in advance, in writing.
 - f. Prohibition of substitution of funds. Any affordable housing funds or other amounts received by qualifying grantee may not be used by qualifying grantee to replace other amounts made available or designated by the State or local governments through appropriations for use for the purposes of the Act.
 - g. Cost allocation. The qualifying grantee shall clearly identify and distribute all costs incurred pertaining to the affordable housing project by a methodology

and cost allocation plan at times and in a manner prescribed by, or acceptable to the county.

- (6) Additional information. Qualifying grantees shall provide the county with any and all information which the county reasonably may require in order for it to confirm that the qualifying grantees continue to satisfy the requirements of the Act, the rules and this chapter and article throughout the term of any contract and/or any affordability period or otherwise as may be required by the county or the MFA in its discretion. At a minimum, on an annual basis, the county shall certify to the MFA in writing that to the best of its knowledge the qualifying grantee is in compliance with applicable provisions of the Act, the rules and this chapter and article.
- (e) *Affordable housing requirements.* All affordable housing funds or housing assistance grants awarded under the Act are to be used by qualifying grantees for the benefit of persons of low or moderate income subject to the provisions of the Act and with particular regard to their housing related needs.
- (1) Single family property. Qualifying grantees shall agree that they shall maintain any single-family property which has been acquired, rehabilitated, weatherized, converted, leased, repaired, constructed, or which property has otherwise benefited from affordable housing funds, including but not limited to any loans which have been repaid with affordable housing funds and which loans previously were secured by such properties as affordable housing for so long as any or all of the affordable housing funds which have been awarded, loaned, or otherwise conveyed to the qualifying grantee are unpaid and outstanding or the affordability period, whichever is longer.
 - (2) Multi-family property.
 - a. Single apartment within a multi-family property. qualifying grantees shall agree that, if any single apartments are to be rehabilitated, weatherized, converted, leased, repaired, constructed, or otherwise are to benefit from affordable housing funds, those apartments shall be leased to persons of low or moderate income at the time of any such award. Qualifying grantees, who are the landlords and/or owners of such properties, shall further agree to contribute at least 60 percent of the cost of the rehabilitation, weatherization, conversion, lease, repair, and/or construction. Qualifying grantees also shall agree that the persons of low or moderate income, who are tenants of those apartments, shall be allowed to remain tenants for so long as there are no uncured defaults by those tenants under their respective leases and provided that there is no just cause for the landlord to terminate any lease agreement with those tenants.
 - b. Multiple apartments. Qualifying grantees shall agree that, if multiple apartments or an entire multi-family property are to be acquired, rehabilitated, weatherized, converted, leased, repaired, constructed, or otherwise are to benefit from affordable housing funds, including but not limited to any loans which have been repaid with affordable housing funds and which loans previously were secured by such properties, they shall maintain not less than 60 percent of the housing units total occupancy as affordable housing for so long as any or all of the affordable housing funds which have been awarded, loaned, or otherwise conveyed to the qualifying grantee are unpaid and outstanding or the affordability period, whichever is longer.

- (3) Non-residential property. Qualifying grantees shall agree that they shall maintain any non-residential property which has been acquired, rehabilitated, weatherized, converted, leased, repaired, constructed, or which property has otherwise benefitted from affordable housing funds, including but not limited to any loans which have been repaid with affordable housing funds and which loans previously were secured by such properties, as a facility which provides housing related-services to persons of low or moderate income for so long as any or all of the affordable housing funds which have been awarded, loaned, or otherwise conveyed to the qualifying grantee are unpaid and outstanding or the affordability period, whichever is longer.
- (4) Housing assistance grant affordability requirements. Qualifying grantees shall agree that they shall maintain any land or buildings received as a housing assistance grant either as single-family or multi-family affordable housing in accordance with this chapter and article or as a facility which provides housing related-services to persons of low or moderate income in accordance with **Section 3.e.(3) Section 14-253(c)(5)(c)** (as applicable) for the duration of the affordability period. Qualifying grantees shall agree that they shall maintain any land or buildings for which they have received the costs of infrastructure or received other costs of construction and/or development as a housing assistance grant either as single-family or multi-family affordable housing or as a facility which provides housing related-services to persons of low or moderate income (as applicable) for the duration of the affordability period. In calculating the affordability period for housing assistance grants of either land or buildings, the fair market value of the land or buildings or the costs of infrastructure at the time of the donation by the state or the county shall apply.
- (5) Affordability period. The county, in its discretion, may increase the affordability period in any contract, note, mortgage, loan agreement, land use restriction agreement, restrictive covenant agreements and/or any other agreement which the county may enter into with any qualifying grantee or beneficiary of the affordable housing funds or of the housing assistance grant. See definition of affordability period in **section 2 Section 14-252** of this chapter and article. Notwithstanding the foregoing, in the discretion of the MFA, weatherization funds conveyed by the MFA and/or any other similar conveyances where an affordability period is not practical, shall not be subject to the affordability period requirements of **Section 3(e) Section 14-253(e)**; but nevertheless, any such conveyances may be subject to recapture on some prorated basis as determined by the county and/or the MFA.
- (f) *Consent to jurisdiction.* Each qualifying grantee shall consent to the jurisdiction of the courts of the State over any proceeding to enforce compliance with the terms of the Act, the rules and this chapter and article and any agreement between the qualifying grantee and the county and/or the MFA.
- (g) *Recertification procedures.*
 - (1) The qualifying grantee must meet the requirements of the Act, the rules and this chapter and article both at the time of any award and throughout the term of any grant and contract related thereto.
 - (2) The county may establish procedures for certifying qualifying grantees from time to time.

- (3) Qualifying grantees that fail to satisfy the requirements for recertification shall cease to be eligible and shall be denied further participation in affordable housing programs until the requirements of the county and the MFA are satisfied.
- (h) *Compliance with the law.* Qualifying grantee shall provide the county with any certifications or other proof that it may require in order for the county and the MFA to confirm that the qualifying grantee and the qualifying grantee's proposed project are in compliance with all applicable Federal, State, and local laws, rules and ordinances. At a minimum, on an annual basis, the Qualifying Grantee shall provide the county with certifications and proof of compliance, and the county shall certify to the MFA in writing that the Qualifying Grantee is still in compliance with the Act and the rules.
- (i) *County grant requirements.*
 - (1) The MFA shall have the power to create variations or extensions of affordable housing programs, or additional programs, that comply with the Act and the rules.
 - (2) The county is authorized to make housing assistance grants under the Act. Upon determination that the county will make a housing assistance grant, including the use of any affordable housing funds, the county shall provide the MFA with the following:
 - a. Documentation that confirms that the county has an existing valid affordable housing plan;
 - b. In the event the county determines that an ordinance will be required for the authorization of a housing assistance grant may be provided to MFA for review and approval.
 - (3) Prior to the submission of the ordinance to the council, the council must approve the budget submitted by the applicant.
 - (4) An ordinance authorizing the county to make a housing assistance grant and/or distribute affordable housing funds:
 - a. Must authorize the grant, including use of affordable housing funds, if any;
 - b. Must state the requirements and purpose of the grant;
 - c. Must authorize the transfer or disbursement to the qualifying grantee only after a budget is submitted to and approved by the council;
 - d. Must require, as a condition of grant approval, proof of compliance with all applicable state and local laws, rules and ordinances;
 - e. Must contain provision stating that the contribution authorized by the ordinance is consistent with the county affordable housing plan or housing elements in the county strategic leadership plan; and
 - f. May provide for matching or using local, private or Federal funds either through direct participation with a Federal agency pursuant to Federal law or through indirect participation through the MFA.
 - (5) The county, in its discretion, may also hold any award of affordable housing funds or any housing assistance grant made by the county in suspense pending the issuance by the county of any RFP or pending the award of the affordable housing funds or of the housing assistance grant by the county to the qualifying grantee without the issuance of an RFP by the county. Any award of affordable housing funds or a housing assistance grant by the county shall subject the qualifying

grantee of the award or grant to the oversight of the county and the MFA under applicable state laws, rules, or county ordinances.

- (j) School District and Public Post-Secondary Educational Institution Donations for Housing Projects. If a school district or a public post-secondary education institution intends to transfer land to the county to be further granted to a Qualifying Grantee as part or all of an Affordable Housing project, this transfer shall be subject to the limitation contained in the Act that the school district and the Commission enter into a contract that provides the school negotiated number of affordable housing units that will be reserved for employees of the school district. Any transfer of land by a public post-secondary education institution shall be subject to the additional limitations contained in the Act that:

a. The property transferred shall be granted to a Qualifying Grantee by the county and part of a grant for an Affordable Housing project; and

b. The governing board of the public post-secondary educational institution and the Commission enter into a contract that provides the public post-secondary educational institution with Affordable Housing units.

As used in this Section, “public post-secondary educational institution” means a state university or a public community college. The county, in its discretion, may also hold any Housing Assistance Grant made by any school district or public post-secondary educational institution in suspense pending the issuance by the county of any RFP or pending the award of the Housing Assistance Grant by the county to the Qualifying Grantee without the issuance of an RFP by the county. Any award of a Housing Assistance Grant by a school district or public post-secondary educational institution shall subject the Qualifying Grantee of the grant to the oversight of the county and the MFA under the Rules.

- (k) *State housing assistance grants.* All housing assistance grants from the State pursuant to the Act shall be appropriated to the Department of Finance and Administration for disbursement by the MFA to a qualifying grantee consistent with the rules adopted by the MFA for whatever program to which the grant is applicable and consistent with the Act. In the event that the MFA does not currently have a program in place which is consistent with the terms of any grant being made by the State, then the MFA, in its discretion may create a program to fulfill the terms of the grant and shall adopt rules consistent with the Act. Such rules may include provisions for matching or using local, private, or Federal funds in connection with a specific grant, but matching or using Federal funds shall not be prohibited.

Sec. 14-254. Discrimination prohibited.

The development, construction, occupancy and operation of an affordable housing program or an affordable housing project financed or assisted under the Act shall be undertaken in a manner consistent with principles of nondiscrimination and equal opportunity and the county shall require compliance by all qualifying grantees with all applicable Federal and State laws and regulations relating to affirmative action, non-discrimination, and equal opportunity.

Sec. 14-255. Administration and Participation

The county shall administer any affordable housing programs in accordance with provisions of the Act, the rules, this chapter and articles, any applicable state and Federal laws and regulations as each of which may be amended or supplemented from time to time. The county, in establishing, funding, and administering the affordable housing programs, and by making,

executing, delivering and performing any award, contract, grant or any other activity or transaction contemplated by the Act, shall not violate any provision of law, rule or regulation or any decree, writ, order, injunction, judgment, determination or award and will not contravene the provisions of or otherwise cause a default under any of its agreements, indentures, or other instruments to which it may be bound.

Sec. 14-256. Termination

~~_____ The Commission may repeal this Ordinance and terminate the county Affordable Housing Program and any or all contracts undertaken in its authority. Termination shall be by ordinance at a public hearing or in accordance with the terms of the contract. If an ordinance or contract is repealed or terminated, all contract provisions of the contract regarding termination shall be satisfied.~~

Sec. 14-257. Repealer

~~_____ All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent with this Ordinance are repealed by the Ordinance but only to the extent of that inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, previously repealed.~~

Sec. 14-258. Severability

~~_____ If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of the Ordinance.~~

Sec. 14-259. Effective Date

~~_____ This Ordinance shall be in full force and effect thirty (30) days after it is recorded with the County Clerk in accordance with Section 4-37-9 NMSA, 1978.~~

DIVISION 2. HOUSING REHABILITATION PROGRAM

Sec. 14-256. Authority.

- ~~(a) *Loan origination.* The county is authorized to originate deferred payment loans directly to low or moderate income households and very low income households in accordance with the requirements of this county ordinance and those of any program rules, regulations and construction standards programs, projects, or partnerships approved by the council and the New Mexico Mortgage Finance Authority in furtherance of the Act and this ordinance. The deferred payment loans shall be made to income qualified households under any qualifying housing rehabilitation programs, projects or partnerships.~~
- ~~(b) *Qualifying housing rehabilitation programs.*~~
 - ~~(1) *Emergency repair program.* Origination of deferred payment loans to income qualified households to fund improvements of urgent need which directly correct immediate health, safety or sanitation hazards to owner-occupied homes is authorized.~~

- ~~(2) *General housing repair program.* Origination of deferred payment loans to income qualified households to fund improvements necessary to bring owner-occupied homes into compliance with county building codes and rehabilitation standards is authorized. Aging-in-place improvements are allowable improvements under this program.~~
- ~~(3) *Energy conservation program.* Origination of deferred payment loans to income qualified households to fund improvements which will substantially reduce energy consumption and operating costs of owner-occupied homes is authorized.~~

Sec. 14-257. Definitions.

~~*Affordability period* means that amount of time represented by the term of a mortgage which secures a deferred payment loan made from county funds to a very low income household, or low income household holding title to a home they occupy and which shall equal the following time periods:~~

- ~~(1) With a deferred payment loan from \$1,500.00 to \$14,999.00, then the affordability period shall be ten years;~~
- ~~(2) With a deferred payment loan from \$15,000.00 to \$45,000.00, then the affordability period shall be fifteen years.~~

~~*Aging-in-place improvement* means a home modification which allows seniors to live in their homes independently regardless of age or ability.~~

~~*Deferred payment loan* is a non-amortizing loan, meaning that no payments are due during the loan term until the property is sold, vacated or where the title is otherwise transferred to a household who does not qualify for the program.~~

~~*Emergency repair* is an improvement determined to be necessary by the county building official to remove an immediate threat to the health, safety and welfare of the owner-occupants of the home.~~

~~*Energy conservation improvement* means an improvement which reduces the amount of gas and electric consumed in the owner-occupied home, thereby lowering the home's operating costs.~~

~~*General repair* means an improvement determined to be necessary by the county building official to bring a home into compliance with the county building code, and an aging-in-place improvement.~~

~~*Loan review committee* is an advisory committee appointed by the county manager to work on the review and analysis of loan applications and to provide recommendations on deferred payment loan approvals to the county manager, who will make the final approvals.~~

~~*Low income household* means a household earning less than 80 percent of the Los Alamos County Area Median Income, as calculated by the United States Department of Housing and Urban Development, prior to its downward cap adjustment to the national low income limit.~~

~~*MFA* is the New Mexico Mortgage Finance Authority.~~

~~*Program* means the Los Alamos County Housing Rehabilitation Program.~~

~~*Seniors* refers to individuals at or over the age of 65 years old.~~

~~*Total subsidy* is the combination of financial assistance received by a recipient from the county, the MFA and Federal funding sources.~~

~~Very low income household means a household earning less than 50 percent of Los Alamos County Area Median Income, as defined by the United States Department of Housing and Urban Development.~~

~~Sec. 14-258. Total subsidy available by program.~~

- ~~(a) Emergency repair program provides zero percent deferred payment loans from county funds to very low income households and provides interest bearing deferred payment loans to low income households, up to a maximum program subsidy of \$24,999.00.~~
- ~~(b) General repair program provides zero percent deferred payment loans from county funds to very low income households and provides interest bearing deferred payment loans to low income households, up to a maximum program subsidy of \$45,000.00.~~
- ~~(c) Energy conservation program provides zero percent deferred payment loans from county funds to very low income households and provides interest bearing deferred payment loans to low income households, up to a maximum program subsidy of \$14,999.00.~~

~~Sec. 14-259. Long term affordability controls.~~

- ~~(a) County subsidy is provided in the form of a deferred payment loan, secured by a mortgage and note in the amount of the subsidy, which mortgage shall include restrictive covenants that require the recipient to maintain residency of the property during the affordability period.~~
- ~~(b) The terms of the promissory note and associated requirements will be detailed within program approved policies and procedures and will conform to all requirements of the New Mexico Affordable Housing Act and other applicable state laws.~~
- ~~(c) The mortgage securing the deferred payment loan is subordinate to all existing mortgages on the property, provided that the loan to value ratio of all the mortgages secured by the property is equal to or less than 100 percent, as determined by county assessor's most recent valuation of the property.~~

~~Sec. 14-260. Applicant and property eligibility requirements.~~

- ~~(a) County subsidy is only provided to residents of the county who are owner-occupants of the home, who are current with existing mortgage(s), all county property taxes and utility bills, and who have a homeowners insurance policy with coverages acceptable to the county.~~
- ~~(b) County subsidy is only provided to owners of homes whose value is less than the New Mexico Mortgage Finance Authority First Home purchase price limit for Los Alamos County. Value shall be established by county assessor's most recent valuation of the property.~~
- ~~(c) County subsidy is only provided to an applicant who has not received a county subsidy during the past ten years.~~

~~Sec. 14-261. Establishment of loan review committee and loan approval.~~

~~A loan review committee is established to serve as an advisory committee to the program. This committee shall consist of three or five members with knowledge of housing rehabilitation, construction and finance and shall provide review and analysis to the county manager for all proposed deferred payment loan approvals which use county funds. All loan applications will be reviewed against the standards mandated under the housing rehabilitation program policies and procedures, as approved by MFA, and other applicable Federal or state lending eligibility criteria. All loan reviews by the loan committee will be conducted with the assistance and oversight of county staff and/or contracted third party staff.~~

~~Sec. 14-262. County and homeowner responsibility for program execution.~~

- ~~(a) County is responsible for the following tasks: Accepting applications; maintaining a waiting list; making a preliminary determination of recipient eligibility for county, MFA and Federal assistance programs; recommending a total financing plan for the work; preparing and submitting applications for assistance under county, MFA and Federal assistance programs; evaluating and approving loan applications for county subsidy; preparing work write-ups and bid packages for distribution to contractors; preparing cost estimates and determining cost reasonableness of received bids; preparing a construction agreement between the selected contractor and the homeowner; and inspecting work and approving draw requests.~~
- ~~(b) Homeowner is responsible for the following: Making preliminary and final determination of work to be performed; selection of contractors from county approved subcontractor list to whom bid packages will be sent; selecting the contractor to perform the work; executing a construction agreement with selected contractor; and complying with the terms of any notes, mortgages and restrictive covenants executed as a condition of receiving subsidies from the county and/or other sources.~~

~~Sec. 14-263. Funds available and received under program.~~

- ~~(a) Total subsidy offered under this program is subject to the availability of county, MFA and Federal funds. Nothing in this article shall be construed as a promise or an obligation for the county to provide subsidy for any income qualifying household.~~
- ~~(b) Any funds received under this program shall be retained for the purpose of providing additional loans for housing rehabilitation under this program unless otherwise directed by council.~~

~~Secs. 14-264—14-265. Reserved.~~

~~DIVISION 3. HOMEBUYER ASSISTANCE PROGRAM~~

~~Sec. 14-266. Authority.~~

- ~~(a) *Loan origination.* The county is authorized to originate deferred payment loans directly to low income households and very low income households in accordance with the requirements of this division and the program rules and regulations approved by the council and the MFA. The deferred payment loans shall be made to income qualified residential households under this homebuyer assistance program.~~
- ~~(b) *Qualifying homebuyer assistance program.*~~
- ~~(1) *Downpayment and closing costs assistance program.* Origination of loans to income qualified residential households to assist with downpayment and closing costs.~~

~~Sec. 14-267. Definitions.~~

~~The following definitions apply to this division unless otherwise provided.~~

~~*Affordable housing and affordable housing unit* means residential housing located within the county for households of low and very low income.~~

~~*Affordability period* means that amount of time represented by the term of a mortgage which secures a deferred payment loan made from county funds to a very low income household or low income household holding title to a home they will purchase and occupy as their primary residence and which shall equal the following time periods:~~

- ~~(1) With a deferred payment loan up to \$14,999.00 then the affordability period shall be ten years;~~

~~(2) With a deferred payment loan from \$15,000.00 to \$25,000.00, then the affordability period shall be 15 years.~~

~~*Deferred payment loan* is a non-amortizing loan, meaning that no payments are due during the loan term until the property is sold, vacated, or where the title is otherwise transferred to another residential household who does not qualify for the program.~~

~~*Eligible buyer* means a household earning less than 80 percent of the Los Alamos County Area Median Income as calculated by the United States Department of Housing and Urban Development, prior to its downward cap adjustment to the national low income limit.~~

~~*Loan review committee* is a committee appointed by the county manager to work on the review and analysis of loan applications, provide recommendations on deferred payment loan approvals to the county manager who will make the final approvals, and to receive appeals from loan applicants regarding loan decisions.~~

~~*Low income household* means a household earning less than 80 percent of the Los Alamos County Area Median Income, as calculated by the United States Department of Housing and Urban Development, prior to its downward cap adjustment to the national low income limit.~~

~~*MFA* is the New Mexico Mortgage Finance Authority.~~

~~*Program* means the Los Alamos County Homebuyer Assistance Program.~~

~~*Qualifying recipient* means a person or persons of low or very low income who is qualified to receive a deferred payment homebuyer assistance loan from the county pursuant to the Act, MFA Rules, this Code Ordinance, and is approved by the county or designated party as a qualifying recipient.~~

~~*Total subsidy* is the combination of financial assistance received by a recipient in the home buyer assistance program only in the form of a deferred payment loan from the county and from other funding sources which may be in various forms.~~

~~*Very low income household* means a household earning less than 50 percent of Los Alamos County Area Median Income, as defined by the United States Department of Housing and Urban Development.~~

~~Sec. 14-268. Total subsidy available by program.~~

~~(a) The program provides zero percent deferred payment loans from county funds to very low income households and provides interest bearing deferred payment loans to low income households up to a maximum program subsidy per property of \$25,000.00. Sec. 14-269. Long term affordability controls.~~

~~(a) County subsidy is provided in the form of a deferred payment loan, secured by a mortgage and promissory note in the amount of the subsidy, and/or any other agreement(s) which the county may require.~~

~~(b) The covenants which the county may require include but are not limited to:~~

~~(i) Require the qualifying recipient or recipients to occupy the affordable housing unit as a primary residence.~~

~~(ii) Provide adequate security against the loss of public funds or property in the event the qualifying recipient fails to occupy affordable housing unit as a primary residence.~~

~~(c) The terms of the promissory note and associated affordability requirements will be detailed within the homebuyer assistance program approved policies and procedures and will~~

~~conform to all requirements of the New Mexico Affordable Housing Act and other applicable local, state, or Federal laws and ordinances.~~

- ~~(d) The mortgage securing the deferred payment loan will be, generally, subordinate to all pre-existing mortgages on the affordable housing unit, provided that the loan to value ratio of all the mortgages secured by the affordable housing unit is equal to 100 percent, as determined by the mortgage lender's appraisal.~~

~~Sec. 14-269. Long term affordability controls.~~

- ~~(a) County subsidy is provided in the form of a deferred payment loan, secured by a mortgage and promissory note in the amount of the subsidy, and/or any other agreement(s) which the county may require.~~
- ~~(b) The covenants which the county may require include but are not limited to:~~
- ~~(i) Require the qualifying recipient or recipients to occupy the affordable housing unit as a primary residence.~~
 - ~~(ii) Provide adequate security against the loss of public funds or property in the event the qualifying recipient fails to occupy affordable housing unit as a primary residence.~~
- ~~(c) The terms of the promissory note and associated affordability requirements will be detailed within the homebuyer assistance program approved policies and procedures and will conform to all requirements of the New Mexico Affordable Housing Act and other applicable local, state, or Federal laws and ordinances.~~
- ~~(d) The mortgage securing the deferred payment loan will be, generally, subordinate to all pre-existing mortgages on the affordable housing unit, provided that the loan to value ratio of all the mortgages secured by the affordable housing unit is equal to 100 percent, as determined by the mortgage lender's appraisal.~~

~~Sec. 14-270. Applicant and property eligibility requirements.~~

- ~~(a) County subsidy is only provided to residents of the county who are qualified recipients and who have applied, been screened, and subsequently selected to participate in the program.~~
- ~~(b) County subsidy is only provided within the county to qualified recipients who intend to purchase a home whose value is less than the maximum value established in the program rules and regulations. Value shall be established by mortgage lender's appraisal of the property.~~

~~Sec. 14-271. Establishment of loan review committee, loan approval, and budget.~~

- ~~(a) A loan review committee is established to serve as an advisory committee to the program. This committee shall consist of three to five members with knowledge of affordable housing, homeownership programs, and finance and shall provide review and analysis to the county manager for all proposed deferred payment loan applications selected for approval and which use county funds. All loan applications will be reviewed against the standards mandated under the homebuyer assistance program policies and procedures, as approved by MFA, and other applicable Federal or state lending eligibility criteria. All loan reviews by the loan committee will be conducted with the assistance and oversight of county staff or designated agent.~~
- ~~(b) The loan review committee shall also receive and review appeals from applicants about the loan review committee's decisions against the homebuyer assistance program policies and procedures. All loan appeal reviews by the loan committee will be conducted with the assistance and oversight of county staff or designated agent.~~

- ~~(c) From time to time, and at least annually, staff who are designated to administer the homebuyer assistance program shall submit a budget to the county council for consideration and approval.~~

Sec. 14-272. County and homeowner responsibility for program execution.

The following are the minimal responsibilities of the parties in program execution:

- ~~(a) The county or designated agent is responsible for the following tasks: Accepting applications; maintaining a waiting list; making a preliminary determination of recipient eligibility for county and other assistance programs; recommending a total financing plan for the homebuyer; preparing and submitting applications for assistance under county and other assistance programs; evaluating and recommending loan applications for county subsidy; and preparing a mortgage note and other required agreements between the selected applicant and the county. Only the county manager may approve a loan application.~~
- ~~(b) Homeowner is responsible for the following: Completing the homebuyer assistance application; obtaining first mortgage private financing; completing any required homebuyer training program; selecting a home and securing a contract to purchase the home; and in coordination with the county or its agent, executing all required program documents and complying with the terms of any mortgage and promissory note, which mortgage shall include any other agreement(s) which the county may require. Sec. 14-273. Funds available under program.~~
- ~~(a) Total subsidy offered under this program is subject to the availability of county and other funding sources. Nothing in this division shall be construed as a promise or an obligation of the county to provide any subsidy for any income qualifying household, individual, or property.~~
- ~~(b) Any funds received by the county under this program for home buyer assistance program loan repayments shall be retained for the purpose of providing additional loans for homebuyer assistance under this program unless otherwise directed by council.~~

Sec. 14-273. Funds available under program.

- ~~(a) Total subsidy offered under this program is subject to the availability of county and other funding sources. Nothing in this division shall be construed as a promise or an obligation of the county to provide any subsidy for any income qualifying household, individual, or property.~~
- ~~(b) Any funds received by the county under this program for home buyer assistance program loan repayments shall be retained for the purpose of providing additional loans for homebuyer assistance under this program unless otherwise directed by council.~~

Secs. 14-274 ~~14-256~~—14-279. Reserved.

**DIVISION 4 2. PUBLIC LAND DISCOUNT OR
DONATION FOR AFFORDABLE HOUSING**

Sec. 14-280. Authority.

- (a) *Conveyance.* The county is authorized to convey improved or unimproved real property directly to qualified recipients or to a builder for subsequent resale or lease to a qualified recipient in accordance with the requirements of this chapter and article and the program rules and regulations approved by the county council . The county council shall adopt an ordinance authorizing a property conveyance to a builder for resale or lease to a qualified recipient or a property conveyance to a qualified recipient directly.

(b) *Donation and discount.*

- (1) A donation of the fair market value of the real property is only authorized under a sale to a builder for resale or lease to a qualified recipient whose income is below ~~60-~~ 120 percent area median income as defined by HUD, adjusted for household size, or under a sale directly to the qualified recipient whose income is below ~~60-~~ 120 percent area median income as defined by HUD adjusted for household size.
- (2) A discount of the fair market value of the real property is only authorized under a sale to a builder for resale or lease to a qualified recipient whose income is defined by HUD as low or moderate income, adjusted for household size, or under a sale directly to the qualified recipient whose income is defined by HUD as low or moderate income, adjusted for household size.
- (3) A donation of the fair market value of the real property is only authorized under a sale to a builder for lease to a qualified recipient whose income is defined by HUD below ~~60-~~ 120 percent area median income, adjusted for household size.

Sec. 14-281. Definitions.

~~In addition to the other definitions in this article or chapter, the following definitions apply to this division unless otherwise provided.~~

- ~~(a) *Affordability period* means that amount of time represented by the term of a mortgage during which only a qualified recipient or builder may hold title to or lease of real property conveyed by the county under authority of this chapter and article and shall not be less than the following time periods:~~
- ~~(1) With a donation or discount from \$1.00 to \$14,999.99, then the affordability period shall be five years;~~
 - ~~(2) With a donation or discount from \$15,000.00 up to and including \$40,000.00, then the affordability period shall be ten years;~~
 - ~~(3) With a donation or discount from \$40,001.00 up to and including \$100,000.00, then the affordability period shall be 15 years;~~
 - ~~(4) With a donation or discount from \$100,001.00 up to and including \$200,000.00, then the affordability period shall be 20 years;~~
 - ~~(5) With a donation or discount from \$200,001.00 up to and including \$300,000.00, then the affordability period shall be 25 years; and~~
 - ~~(6) With a donation or discount greater than \$300,001.00, then the affordability period shall be 30 years.~~
- ~~(b) *Builder* shall mean an individual or entity licensed by the State of New Mexico Construction Industries Division as a general contractor to construct residential housing. The term "builder" shall also include an individual that satisfies the requirements of a qualified recipient or a non-profit or for-profit organization that agrees to sell or rent to a household(s) that satisfies the requirements of a qualified recipient, provided that such individual or organization contracts with a general contractor licensed in the State to construct residential housing.~~
- ~~(c) *Discount* is that amount of money equal to the difference between the fair market value of the property and the cash received by the county at the time of sale of the property, which difference is represented by the promissory note payable to the county by a builder or qualified recipient and which difference is intended to be forgiven by the~~

~~county at the end of the affordability period in accordance with this chapter and article and the program rules and regulations in order to assist low income qualified recipients in obtaining affordable housing in the county.~~

- ~~(d) *Donation* is that amount of money equal to the fair market value of the property as represented by the promissory note payable to the county by the builder or qualified recipient and which is intended to be forgiven by the county at the end of the affordability period in accordance this chapter and article and the program rules and regulations in order to assist qualified recipients of below 60 percent area median income as defined by HUD obtaining affordable housing in the county.~~
- ~~(e) *Program* is the land donation and land discount program authorized in this chapter and article.~~
- ~~(f) *Qualified recipient* is an individual or group of individuals who qualify as a household under HUD regulations whose income is less than 80 percent of the area median income, adjusted for household size, as defined by HUD in the granting of a discount by the county or whose income is less than 60 percent of the area median income, adjusted for household size, as defined by HUD in the granting of a donation by the county.~~

Sec. ~~14-282.~~ 14-281. Conveyance to builder.

- (a) A sale conveyance of real property may be made by a quit claim deed to a builder upon payment to the county of the appraised value of the property less the donation or discount amount determined by the county. The builder shall execute a promissory note and a mortgage on the property securing the promissory note for the donation or discount amount. The builder shall pay in cash or certified funds for the appraised value of the property not included in the promissory note.
- (b) The mortgage will include restrictive covenants that the property will only be resold or leased to a qualified recipient during the affordability period.
- (c) If the real property is conveyed with improvements such improvements shall qualify as a fixture under New Mexico law.
- (d) A mortgage on the property being conveyed may only be subordinate to a mortgage securing a construction loan or remodel loan.
- (e) Before a conveyance may be made, the builder shall comply with all contractual and pre-approval requirements of the program to the county's satisfaction.
- (f) The builder shall resell or lease the property conveyed by the county under this program to qualified recipients in accordance with the program's rules and regulations.
- (g) Satisfaction of the promissory note and a release of the mortgage on the property shall only be made upon: i) payment in full of the promissory note payable to the county and conveyance of the property from the builder to a qualified recipient in accordance with the restrictive covenants and the program's rules and regulations; ii) acceptance by the county of a new promissory note and mortgage from the qualified recipient covering the donation or discount amount; and, iii) receipt by the county of any difference between the donation or discount amount granted to builder and the amount of the new promissory note granted to the qualified recipient. If the property was legally subdivided by the builder and conveyance of a subdivided lot is made to a qualified recipient, the county may issue a partial satisfaction of the promissory note and a partial release of the mortgage in accordance with the program's rules and regulations.

- (h) When the mortgage term expires and the builder is not otherwise in default of any provision of the note, mortgage or program contract with the county, the county shall indicate full satisfaction of the promissory note by forgiveness of the amount owed and release the mortgage on the property.

Sec. ~~14-283~~. 14-282 Conveyance to qualified recipient.

(a) *Sale to qualified recipient.*

- (1) A sale of real property may be made by a quit claim deed to a qualified recipient upon payment to the county of the appraised value of the property less the donation or discount amount determined by the county. The qualified recipient shall execute a promissory note and a mortgage on the property securing the promissory note for the donation or discount amount. The qualified recipient shall pay in cash or certified funds for the appraised value of the property not included in the promissory note.
- (2) The mortgage shall include restrictive covenants that the property shall only be resold or leased to a qualified recipient and that only a qualified recipient shall maintain residency on the property during the affordability period.
- (3) If the real property is conveyed with improvements such improvements shall qualify as a fixture under New Mexico law.
- (4) A mortgage on the property being conveyed may only be subordinate to a first purchase money mortgage.
- (5) Before a conveyance may be made, the qualified recipient shall have complied with all requirements of the program to the county's satisfaction as provided in the program's approved rules and regulations.
- (6) A promissory note is assumable by and mortgage is assignable to another qualified recipient during the term of the affordability period provided as the term in the mortgage with prior approval of the county.
- (7) When the mortgage term expires and the qualified recipient is not otherwise in default of any provision of the note or mortgage, the county shall indicate full satisfaction of the promissory note by forgiveness of the amount owed and release the mortgage on the property.

- (b) *Lease to qualified recipient.* A builder may lease or rent for one or more years the property only to a qualified recipient during the affordability period provided as the term of the mortgage. The lease or rental agreement may charge a monthly rental fee of no more than the affordable rent amount as determined in the program's rules and regulations.

Sec. ~~14-284~~. 14-283. Funds received under program.

Any funds received under this program shall be retained for the purpose of providing additional affordable housing under this program unless otherwise directed by council.

Secs. ~~14-285~~ 14-284.—~~14-299~~. Reserved.

Section 2. Severability. Should any section, paragraph, clause or provision of this Ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 3. Effective Date. This Code Ordinance shall become effective thirty (30) days after publication of notice of its adoption.

Section 4. Repealer. All other ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

PASSED AND ADOPTED this 10th day of September 2024.

INCORPORATED COUNTY OF LOS ALAMOS

**Denise Derkacs,
Council Chair**

ATTEST:

**Naomi D. Maestas,
Los Alamos County Clerk**