

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

RESOLUTION No. 2014- 38

**A RESOLUTION CONFIRMING SANTA FE COUNTY'S COMMITMENT TO
FAIR HOUSING, ESTABLISHING A CITIZEN PARTICIPATION PLAN,
ESTABLISHING A RESIDENTIAL ANTI-DISPLACEMENT AND
RELOCATION ASSISTANCE PLAN, ADOPTING A SECTION 3 PLAN,
CONFIRMING ITS COMMITMENT TO ABIDE BY RELEVANT
PROCUREMENT POLICIES AND REGULATIONS, ALL AS REQUIRED BY
THE UNITED STATES HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
REQUIREMENTS**

WHEREAS, Santa Fe County (hereafter referred to as "the County") in its acceptance of HUD Community Development Block Grant (CDBG) funds must adopt certain Federal Requirements;

WHEREAS, the County desires to ensure compliance with Federal Requirements by adopting the requisite policies and/or certifications;

WHEREAS, a fair housing resolution must be adopted by a recipient of CDBG Grant funds at an open public meeting, which publicizes the County's commitment to fair housing;

WHEREAS, on April 25, 2006 the Santa Fe County Board of County Commissioners adopted a resolution entitled "A RESOLUTION ADOPTING A FAIR HOUSING POLICY";

WHEREAS, attached hereto is a fair housing policy which certifies the County's commitment to the principle of fair housing, and describes actions the County shall undertake to affirmatively further fair housing;

WHEREAS, the Civil Rights Act of 1968 (commonly known as the Federal Fair Housing Act) and the Fair Housing Amendments Act of 1988 declare a national policy to prohibit discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing or in the provision of brokerage services, on the basis of race, color, religion, sex, disability, familial status or national origin;

WHEREAS, fairness is the foundation of the American system and reflects traditional American values;

WHEREAS, discriminatory housing practices undermine the strength and vitality of America and its people;

WHEREAS, developing a Citizen Participation Plan is a Federal requirement for Grantees receiving CDBG funds;

REC'D COUNTY RECORDER 5/15/2014 10:21 AM

WHEREAS, a Citizen Participation Plan encourages public input and ensures that a Grantee receiving CDBG funds is using various methods to reach the public;

WHEREAS, annually, and most recently on November 26, 2013, the Santa Fe Board of County Commissioners adopted Resolution 2013-129, entitled "DETERMINING REASONABLE NOTICE FOR PUBLIC MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, AND FOR BOARDS AND COMMITTEES APPOINTED BY OR ACTING UNDER THE AUTHORITY OF THE BOARD OF COUNTY COMMISSIONERS", all in compliance with the New Mexico Open Meetings Act;

WHEREAS, the Housing and Community Development Act of 1974 specifies that a grantee under the CDBG program must certify that it has in effect and is following a "Residential Anti-Displacement and Relocation Assistance Plan";

WHEREAS, the County as a CDBG Grant recipient must certify to State of New Mexico Department of Finance and Administration Local Government Division that it has and is following such a Plan;

WHEREAS, the County, in recognition of the aforementioned obligations through this Resolution will adopt a Residential Anti-Displacement and Relocation Assistance Plan;

WHEREAS, Section 3 is a provision of the HUD Act of 1968 that helps foster local economic development, neighborhood economic improvement, and individual self-sufficiency;

WHEREAS, the County as a Grantee of the CDBG program is required to adopt a "Section 3 Plan" by resolution annually for CDBG projects;

WHEREAS, the County through this Resolution intends to adopt a Section 3 Plan;

WHEREAS, as a CDBG grant recipient the County is required to adhere to a procurement policy and comply with applicable federal procurement requirements found in 24 C.F.R. PART 85 (Administrative Requirements for HUD CDBG Grant recipients);

WHEREAS, the Santa Fe Board of County Commissioners adopted a procurement policy through **RESOLUTION NO. 2006-60**, "A RESOLUTION ADOPTING SANTA FE COUNTY PURCHASING REGULATIONS AND POLICY MANUAL" thereafter amended from time to time, including amendments contained in Resolutions 2007-113, 2009-91, 2009-102, 2010-208 and 2012-57;

WHEREAS, the County commits to abide by applicable components of 24 C.F.R. Part 85 and its adopted procurement policies, as amended from time to time, and to periodically evaluate the need to update those policies.

IT IS THEREFORE RESOLVED, AS FOLLOWS:

1. Santa Fe County's Fair Housing Policy is attached hereto as Exhibit A;
2. The Citizen Participation Plan attached hereto as Exhibit B is hereby adopted as the Citizen Participation Plan of Santa Fe County;
3. The Residential Anti-Displacement and Relocation Assistance Policy attached hereto as Exhibit C is hereby adopted as the Residential Anti-Displacement and Relocation Assistance Policy of Santa Fe County;
4. The Section 3 Plan attached hereto as Exhibit D is hereby adopted as the Section 3 Plan of Santa Fe County;
5. That the County will abide by its procurement regulations as amended from time to time, will periodically evaluate the need to amend and update those policies, and, to the extent required by law, shall comply with the applicable procurement regulations contained in 24 C.F.R. Part 85.



PASSED AND ADOPTED BY THE SANTA FE BOARD OF COUNTY COMMISSIONERS on this 13th day of May, 2014.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

By: *Daniel W. Mayfield*
Daniel W. Mayfield, Chair

ATTEST:
Geraldine Salazar
Geraldine Salazar, County Clerk 5-13-2014



APPROVED AS TO FORM:

Gregory S. Shaffer
Gregory S. Shaffer, County Attorney

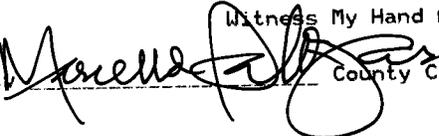
REC. CLERK RECORDED 5/15/2014



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 4

I Hereby Certify That This Instrument Was Filed for
Record On The 15TH Day Of May, 2014 at 01:15:39 PM
And Was Duly Recorded as Instrument # **1736898**
Of The Records Of Santa Fe County

Deputy,  Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM

RE-RECORD:



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 22

I Hereby Certify That This Instrument Was Filed for
Record On The 21ST Day Of August, 2014 at 09:12:34 AM
And Was Duly Recorded as Instrument # **1744067**
Of The Records Of Santa Fe County

Deputy,  Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM

BCC CLERK RECORDED 08/21/2014



SANTA FE COUNTY HOUSING AUTHORITY FAIR HOUSING POLICY

It is the policy of the Santa Fe County Housing Authority to comply fully with all Federal, State and local nondiscrimination laws and with rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. The Housing Authority will comply with all laws relating to Civil Rights, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- Any applicable State laws or local ordinances and any legislation protecting individual rights of tenants, applicants or staff that may subsequently be enacted

The Santa Fe County Housing Authority shall not discriminate because of race, color, sex, religion, familial status, disability, national origin, marital status, or sexual orientation in the leasing, rental, or other disposition of housing or related facilities, including land, that is part of any project or projects under the Housing Authority's jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended, or in the use or occupancy thereof.

Steps to Overcome the Effects of Impediments to Fair Housing Choice (as identified in the Jurisdiction's Analysis of Impediments to Fair Housing Choice)

In an effort to overcome the effects of impediments to fair housing choice and to promote fair housing rights, the Santa Fe County Housing Authority will take the following steps:

- Compile and distribute information regarding Fair Housing issues and resolutions to residents and applicants. Applicants will receive this information when they apply for assistance, and residents will receive this information during the re-certification process. Information will also be made available in the lobby of the Housing Authority's Administrative Offices.
- Provide Section 8 Landlord Orientations in an effort to educate current and potential landlords about the program, fair housing and the eviction process. The orientations will be done in collaboration with the Santa Fe Civic Housing Authority and the Tenant/Landlord Hotline staff.
- At least bi-annually, provide Fair Housing information to residents via a monthly newsletter.
- At least annually, disseminate Fair Housing information to Section 8 participants and landlords.
- In an effort to strengthen education and outreach to increase the knowledge about fair housing choice, provide annual Fair Housing and Equal Opportunity training

to Housing Authority staff and public housing residents. This training will be provided by the local Fair Housing and Equal Opportunity office (FHEO).

- The Housing Authority will also work with local entities to develop resources that support fair housing activities and improve enforcement.

In addition to the steps listed above, the Santa Fe County Housing Authority will post Fair Housing and Equal Opportunity information on the bulletin board in the lobby of the Administrative Offices.

REC'D CLERK RECORDED 08/21/2014
08/17/10/90 (RECEIVED MARTI) 100



SANTA FE COUNTY CITIZEN PARTICIPATION PLAN

Introduction

This Citizen Participation Plan is adopted in accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation.

Open Meetings Act Compliance and Dissemination of Information

Santa Fe County provides for and encourages citizen participation within its area of jurisdiction, with particular emphasis on participation by persons of low and moderate income by:

1. Annually adopting an Open Meetings Resolution, the most recently adopted Resolution being Resolution 2013-129, adopted on November 26, 2013, which provides citizens with how reasonable notice of county upcoming meetings, actions and functions will be provided.
2. Having a Media Production Public Relations Specialist who disseminates information regarding Santa Fe County projects, events, undertakings and other news utilizing press releases, electronic media, radio programs, newspapers and television.
3. The Director of Public Works will ensure that staff develops and maintains a listing of groups and representatives of low and moderate income persons, and includes them on mailing lists of announcements, notices, press releases, and other efforts to disseminate information relative to housing in Santa Fe County and the project funded by CDBG funds.

Access to Information About CDBG funded Projects

Santa Fe County will provide citizens with reasonable and timely access to local meetings, information and records relating to the proposed and actual use of CDBG funds, including:

1. Ensuring that public notices, press releases, and other communications provide citizens with the maximum possible length of notice of activities related to the project.
2. Appropriate information and records relating to the proposed and actual use of CDBG funds is available upon request to all citizens to the extent required under the Inspection of Public Records Act.
3. Ensuring that meetings, hearings, and other events related to the project are conducted at times and locations conducive to public attendance, including evenings and Saturdays.
4. In 2011 the Board of County Commissioners for Santa Fe County adopted Resolution 2011-195 during a properly noticed public meeting, authorizing and supporting submission of a CDBG grant application to the New Mexico Department of Finance and Administration for the improvements and upgrades to the Greater Glorieta Community Regional Mutual Domestic Water Consumers and Sewage Works Association, a project proposed during public outreach meetings to solicit proposals for CDBG funded projects.
5. The Greater Glorieta Community Regional Mutual Domestic Water Consumers and Sewage Works Association project was included on the Santa Fe County Infrastructure and Capital Improvements Plan for FY 2013-2017.

Proposals Related to the CDBG funded Project from Low and Moderate Income Persons

Santa Fe County intends to undertake a planning process to develop a comprehensive plan assessing the housing needs within the County and how Santa Fe County can maximize the benefits of CDBG funding to address those needs. Once that comprehensive plan is established, Santa Fe County will utilize its discretion to provide an appropriate level of technical assistance to groups and representatives of low and moderate income persons that request assistance in developing proposals related to possible future CDBG funded project as follows:

1. Low and moderate income groups will be advised that some level of technical assistance, particularly in the area of community development, is available from the Public Works Department upon request. Santa Fe County will determine the level and type of technical assistance to be made available.
2. The Public Works Director shall ensure that staff documents all technical assistance provided to such groups and has documentation available for review.
3. On November 15, 16 and 19, 2011, Santa Fe County held meetings so that citizens and communities of Santa Fe County would have an opportunity to present projects for potential CDBG funding resulting in staff's recommendation that the Greater Glorieta Community Regional Mutual Domestic Water Consumers and Sewage Works Association project be submitted under the 2012 CDBG application process. The meetings were advertised in the local paper, a posting on the Santa Fe County website, as well as posts on Facebook, Twitter and in County buildings, and through broadly distributed e-mail notices.
4. In 2011 Santa Fe County sought authorization from the Department of Finance and Administration for the community of Glorieta and conducted an income survey to confirm that its community qualified for CDBG funding.

Public Hearings

In relation to the comprehensive plan, in the event Santa Fe County contemplates applying for any additional CDBG funding it will provide at least two public hearings:

- a. One public hearing to advise citizens of the program objectives and range of activities that can be applied for, and to obtain the citizen's views on community development and housing needs, to include the needs of low and moderate income people. This hearing will take place prior to the selection of any projects to be submitted to the State for CDBG funding assistance.
- b. A second public hearing will be held to review program performances, past use of funds and to make available to the public a summary of community development and housing needs, including the needs of low and moderate income families, and any County activities to be undertaken to meet such needs.

Notice of the public hearings will comply with the County's Open Meetings Act Resolution and the Notices will be published in the non-legal section of newspapers or in other local media. Evidence of compliance with these regulations will be provided with each CDBG application, including copies of hearing notices, minutes of public meetings, and a list of needs and activities to be undertaken. Amendments to goals, objectives and applications will also be subject to public participation.

Complaints/Grievances

Santa Fe County will provide timely written answers to written complaints and grievances regarding the Citizen Participation Plan and its implementation within 15 working days where practical. Any person who believes the County failed to comply with this Plan may file a written grievance with the Public Works Director of Santa Fe County. The written grievance will be reviewed by the County within fifteen days. The person responsible for reviewing the grievance is:

Adam Lieglund, Director of Public Works
(505) 992-3023
P.O. Box 276
Santa Fe, NM 87504-0276

Upon written request, a person may inspect and copy all materials pertinent to his or her grievance, except materials that are classified as confidential or otherwise protected from disclosure by the New Mexico Inspection of Public Records Act or other applicable laws. The person's right to inspect these documents will be consistent with applicable laws, and the opportunity to inspect will be made available under reasonable conditions, and during the County's regular business hours.

In deciding a grievance, the County will consider pertinent justification and material submitted by the person, to ensure a fair and full review of the grievance. Following issuance of a decision regarding a grievance, an aggrieved person may contact the State of New Mexico, Department of Finance and Administration, Local Government Division, Jolene Slowen, Community Development Bureau Chief, 505-827-4974, 407 Galisteo Street, Santa Fe, New Mexico, 87501 to further resolve the grievance.

All persons have a right to be represented by legal counsel in connection with their appeal, but solely at the person's own expense.

Santa Fe County shall retain a detailed record of all complaints or grievances and responses in one central location with easy public access. Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.

Santa Fe County shall file a detailed record of all complaints or grievances and responses in one central location with easy public access.

Addressing the Needs of Non-English Speaking Residents

Santa Fe County will identify how the needs of non-English speaking residents will be met in the case of public hearings required under this Plan where a significant number of residents can be reasonably expected to participate.

Santa Fe County will identify areas where large majorities of non-English speaking persons reside and make appropriate provisions when issues affecting these areas are to be discussed at one of the public meetings and hearings required herein. Appropriate provisions will include having interpreters available at the meeting and having briefing material available in the appropriate language.

Santa Fe County will also create and maintain records/rosters of public hearing attendees and proceedings to verify compliance with this objective.



Santa Fe County Residential Anti-Displacement and Relocation Assistance Plan

I. Background/Introduction

Section 104(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5304(d)(4)), Section 105(b)(16) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(16)), and implementing regulations at 24 CFR Part 42, specify that a grantee under the Community Development Block Grant (CDBG) must certify that it has in effect and is following a "Residential Anti-Displacement and Relocation Assistance Plan" (Plan). As a CDBG grantee, Santa Fe County must certify to State of New Mexico Department of Finance and Administration Local Government Division that it has and is following such a Plan.

The Plan must include three components: 1) one-for-one replacement requirements for lower-income housing units, 2) relocation assistance, and 3) a description of the steps Santa Fe County will take to minimize displacement.

II. Activities Covered by the Plan

All activities involving the use of CDBG funds that cause displacement as a direct result of demolition or conversion of a lower-income dwelling are subject to the requirements specified in the Plan. Activities for which funds are first obligated on or after September 30, 1988 are subject to the requirements specified in the Plan, without regard to the source year of the funds.

III. Uniform Relocation Act

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) govern displacement that directly results from acquisition, rehabilitation, or demolition of real property when federal funds are used. This Santa Fe County Residential Anti-displacement and Relocation Assistance Plan is in no way intended to supersede the URA. CDBG assisted activities may still be subject to the requirements of the URA.

IV. One-for-One Replacement Units

All occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than as lower-income dwelling units in connection with an assisted activity must be replaced with comparable lower-income units. Replacement lower-income dwelling units may be provided by any governmental agency or private developer and must meet the following requirements:

- A. The units must be located within Santa Fe County to the extent feasible, the units shall be located within the same neighborhood as the units replaced
- B. The units must be sufficient in number and size to house no fewer than the number of occupants who could have been housed in the units that are demolished or converted. The number of occupants who could have been housed in the units shall be in accordance with applicable local housing occupancy codes. The units may not be replaced with smaller units

(e.g., a 2-bedroom unit with two 1-bedroom units), unless Santa Fe County has provided information demonstrating that such a proposed replacement is consistent with the needs assessment contained State of New Mexico Department of Finance and Administration Local Government Division HUD-approved Consolidated Plan.

- C. The units must be in standard condition and must at a minimum meet Section 8 Program Housing Quality Standards. Replacement lower-income units may include units brought from a substandard condition to standard condition if: 1) no person was displaced from the unit; and 2) the unit was vacant for at least 3 months before execution of the agreement between the Santa Fe County and the property owner.
- D. The units must initially be made available for occupancy at any time during the period beginning 1 year before the recipient makes public the information required under Section F below and ending 3 years after the commencement of the demolition or rehabilitation related to the conversion.
- E. The units must be designed to remain lower-income dwelling units for at least 10 years from the date of initial occupancy. Replacement lower-income dwelling units may include, but are not limited to, public housing or existing housing receiving Section 8 project-based assistance
- F. Before Santa Fe County enters into a contract committing it to provide CDBG funds for any activity that will directly result in the demolition of lower-income dwelling units or the conversion of lower-income dwelling units to another use, Santa Fe County must make public and submit in writing to State of New Mexico Department of Finance and Administration Local Government Division the following information:
 - 1 A description of the proposed assisted activity;
 - 2 The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than for lower-income dwelling units as a direct result of the assisted activity;
 - 3 A time schedule for the commencement and completion of the demolition or conversion;
 - 4 The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data is not available at the time of the submission to State of New Mexico Department of Finance and Administration Local Government Division, the submission shall identify the general location on an area map and the approximate number of dwelling units by size, and information identifying the specific location and number of dwellings units by size shall be submitted and disclosed to the public as soon as it is available;
 - 5 The source of funding and time schedule for the provision of replacement dwelling units;
 - 6 The basis for concluding that each replacement unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
 - 7 Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the needs assessment contained in

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

the State of New Mexico Department of Finance and Administration Local
Government Division Consolidated Plan.

- G. The one-for-one replacement requirements may not apply if HUD determines, based on objective data, that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within Santa Fe County. In making such a determination, State of New Mexico Department of Finance and Administration Local Government Division will consider such factors as vacancy rates, numbers of lower-income units in Santa Fe County and the number of eligible families on the Section 8 waiting list.

V. Relocation Assistance

Each lower-income person who is displaced as a direct result of CDBG assisted demolition or conversion of a lower-income dwelling shall be provided with relocation assistance.

Relocation assistance includes advisory services and reimbursement for moving expenses, security deposits, credit checks, other moving expenses, including certain interim living costs, and certain replacement housing assistance.

Displaced persons have the right to elect, as an alternative to the benefits described in this Plan, to receive benefits under the URA, if they determine that it is in their best interest to do so. The following relocation assistance shall be available to lower-income displacement persons:

- A. Displaced lower-income persons will receive the relocation assistance required under 49 CFR 24, Subpart C (General Relocation Requirements) and Subpart D (Payment for Moving and Related Expenses) whether the person elects to receive assistance under the URA or the assistance required by CDBG regulations. Relocation notices must be distributed to the affected persons in accordance with 49 CFR 24.203 of the URA;
- B. The reasonable and necessary cost of any security deposit required to rent the replacement dwelling unit and for credit checks required to rent or purchase the replacement dwelling unit;
- C. Actual reasonable out-of-pocket costs incurred in connection with temporary relocation, including moving expenses and increased housing costs, if:
 - 1. The person must relocate temporarily because continued occupancy of the dwelling unit constitutes a substantial danger to the health or safety of the person or the public; or
 - 2. The person is displaced from a lower-income dwelling unit, none of the comparable replacement units to which the person has been referred qualifies as a lower-income dwelling unit, and a suitable lower-income dwelling unit is scheduled to become available through one-for-one replacement requirements
- D. Replacement Housing Assistance. Displaced persons are eligible to receive one of the following two forms of replacement housing assistance:

1. Each person shall be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of utilities for a replacement dwelling to the "Total Tenant Payment", as determined under 24 CFR 813.107. All or a portion of this assistance may be offered through a certificate or housing voucher for rental assistance under the Section 8 program. Where Section 8 assistance is provided to the displaced person, Santa Fe County must provide the person with referrals to comparable units whose owners are willing to participate in Section 8 program to the extent that cash assistance is provided, it will be provided in installments.

2. In lieu of the housing voucher, certificate or cash assistance described above, the person may elect to receive a lump sum payment allowing them to secure participation in a housing cooperative or mutual housing association. This lump sum payment shall be equal to the capitalized value of 60 monthly installments of the amount that is obtained by subtracting the "Total Tenant Payment", as determined under 24 CFR 813.107, from the monthly cost of rent and average monthly cost of utilities at a comparable replacement dwelling unit. To compute the capitalized value, the installments shall be discounted at the rate of interest paid on passbook savings in a federally insured financial institution conducting business within Santa Fe County.

Displaced lower-income tenants shall be advised of their right to elect relocation assistance pursuant to the URA and the regulations at 49 CFR 24 as an alternative to the relocation assistance available under CDBG regulations.

VI. Eligibility for Relocation Assistance

A lower-income person is eligible for relocation assistance if they are considered to be a "displaced person" as defined in 24 CFR 42.305. A displaced person means a lower-income person who, in connection with an activity assisted under the CDBG program, permanently moves from real property or permanently moves personal property from real property as a direct result of demolition or conversion of a lower-income dwelling.

For purposes of this definition, a permanent move includes a move made permanently and:

- A. After notice by the owner to move from the property, if the move occurs on or after the date of the submission of a request to Santa Fe County for CDBG assistance that is later approved for the requested activity; or
- B. After notice by the owner to move from the property, if the move occurs on or after the date of the initial official submission to HUD of the consolidated plan under 24 CFR Part 91 describing the assisted activity; or
- C. Before the dates described in A & B above, if Santa Fe County or State of New Mexico Department of Finance and Administration Local Government Division determines that the displacement was a direct result of conversion or demolition in connection with a CDBG assisted activity; or

D. By a tenant-occupant of a dwelling unit, if any one of the following three situations occurs:

1. The tenant moves after execution of the CDBG agreement covering the acquisition, rehabilitation or demolition and the move occurs before the tenant is provided written notice offering the tenant the opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building/complex upon completion of the project under reasonable terms and conditions, including a monthly rent and estimated average monthly utility costs that do not exceed the greater of the tenant's monthly rent before such agreement, or the total tenant payment as determined under 24 CFR 813.107 if the tenant is lower-income, or 30 percent of gross household income if the tenant is not lower-income.
2. The tenant is required to relocate temporarily, does not return to the building/complex, and either is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, or other conditions of the temporary relocation are not reasonable.
3. The tenant is required to move to another dwelling unit in the same building/complex but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move, or other conditions of the move are not reasonable.

If the displacement occurs on or after the appropriate date described in A & B above, the lower-income person is not eligible for relocation assistance if:

- A. The person is evicted for cause based upon a serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable federal, State or local law, or other good cause, and Santa Fe County determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance;
- B. The person moved into the property on or after the date described in A & B above after receiving written notice of the expected displacement; or
- C. Santa Fe County determines that the displacement was not a direct result of the CDBG assisted activity and the State of New Mexico Department of Finance and Administration Local Government Division concurs with this determination.

VII. Minimizing Displacement

The CDBG regulations regarding the demolition or conversion of lower-income dwelling units are designed to ensure that lower-income persons are provided with adequate, affordable replacement housing. Naturally, involuntary displacement should be discouraged whenever a reasonable alternative exists. Involuntary displacement is extremely disruptive and disturbing, especially to lower-income persons who do not have the means to locate alternative housing.

There are various ways that displacement can be minimized. The following are steps that will be taken

to minimize the involuntary displacement of lower-income persons when CDBG funds are involved:

- A. Screening of Applications - All CDBG applications will be reviewed to determine whether involuntary displacement is likely to occur. Those applications involving displacement will receive a lower priority recommendation for funding unless it can be shown that alternatives are not available.
- B. Acquisition of Property - Applicants who apply for CDBG funds to acquire property for the development of lower-income housing will be encouraged to purchase vacant land. In the case of in-fill and other projects where this is not feasible and the project involves potential displacement, the applicant shall agree to allow the displaced lower-income person(s) to occupy the new housing at an affordable rent.
- C. Applicants who utilize CDBG funds to rehabilitate or convert a lower-income unit to a non-residential use will be required to supply replacement housing consistent with paragraph IV, as well as relocation assistance.
- D. Cost of Relocation Assistance - The cost of any required relocation assistance and the provision of replacement housing will be borne by the applicant and may be paid for out of CDBG funds awarded to the project.

VIII. Definitions

- A. "Comparable replacement dwelling unit" means a dwelling unit that:
 - 1 Meets the criteria of 49 CFR 24.2(d)(1) through (6); and
 - 2 Is available at a monthly cost for rent plus estimated average monthly utility costs that does not exceed the "Total Tenant Payment" determined under 24 CFR 813.107 after taking into account any rental assistance the household would receive.
- B. "Lower-income dwelling unit" means a dwelling unit with a market rental (including utility costs) that does not exceed the applicable Fair Market Rent (FMR) for existing housing and moderate rehabilitation established under 24 CFR Part 888.
- C. "Standard condition" means units that at a minimum meet the Existing Housing Quality Standards of the Section 8 rental subsidy program.
- D. "Substandard condition suitable for rehabilitation" means units with code violations that can be brought to Section 8 Housing Quality Standards within reasonable monetary amounts.
- E. "Vacant occupiable dwelling unit" means a dwelling unit that is in a standard condition; a vacant dwelling unit that is in substandard condition, but is suitable for rehabilitation; or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within

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the period beginning 3 months before the date of execution of the agreement by Santa Fe County covering the rehabilitation or demolition.

IX. Grievances

Assistance, or lack thereof, that can be grieved, including the person's eligibility for, or the amount of, payments required for moving and replacement housing. Any person who believes he/she has been displaced from a federally assisted project may file a written grievance with the County. The written grievance will be reviewed by the County within fifteen days. The person responsible for reviewing the grievance is:

Adam Liegland, Director of Public Works
(505) 992-3023
P.O. Box 276
Santa Fe, NM 87504-0276

The County will only accept written grievances that are received within 15 days after a Santa Fe County determination of a person's entitlement to displaced persons and relocation assistance. The County will promptly review each grievance in accordance with the requirements of applicable law and 49 CFR Part 24.10.

Upon written request, a person may inspect and copy all materials pertinent to his or her grievance, except materials that are classified as confidential or otherwise protected from disclosure by the New Mexico Inspection of Public Records Act. The person's right to inspect these documents will be consistent with applicable laws, and the opportunity to inspect will be made available under reasonable conditions, and during the County's regular business hours.

In deciding a grievance, the County will consider pertinent justification and material submitted by the person, to ensure a fair and full review of the grievance. Any aggrieved person may seek judicial review of a Santa Fe County decision pertaining to application of this Plan. An aggrieved person may also contact the State of New Mexico, Department of Finance and Administration, Local Government Division, Jolene Slowen, Community Development Bureau Chief, 505-827-4974, 407 Galisteo Street, Santa Fe, New Mexico, 87501.

All persons are reminded that they have a right to be represented by legal counsel in connection with their appeal, but solely at the person's own expense.

Santa Fe County shall retain a detailed record of all complaints or grievances and responses in one central location with easy public access.

IX. Future Adoptions of Anti-displacement Relocation Plans

The Board of County Commissioners of Santa Fe County shall adopt an anti-displacement relocation plan annually.



Santa Fe County Section 3 Plan

This document serves as the Section 3 Plan for the Greater Glorieta Community Regional Mutual Domestic Water Consumers and Sewage Works Association project in compliance with the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, and does not amend or replace the Section 3 Plan set forth in Resolution 2002-1. The definitions contained in 24 CFR Part 135 are incorporated herein.

The purpose of Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u) (Section 3), is to ensure that training, employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and Local laws and regulations, be directed to the greatest extent possible to low-and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns, which provide economic opportunities to low-and very low-income persons.

Santa Fe County has appointed the Santa Fe County Public Works Director or his designee as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, and to insure the implementation and enforcement of their Section 3 plans.

NUMERICAL GOALS FOR TRAINING AND EMPLOYMENT OPPORTUNITIES

Santa Fe County will, to the greatest extent feasible, when awarding contracts or providing training and/or employment opportunities for activities or projects subject to the requirements of Section 3, strive to comply with the goals established in this section.

The numerical goals established in this section represent minimum numerical targets.

Training and employment opportunities will be made available to Section 3 residents as follows:

- (i) 30 percent of the aggregate number of new hires/training opportunities resulting from funds awarded for FY 2014 and continuing thereafter.

PREFERENCE FOR SECTION 3 RESIDENTS IN TRAINING AND EMPLOYMENT OPPORTUNITIES

In providing training and employment opportunities, generated from the expenditure of Section 3 activities to Section 3 residents, the following order of preference will be followed:

Highest Priority: Low-and very-low income residents certified as Section 3 eligible residing in the neighborhood where the project is located.

Second Priority: Participants of public and social service programs funded by Santa Fe County HUD funding.

Third Priority: Other low-and very-low income residents throughout Santa Fe County certified as Section 3 eligible.

LIST OF STRATEGIES TO BE ADOPTED FOR COMPLIANCE WITH THE STATED EMPLOYMENT, TRAINING AND CONTRACTING GOALS

In compliance with the Section 3 Plan requirements, the recipient, applicant, contractors, subcontractors, developers, and/or sub-recipients must submit a current list of employees as of the date the Section 3 Plan is submitted for approval along with anticipated new hires. A list of employees can be submitted on the Worker Utilization Form (Attached hereto as Exhibit A) or an official company form that includes the same information requested on the Worker Utilization Form. A list of anticipated new hires shall be submitted on the Anticipated Hiring Form (Attached hereto as Exhibit B).

The applicant must also develop a list of strategies to be adopted for compliance with the stated employment, training and contracting goals. When preparing the list, please refer to Examples of Efforts to Offer Training Employment Opportunities to Section 3 Residents.

NUMERICAL GOALS FOR CONTRACTING ACTIVITIES:

These goals apply to contract awards in excess of \$100,000 in connection with a Section 3 eligible project, and it applies to recipients, applicants, contractors, subcontractors, developers, and/or sub-recipients.

Such recipients, applicants, contractors, subcontractors, developers, and/or sub-recipients commit to award to Section 3 business concerns:

1. At least 10 percent of the total dollar amount of all Section 3 covered contracts for building trades work arising in connection with housing rehabilitation, housing construction and other public construction; and
2. At least 3 percent of the total dollar amount of all other Section 3 covered contracts.

PREFERENCE FOR SECTION 3 BUSINESS CONCERNS:

The following order of preference will be followed when providing contracting opportunities to Section 3 businesses:

- (i) First priority will be given to Section 3 business concerns that provide economic opportunities for Section 3 residents in the service area or neighborhood in which the Section 3 covered project is located.
- (ii) Second priority will be given to Section 3 business concerns selected to carry out HUD funded Programs.
- (iii) Third priority will be given to Section 3 business concerns that provide economic opportunities for Other Section 3 Residents located outside the service area or neighborhood in which the Section 3 covered project is located.

SECTION 3 PLAN APPROVAL

In compliance with the Section 3 Plan requirements, the recipients, applicants, contractors, subcontractors, developers, and/or sub-recipients must develop a list of strategies to be adopted for compliance with the stated employment, training and contracting goals. Contracts in excess of \$100,000 must include the Section 3 Clause.

If federal and state funds are combined to fund an eligible Section 3 project, the combined amount is submitted to the Section 3 requirements.

REC COPY RECORDED 08/21/2014

**CONTRACTOR, SUBCONTRACTOR, DEVELOPER OR SUB-RECIPIENT
STATEMENT OF COMMITMENT**

By signature below, I am hereby acknowledging to Santa Fe County that I have been duly provided with information regarding the County's Section 3 Program which explains the obligations and requirements of any construction project which is funded in part or whole by HUD sourced funds. I acknowledge being a party to this Plan and further pledge my commitment to adhere to the objectives set forth.

I certify that I am fully empowered to enter into this Statement of Section 3 Utilization Commitment on behalf of this company I am certifying that the information contained within this Section 3 Utilization Plan is accurate and correct and that I understand that the County may impose penalties and sanctions for the submission of any false and inaccurate statements within this document.

COMPANY AUTHORIZED REPRESENTATIVE

SIGNATURE OF AUTHORIZED REPRESENTATIVE

TITLE

COMPANY SECTION 3 COORDINATOR
(Leave blank if the same as authorized representative)

EMAIL ADDRESS

PHONE

COMPANY NAME

COMPANY COMPLETE ADDRESS

EXHIBIT B

ANTICIPATED HIRING 2013

ACTUAL

PLANNED

Job Classification	# of Positions to be Filled	# of Positions to be Filled by Lower Income County Residents	# of Positions Filled	Positions Filled by Lower Income County Residents

2013/08/21/2014