

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

RESOLUTION NO. 2011- 82

A RESOLUTION ADOPTING THE AFFORDABLE HOUSING ROOF REPAIR OR
REPLACEMENT AND RENOVATION REGULATIONS; ALSO KNOWN AS THE
HAPPY ROOFS PROGRAM

WHEREAS, the substandard housing conditions of low to moderate income households within the unincorporated areas of Santa Fe County can and does threaten the health and safety of these residents;

WHEREAS, roof repair or replacement and renovation can be an expense that is beyond the resources of low to moderate income households;

WHEREAS, the Affordable Housing Fund was established pursuant to Ordinance 2006-02, as amended, to enable Santa Fe County to support Affordable Housing within Santa Fe County, which includes the cost of owning and maintaining safe affordable housing;

WHEREAS, Santa Fe County Ordinance No. 2011- 3 ("Affordable Housing Roof Repair or Replacement and Renovation Ordinance") known as the Happy Roofs Program authorizes the Affordable Housing Administrator to provide financial assistance, in the form of a Housing Assistance Grant, to make qualifying renovations, repairs or to replace a roof that poses health and safety hazards for the occupants of a Qualifying Residence; and

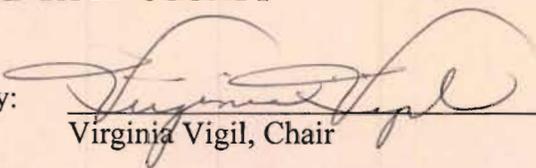
WHEREAS, the Affordable Housing Roof Repair or Replacement and Renovation Ordinance requires the board of County Commissioners of Santa Fe County to adopt, by resolution, regulations addressing the application and review process for the Happy Roofs Program.

NOW, THEREFORE BE IT RESOLVED, the Board of County Commissioners of the County of Santa Fe hereby adopts the Affordable Housing Roof Repair or Replacement and Renovation Regulations, attached hereto as Exhibit A, for the implementation of the Happy Roofs Program; such regulations to be effective immediately upon their recording with the Santa Fe County Clerk.

PASSED, APPROVED and ADOPTED this 31st DAY OF MAY 2011.

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

By:


Virginia Vigil, Chair

ATTEST:

Valerie Espinoza
Valerie Espinoza, Santa Fe County Clerk



APPROVED AS TO FORM:

Stephen C. Ross
Stephen C. Ross, Santa Fe County Attorney



COUNTY OF SANTA FE) BCC RESOLUTIONS
STATE OF NEW MEXICO) ss PAGES: 8

I Hereby Certify That This Instrument Was Filed for
Record On The 2ND Day Of August, 2011 at 09:15:04 AM
And Was Duly Recorded as Instrument # **1641639**
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Deputy Marcella [Signature] Valerie Espinoza
County Clerk, Santa Fe, NM



COUNTY OF SANTA FE) BCC RESOLUTIONS
STATE OF NEW MEXICO) ss PAGES: 2

I Hereby Certify That This Instrument Was Filed for
Record On The 1ST Day Of June, 2011 at 04:11:44 PM
And Was Duly Recorded as Instrument # **1636400**
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Deputy Marcella [Signature] Valerie Espinoza
County Clerk, Santa Fe, NM

SFC CLERK RECORDED 08/02/2011 SFC CLERK RECORDED 06/01/2011

Santa Fe County

Affordable Housing Roof Repair or Replacement and Renovation Regulations

Article I

Short Title, Authority, Effective Date, Purpose

1.1. **Short Title:** These regulations shall be known as the “Affordable Housing Roof Repair or Replacement and Renovation Regulations.”

1.2. **Authority:** These regulations are adopted by the Board of County Commissioners of Santa Fe County pursuant to Santa Fe County Ordinance No. 2011-3, as amended.

1.3. **Effective Date:** These regulations shall become effective immediately upon their filing with the Santa Fe County Clerk.

1.4. **Purpose:** The purpose of the Affordable Housing Roof Repair or Replacement and Renovation program is to address substandard housing conditions of low to moderate income homeowners residing within the unincorporated areas of Santa Fe County. The program provides financial Assistance to make repairs or to replace a roof that poses health and safety hazards for the occupants of a Qualifying Residence and to support Infrastructure for programs that address special housing needs, including services for seniors. These Regulations are adopted for the following purposes:

1.4.1. To establish a process to pay all or a portion of the cost of repairing or replacing the roof of the Qualifying Residence of Low to Moderate Income homeowners residing within the unincorporated areas of Santa Fe County.

1.4.2. To establish a process to pay all or a portion of the cost to renovate existing Infrastructure and a single-family residence or multi-family housing project occupied or intended primarily for occupancy by persons of Low or Moderate Income.

1.4.3 To establish procedures, forms and guidelines for the development, implementation and operation of the Affordable Housing Roof Repair or Replacement and Renovation program as authorized by Ordinance No. 2011-3.

1.4.3. To establish internal controls to ensure proper administration of the Affordable Housing Roof Repair or Replacement and Renovation program and provisions for adequate security against the loss of public funds.

1.5. **Definitions.** Capitalized words herein shall have the meaning assigned by the Santa Fe County Affordable Housing Roof Repair or Replacement and Renovation Ordinance No. 2011-3

Article II
Housing Assistance Grants

2.1. Roof Repair or Replacement Application.

- 2.1.1. All applicants for a Housing Assistance Grant for roof repair or replacement shall complete, and submit to the Administrator, an application for Assistance.
- 2.1.2 The application form shall be approved by the Administrator and be available on the County website and at the County Administration office.
- 2.1.3. The application shall include all information required by Ordinance No. 2011-3, these Regulations, the Act, MFA Rules including, but not limited to, the following information:
- (a) name of applicant and each household member;
 - (b) date of birth for each household member;
 - (c) social security number of applicant;
 - (c) relationship of each household member to applicant;
 - (d) applicant's mailing address and phone number; and
 - (e) address of residence proposed for roof repair or replacement;
- 2.1.4. Applicants shall submit the following supporting material upon submission of the application:
- (a) Proof of income for all household members 18 years of age and older;
 - i. copy of latest Income Tax Return (Federal or State); and
 - ii. copy of current Award Letter for Social Security and SSI income recipients; or
 - iii. last three (3) paycheck stubs with year to date totals; or
 - iv. notarized statement indicating applicant and/or household member over 18 is unemployed (if receiving unemployment also include a copy of award letter or printout of unemployment weekly benefit).
 - (b) Proof of home ownership;
 - i. copy of Warranty Deed; or
 - ii. copy of Mortgage Payment Coupon; or
 - iii. copy of County Property Tax Bill.
 - (c) A signed agreement:
 - i. to maintain the Qualified Residence as an owner-occupied, single family residential property for residential purposes only, until the expiration of the Affordability Period or so long as any or the entire assistance is unpaid and outstanding, whichever is later;
 - ii. to maintain the Qualifying Residence in good repair and to keep current any mortgages or notes on the property until the expiration of the Affordability Period or so long as any or the entire assistance is unpaid and outstanding, whichever is later;
 - iii. to certify that the entire amount of the Assistance will be used to perform the roof repair or replacement on the Qualifying Residence;

- iv. to expressly authorize inspection of the Qualifying Residence by the County or the County's designee prior to and following completion of the work;
- v. The property may be transferred subject to the mortgage or lien if the transfer is to a person or family relation who has low or moderate income, as established by MFA and covenants in writing to maintain the property as Affordable Housing for the remainder of the Affordability Period and otherwise to comply with and assume all the terms and conditions of the applicable agreement or if a non-individual the entity covenants in writing to maintain the Qualifying Residence as Affordable Housing or as a facility which provides housing related services to Persons of Low or Moderate Income for the duration of the Affordability Period.
- vi. to acknowledge that it is the responsibility of the Qualifying Grantee and the person or business repairing or replacing the roof to resolve any disputes regarding the quality of the work performed both during and after construction;
- vii. to acknowledge that Santa Fe County is not responsible for any Warranty claims by the person or business repairing or replacing the roof of the Qualifying Residence; and
- viii. to acknowledge that Santa Fe County will only release Housing Assistance Grants directly to the person or business repairing or replacing the roof following the Administrators receipt of the required Final Inspection Report.

2.1.5. The County may designate a person, business, non-profit or agency to act as the County's agent for the purpose of receiving, processing or making decisions on applications, in which case the application shall be submitted to the County's designee. Any such designation shall be subject to auditing and periodic reporting, as specified in the delegation.

2.2. Eligibility for Roof Repair or Replacement Housing Assistance Grant.

2.2.1 An applicant must submit a completed application and all required supporting documentation.

2.2.2. An applicant's household income must be low or moderate, as established by MFA.

2.2.3. An applicant must own and occupy the home as a primary residence for which assistance is applied.

2.2.4. An Initial Inspection Report must determine that the roof poses health and safety concerns and needs to be repaired or replaced.

2.3 Application Review for Roof Repair or Replacement Housing Assistance Grant.

2.3.1. Within ten (10) business days of receiving an application the Administrator shall review the application and notify the applicant if additional information is needed.

2.3.2. Upon receipt of a completed application the Administrator shall review the application and determine if the applicant is eligible to receive assistance under Ordinance No. 2011-3. If an applicant is eligible, the Administrator shall initiate an Initial Inspection.

2.3.3 If the Initial Inspection Report verifies a roof repair or replacement is necessary the Administrator shall approve the eligible applicant as a Qualifying Grantee.

2.3.4 Within twenty (20) business days of receiving a completed application the Administrator shall send the applicant a notice stating whether the applicant is a Qualifying Grantee or is not eligible for Assistance. A Qualifying Grantee shall be noticed that the approval is valid for six (6) months.

2.3.5. Following approval of the application, the Qualifying Grantee shall execute liens, mortgages or other documents required by Ordinance 2011-3 as a condition precedent to receiving the assistance. The Administrator shall be responsible for filing the mortgage or lien prior to the commencement of the roof repair or replacement.

2.4 Renovation Application.

2.4.1. All applicants for a Housing Assistance Grant for renovation shall complete, and submit to the Administrator, an application for Assistance.

2.1.2 The application form shall be approved by the Administrator and available at the County Administration office.

2.1.3. The application shall include all information required by Ordinance No. 2011-3, these Regulations, the Act, and MFA Rules.

Article III Long Term Affordability

3.1. Mortgage or Lien.

3.1.1. The Roof Repair or Replacement Housing Assistance Grant shall be subject to a Mortgage or Lien securing the assistance as set forth in Ordinance No. 2011-3.

3.1.2. The Renovation Housing Assistance Grant shall be subject to a Mortgage or Lien securing the assistance as set forth in Ordinance No. 2011-3.

3.2 Affordability Period.

- 3.2.1. Pursuant to Section 5(N) of Ordinance 2011-~~3~~³ the Affordability Period for a Roof Repair or Replacement Housing Assistance Grants from \$1 to \$10,000 shall be five (5) years and the Qualifying Grantee shall enter into a restrictive covenant agreement to maintain the Qualifying Residence as his/her primary residence for the duration of the Affordability Period.
- 3.2.2. Pursuant to Section 7(K) of Ordinance 2011-~~3~~³ the Affordability Period for a Renovation Housing Assistance Grants from \$1 to \$10,000 shall be five (5) years and the Qualifying Grantee shall enter into a restrictive covenant agreement to maintain the Qualifying Residence as his/her primary residence for the duration of the Affordability Period.

Article IV
Disbursement of Housing Assistance Grants

4.1. Final Inspection.

- 4.1.1. Prior to disbursement of a Roof Repair or Replacement Housing Assistance Grant the Administrator shall initiate and receive a Final Inspection Report verifying that the roof repair or replacement is complete and meets the following requirements:
- (a) Qualifying Grantee acknowledges the roof repair or replacement is complete; and
 - (b) the Administrator has a copy of the final inspection certificate from the State of New Mexico Construction Industries Division.
- 4.1.2. Prior to disbursement of a Renovation Housing Assistance Grant the Administrator shall initiate and receive a Final Inspection Report verifying that the renovation is complete and meets the following requirements:
- (a) Qualifying Grantee acknowledges the renovation is complete; and
 - (b) the Administrator has a copy of the final inspection certificate from the State of New Mexico Construction Industries Division.

4.2. Recordation and Release of Mortgage or Lien.

- (a) The Administrator shall be responsible for verifying that the mortgage or lien is properly executed and filed with the office of the Santa Fe County Clerk prior to disbursement of a Housing Assistance Grant.
- (b) The Administrator shall be responsible for releasing the mortgage or lien following the termination of the Affordability Period.

Article V
Affordable Housing Roof Repair and Replacement Regulations Review

5.1 The Board of County Commissioners shall review and may consider appropriate amendments to these Regulations or may repeal these Regulations in whole or in part.

5.2 Pursuant to Section 6-27-1 NMSA 1978 *et seq.*, MFA Rules Section 4, and Ordinance 2011-3, these Regulations and any amendments shall be consistent with MFA Rules.

Article VI
Severability

The provisions of these Regulations are severable and if any individual provision of these Regulations are held invalid by a Court of competent jurisdiction, then the offending provision shall be stricken but the remaining provisions shall remain in full force and effect.