

Chapter 13 – Housing and Fair Housing

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CHAPTER 13 — ~~HOUSING AND FAIR~~ AND AFFORDABLE HOUSING

13.1. PURPOSE AND INTENT.

13.1.1. Affordable Housing. The purpose of this ~~Section Chapter~~ is to provide increased housing opportunities within a broad range of incomes for current and future residents of Santa Fe County. The intent is to encourage new development to achieve a reasonable balance between market rate housing and ~~Affordable-affordable H~~housing through the use of incentives and other means to help offset potential costs. An additional purpose is to incorporate into the SLDC the requirements of the New Mexico Human Rights Act, Sections 28-1-1 to 28-1-15 NMSA 1978, and the United States Fair Housing Act of 1968, Title VII of the Civil Rights Act of 1968, as amended, 42 US Code § 3601, et seq. Pursuant to these state and federal laws.

~~13.1.2. Fair Housing. In addition to compliance with the requirements of this chapter of the SLDC set forth below, no person applicant for or operator of a Project or development shall refuse to sell, rent, assign, lease, or sublease or offer for sale, rental, lease, assignment, or sublease any housing in the County, including any Affordable Hhousing, to any person, or to refuse to negotiate for the sale, rental, lease, assignment or sublease of any housing with a person Affordable Housing to any person because of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, family status, spousal affiliation, or physical or mental handicap, provided that the physical or mental handicap is unrelated to a person's ability to acquire or rent and maintain particular Affordable Housing accommodation. The prohibitions listed above shall also apply to all other sales or lease of housing in the County by any person or entity regardless of whether the housing is Affordable Housing. Discrimination in housing is prohibited and governed by the New Mexico Human Rights Act [§§ 28-1-1 to 28-1-15 NMSA 1978] and the federal Fair Housing Act of 1968 [Title VII of the Civil Rights Act of 1968, as amended, 42 US Code § 3601, et seq.]~~

13.2. GENERAL AFFORDABLE HOUSING REQUIREMENTS.

13.2.1. Applicability. ~~Except Section 13.1, which shall apply to all housing within Santa Fe County, Affordable Hhousing Rrequirements of This this~~ Chapter shall apply only to subdivisions consisting of 5 or more parcels each Project within the unincorporated areas of central and northern Santa Fe County, as shown on Appendix E.

13.2.1.1. Required Percentage of Affordable Dwellings, Major and Minor Projects. ~~ffordable Housing Units shall be provided in accordance with Table 13-1. For subdivisions consisting of 5 to 24 parcels, affordable housing shall be provided on Of the total housing provided in any Major Project, no less than fifteen percent (15%) of the total number of parcels. For subdivisions consisting of 25 or more parcels, affordable housing shall be provided on shall be Affordable Housing as defined herein. Of the total housing provided in any Minor Project, no less than eight percent (8%) of the total number of parcels.~~

~~shall be Affordable Housing as defined herein.~~

13.2.1.2. General Distribution of Affordable Units Dwellings. ~~The distribution of the Affordable dwellings Units provided in connection with a Major Project shall be distributed equally among eligible buyers in each of the four income ranges, as shown on Table 13-1. include Affordably Priced Housing Units provided equally to Eligible Buyers~~

~~in Income Range 1 (3.75%), Income Range 2 (3.75%), Income Range 3 (3.75%), and Entry Market Housing Units provided to Entry Market Buyers in Income Range 4 (3.75%). The distribution of the Affordable Units provided in connection with a Minor Project, except as otherwise set forth in Section Five of this Section, shall include Affordably Priced Housing Units provided equally to Eligible Buyers in Income Range 1 (2%), Income Range 2 (2%), Income Range 3 (2%), and Entry Market Housing Units provided to Entry Market Buyers in Income Range 4 (2%).~~

Table 13-1 Affordable Housing RequirementsDistribution of Affordable Dwellings

Affordable Housing Requirements by Income Range <u>Income Range</u>	Percentage of Affordable Dwellings Units required for <u>Percentage of Affordable Units required for</u> 5 – 24 parcels	Percentage of Affordable Dwellings Units required for Subdivisions of <u>Percentage of Affordable Dwellings</u> 25 or more parcels
Income Range 1 <65% AMI	2	3.75
Income Range 2 66% to 80% AMI	2	3.75
Income Range 3 81% to 100% AMI	2	3.75
Income Range 4 101% to 120% AMI	2	3.75
Total Percentage of AH required by subdivision size	8 %	15 %

13.2.1.3. Fractions. ~~If application of Section 13.2.1.1 does not result in a whole number, a fractional portion of an Affordable Unit remains when determining the required number of Units,~~ the following ~~requirements shall~~ apply:

1. Where the fractional remainder is greater than 0.5, ~~an one~~ additional unit ~~affordable dwelling unit~~ shall be required.
2. Where the fractional remainder is 0.5 or less, a residual fee shall be required in accordance with the ~~A~~ affordable Housing ~~R~~egulations unless an additional affordable dwelling unit is provided.

13.2.2. Integration; Phasing; Affordable Housing Plan; Affordable Housing Agreement.

13.2.2.1. Integration. Affordable ~~H~~ousing ~~shall be integrated into the overall design and layout of the Projecta subdivision; and the Affordable unitUnits shall be reasonably dispersed within the Projectsubdivision pursuant to an approved affordable housing plan and affordable housing agreement.~~ shall be integrated into the overall design and layout of the Projecta subdivision; and the Affordable unitUnits shall be reasonably dispersed within the Projectsubdivision pursuant to an approved affordable housing plan and affordable housing agreement. ~~An appropriate mix of housing types and sizes may be included in the Projects so long as it otherwise complies with this Ordinance. At a minimum, the general location, total number of units, a description as to the type and design of those units, the general pricing structure, and the proposed phasing of the Affordable Housing shall be identified in the Affordable Housing Plan and the exact location of the Affordable Units shall be identified in the Affordable Housing Agreement.~~

13.2.2.12. Phased Developments. Affordable dwellings units shall be constructed and offered for sale in each phase of a phased development in approximately the same ratio as the number of parcels to be developed in a given phase bears to the total number of

~~parcels in a phased development. Affordable Housing shall be provided in phases if the Project is otherwise to be phased, but the proportion of Affordable Units offered for sale within any phase shall not be less than the proportion of the total number of lots to be developed within all phases of the Project and the total number of Affordable Units to be offered within all phases of the Project.~~

~~**13.2.2.23. Affordable Housing Plan.** An applicant shall submit ~~an a proposed Affordable Housing Plan~~ as part of the applicant's first application for development approval of a subdivision. ~~as a part of the application for approval of a Project.~~ The Affordable Housing Plan shall describe, in detail, how the applicant intends to comply with the Affordable Housing requirements of this Ordinance Chapter, and shall specify whether alternative means of compliance or hardship conditions will be claimed and, if so, the grounds for doing so. ~~The Affordable Housing Plan shall be submitted at the earliest phase of the review process and shall be included as a part of the development review for that development.~~ The Affordable Housing Administrator may request additional information from the applicant, or may reject or require amendments to a proposed Affordable Housing Plan if ~~the proposed plan the proposed Affordable Housing Plan is incomplete or~~ fails to meet the requirements of this Section Chapter or the Affordable Housing Regulations. ~~The Affordable Housing Plan will be incorporated into the Affordable Housing Agreement that shall be filed and recorded with a final development plan or a final plat., whichever instrument is the first to be recorded.~~~~

~~**13.2.2.34. Affordable Housing Agreement.** The affordable housing plan shall form the basis of an enforceable affordable housing agreement between the County and the owner of the subdivision. The finally executed affordable housing agreement must be filed in the records of the County Clerk prior to or along with the final subdivision plat. The final plat shall reference the affordable housing agreement but shall not otherwise identify the lots on which affordable housing is located. Unless the Board delegates its authority, affordable housing agreements, including any amendments thereto, shall be executed by the Board. A final plat shall not be recorded until the applicant has entered into an Affordable Housing Agreement with the County.~~

13.3. AFFORDABLE HOUSING REGULATIONS.

13.3.1. Recommendation by Affordable Housing Administrator. The Affordable Housing Administrator shall recommend and present to the Board proposed ~~Affordable affordable~~ Housing Regulations and appropriate amendments.

13.3.2. Minimum Regulations Contents. The Affordable Housing Regulations shall include, at a minimum, the following provisions:

~~13.3.2.1. The a~~Application submittal requirements ~~to comply necessary to reasonably evaluate compliance~~ with this Chapter, including minimum the requirements governing for the Affordable Housing Plans and Affordable Housing Agreement.

~~13.3.2.2. The A~~ form of the Affordable Housing Agreement, ~~including which shall specify standard terms and conditions for providing Affordable Housing within a Project, the location of affordable housing, housing type(s) and size(s), and the Maximum maximum Target Housing Prices(s) of the proposed Affordable affordable Units dwellings,~~ a description of how the Affordable Units dwellings will be marketed and sold to Eligible Buyers or Entry Market Buyers, and a requirement that the Affordable Housing Agreement be filed and recorded with the Final Plat.

~~13.3.2.3.~~ A reasonable process for certifying ~~Eligible-eligible or Entry Market B~~buyers that, to the extent possible, takes no more than fifteen (15) business days from the date a potential buyer ~~submits a complete application for certification to the County.applies for certification;~~

~~13.3.2.4.~~ Reasonable fees to be charged for certification of ~~E~~eligible ~~or Entry Market B~~buyers.;

~~13.3.2.5.~~ The form of the ~~C~~certificate of ~~C~~ompliance to be issued upon compliance with the terms of this Chapter.;

~~13.3.2.6.~~ A ~~M~~maximum ~~T~~target ~~H~~ousing ~~P~~price for each income range.;

~~13.3.2.7.~~ Minimum design requirements including the number of bathrooms and the minimum residential square footages of heated area according to the number of bedrooms.;

~~13.3.2.8.~~ The method used to determine and periodically adjust the ~~M~~maximum ~~T~~target ~~H~~ousing ~~P~~price, including the methodology to be used to determine the initial market price for each ~~E~~eligible ~~H~~ousing ~~T~~type and a means to discount the market price by the same percentages to determine the price for each category of ~~E~~eligible ~~H~~ousing ~~T~~type and for each ~~I~~income ~~R~~range.;

~~13.3.2.9.~~ The method for determining fees associated with this Chapter, including cash payments as an alternative means of compliance and residual fees.;

~~13.3.2.10.~~ Rules for applying the residual fee standards;

~~13.3.2.11.~~ A methodology for evaluating cash payments;

~~13.3.2.12.~~ A methodology for evaluating property dedications as an alternative means of compliance;

~~13.3.2.13.~~ A methodology for evaluating proposed cash payments for alternative means of compliance;

~~13.3.2.14.~~ A methodology for evaluating property dedications for alternative means of compliance;

~~13.3.2.15.~~ A methodology for determining incentives for energy efficiency.;

~~13.3.2.16.~~ Criteria and procedures for reducing the County's share of the Appreciation and the Affordability Mortgage or Lien; and

~~13.3.2.17.~~ Any other matter deemed necessary by the Board including but not limited to Project-subdivision and housing development practices consistent with fair housing principles.

13.3.3. Adoption. The Affordable Housing Regulations shall be adopted by resolution of the Board and shall be amended from time to time as deemed necessary and to account for changes in indices used to make calculations required by this Chapter and the Affordable Housing Regulations.

13.4. RENTAL OF AFFORDABLE UNITS. An ~~Eligible-eligible or Entry Market B~~buyer shall not lease an ~~A~~affordable dwelling Housing Unit that is provided pursuant to this Chapter unless the proposed tenant is an immediate family member of the ~~E~~eligible ~~or Entry Market B~~buyer, the

~~Eligible or Entry Market Buyer~~ is under economic duress by reason of unemployment, family medical emergency, or is unable to sell the Affordable dwelling Unit for an amount equal to or greater than the original sale price, or other unique circumstances of hardship exist. ~~Any, and the proposed lease of the premises must be is~~ approved in writing by the Affordable Housing Administrator.

13.5. WATER FOR AFFORDABLE HOUSING. A ~~Project subdivision in which affordable housing is provided pursuant to this Chapter~~ shall not be required to transfer water rights to the County for the any required affordable housing within the subdivision. However, notwithstanding the ~~forgoing, the County shall have no obligation to provide water unless it possesses sufficient Affordably Priced Housing Units so long as at the time of application the County holds adequate water rights, capacity, and infrastructure to supply the required affordable dwellings within the subdivision, the Affordably Priced Housing Units and is otherwise capable of supplying the Affordably Priced Housing Units.~~

13.6. AFFORDABLE HOUSING INCENTIVES.

13.6.1. Density Bonus. A subdivision of 25 or more parcels ~~Major Project~~ that utilizes a Community Wwater Ssystem may receive increased density to accommodate affordable dwellings required under this Chapter. ~~the Affordably Priced Housing Units pursuant to the requirements contained within this Chapter.~~ A subdivision of 5 to 24 parcels ~~Minor Project~~ may receive increased density to accommodate affordable dwellings ~~the Affordably Priced Housing Units pursuant to the requirements contained within this Ordinance~~ required under this Chapter so long as the affordable housing agreement requires the subdivider to provide ~~Project provides~~ no less than fifteen percent (15%) Affordable Hhousing, and so long as: (i) ~~the Project utilizes a~~ Community Wwater Ssystem will provide water service to the subdivision, and (ii) clustering concepts are incorporated into the Project subdivision.

13.6.1.1. The density bonus permitted by this Chapter shall not exceed 2/3 unit for each ~~Affordably Priced Housing Unit~~ affordable dwelling unit provided and as otherwise permitted by application of the SLDC, not to exceed an increased density of fifteen percent (15%) attributable to the Project subdivision in total.

13.6.1.2. The affordability requirements for a Project subdivision shall be determined prior to applying any density bonus.

13.6.1.3. Density bonuses of not more than twenty percent (20%) attributable to the Project subdivision as a whole may be approved by the Board on a case-by-case basis, so long as the Project subdivision remains compatible with surrounding uses and the impacts to adjacent areas are minimal.

13.6.2. Incentives for Energy Efficiency. A Project subdivider that provides energy efficiency measures within a subdivision ~~the Project~~ as a whole shall be permitted to apply all the incentives described in this Chapter to each affordable dwelling in income range 4. Entry Market Housing Unit. The criteria to evaluate a energy efficiency proposals to provide energy efficiency measures ~~shall may~~ be further more specifically described in the Affordable Hhousing Rregulations.

13.6.3. Relief from Development Fees. Notwithstanding the provisions of the SLDC, a Project subdivision that provides Affordable Hhousing as required by this Chapter shall be relieved of the obligation to pay development fees for each Required affordable dwelling. y Priced Housing Unit provided within the Project.

13.6.4. Relief from Additional County Water Utility Connection Charges. A Project subdivision that provides Affordable Hhousing as required by this Chapter shall be exempt from

~~relieved of the obligation to pay additional water service connection charges fees (excluding the costs of creating a line extension pursuant to a Water Service Agreement) for each required affordable dwelling. Affordably Priced Housing Unit that exceeds the cost of the water meter. This exemption does not include any other service charges or fees and does not exempt the subdivider from paying for required meters, line extensions, or other infrastructure.~~

13.6.5. Reduction of Lot Size for Affordable UnitsDwellings. A ~~Minor Project~~subdivision of 5 to 24 parcels that is not eligible for a ~~water rights transfer waiver (Section Eight, herein) or a water allocation or density bonus (Section Nine, herein) under Section 13.6.1,~~ may reduce the lot area for each ~~A~~affordable dwelling y Priced Housing Unit to the minimum permitted by applicable ~~R~~regulations of the New Mexico Environmental Department, so long as the ~~A~~affordable dwellings y Priced Housing Unit whose lot sizes are reduced pursuant to this Section are reasonably dispersed throughout the Projectsubdivision.

13.6.6. Other Incentives Authorized by Art. 27,the New Mexico Affordable Housing Act. The County may donate land for construction of affordable housing or an existing building for conversion or renovation into affordable housing or may provide or pay the costs of infrastructure necessary to support affordable housing projects ~~if pursuant to Ordinance No. 2009-14, as amended or replaced, and the Affordable Housing Act, permitted under the terms of a separate ordinance enacted pursuant to~~NMSA 1978, § 6-27-1 et seq.

13.7. ALTERNATIVE MEANS OF COMPLIANCE.

13.7.1. A ~~Project~~subdivision may alternatively comply with meet all or part a portion of its obligation to provide Affordable Housing of this Chapter by:

13.7.1.1. providing ~~A~~affordable Unitsdwellings outside the Projectsubdivision but within central and northern Santa Fe County, as shown on Map 14-1;

13.7.1.2. making a cash payment, calculated by applying the methodology set forth in the ~~A~~affordable Housing ~~R~~regulations;

13.7.1.3. dedicating property suitable for construction of ~~A~~affordable Unitdwellings outside the subdivision ~~Project~~ but within central and northern Santa Fe County, as shown on Map 14-1, whose value is equal to or greater than the required minimum value calculated by applying the methodology set forth in the ~~A~~affordable Housing ~~R~~regulations; or

13.7.1.4. otherwise providing ~~A~~affordable dwellings Units in a manner that is consistent with the goals and objectives of this Chapter ~~(including providing rental affordable dwellings units in lieu of affordable units dwellings for purchase, so long as the initial market value rental payments do not exceed that which an eligible buyer would have to pay to purchase a home in the~~ income ranges specified in the ~~A~~affordable Housing ~~R~~regulations.

13.7.2. Review and approval of a proposal to use an alternative means of compliance provided by this Section shall be conducted during the review of the ~~application~~proposed affordable housing plan. ~~Alternatively, a person desiring to develop a Project may apply for concept approval of a proposed Affordable Housing Plan prior to applying for approval of a Project. If the County approves an alternative means of compliance, it shall be set forth with specificity in the affordable housing agreement. Concept approval of an alternative means of compliance shall not imply nor commit to an approval for future development.~~

13.7.3. Where ~~an~~the proposed alternative means of compliance is ~~proposed~~off-site affordable housing, both the ~~subdivision Project~~ and ~~its~~the proposed off-site affordable housing ~~component~~ shall be considered and processed as a single ~~subdivision Project~~, except as otherwise provided in this Chapter.

13.7.4. In deciding whether to accept ~~a~~the provision of off-site affordable dwellings as proposed ~~an~~ alternative means of compliance, the County shall consider the following where applicable:

13.7.4.1. whether implementation of a proposed alternative means of compliance would overly concentrate ~~Affordable~~affordable Units~~dwelling~~s in an area or within the proposed ~~subdivision Project~~ in a location where such a concentration would be inappropriate given present and anticipated future conditions if the proposal involves providing ~~A~~affordable Units~~dwelling~~s outside the ~~Project area~~subdivision;

13.7.4.2. whether there is adequate existing infrastructure, including water systems, liquid waste facilities and transportation systems, to support the ~~Affordable~~affordable Units~~dwelling~~s in the proposed location;

13.7.4.3. whether public facilities can serve the proposed ~~alternative site or project~~offsite affordable dwellings, and whether the commitment to provide such service has been confirmed;

13.7.4.4. whether there is a specific need or market for ~~A~~affordable Units~~dwelling~~s in the location proposed;

13.7.4.5. whether the property where the ~~A~~affordable Unit~~dwelling~~s are proposed to be located is suitable for residential use and residential development; and

13.7.4.6. whether the proposed alternative means of compliance provides an overall greater public benefit than if the ~~A~~affordable Units~~dwelling~~s were constructed within the ~~Project or Minor Projects~~subdivision.

13.7.5. In deciding whether to accept ~~a cash payment or property as an~~proposed alternative means of compliance, the ~~Board~~County shall consider whether:

13.7.5.1. the proposed cash payment ~~or appraised value of property to be dedicated~~ is equal to or greater than the cost of constructing equivalent ~~Affordable~~affordable Units~~dwelling~~s within the ~~Projects~~subdivision, applying the methodology set forth in the ~~A~~affordable H~~ousing R~~egulations;

13.7.5.2. ~~a~~the proposed cash payment or ~~value of dedication of~~ property ~~to be dedicated~~, creates a substantial surplus of funds within the dedicated housing fund or trust specific to that purpose;

~~**13.7.5.3.** the appraised value of the property proposed to be dedicated is equal to or greater than the total estimated value of the affordable units that would have been constructed within the Project, applying the methodology set forth in the Affordable Housing Regulations;~~

13.7.5.43. ~~a~~the cash payment or property provides a greater overall public benefit than if the ~~a~~Affordable Units~~dwelling~~s were constructed within the ~~Project or Minor Projects~~subdivision that would have otherwise provided for mixed-income development. ~~;~~
and

~~13.7.56.~~ ~~the~~ The method for determining whether the total cash payment amount or value of property ~~proposed for transfer to be dedicated~~ is sufficient shall be established in the Affordable Housing Regulations.

~~13.7.67.~~ Incentives described in this Chapter may only be applied to a Project-subdivision utilizing alternative means of compliance if the Board specifically finds that this Chapter, when applied to the Projects~~subdivision without such alterantive means of compliance~~, would result in economic infeasibility.

13.8. HARDSHIP CONDITIONS.

13.8.1. The Board may waive one or more of the requirements set forth in this Chapter if a condition of hardship exists as set forth in this Section.

13.8.2. A condition of hardship shall exist for purposes of this Section, as follows:

13.8.2.1. Where the Project-subdivision fails to qualify for any incentive set forth herein;

13.8.2.2. Where the Project-subdivision fails to demonstrate eligibility for an alternative means of compliance;

13.8.2.3. Where application of the provisions of this Section would result in economic infeasibility of the Projects~~subdivision~~; or

13.8.2.4. Where fully complying with ~~the requirements of~~ this Chapter would result in a taking of property. ~~would deprive a property owner of substantially all economically viable use of the subject property taken as a whole contrary to the Constitution of the United States or the Constitution of the State of New Mexico.~~

13.8.3. A condition of hardship exists for a Minor Projects~~subdivision of 5 to 24 parcels~~ when an Affordable Unit~~dwelling~~ (or lot ~~created for an Affordable Unit~~) cannot be sold within a reasonable period of time without causing a loss on the subdivision ~~Minor Project~~ taken as a whole.

13.9. LONG-TERM AFFORDABILITY.

13.9.1. Each Affordable Housing Agreement shall include as an attachment a form of lien, ~~mortgage or~~ other instrument (herein after referred to as "the Affordability-affordability Mortgage or Lien") that shall be executed and recorded along with the deed conveying ~~the an~~ Affordable Unit-dwelling to the first eligible buyer. ~~Affordability liens shall, and that instrument,~~ shall create a ~~mortgage or~~ lien in favor of the County in the amount of equal to the difference between the Maximum Target Housing Price and ninety-five percent of the ~~unrestricted~~ fair market value of the Affordable Unit-dwelling at the time of initial sale, as determined by an appraisal approved by the County. ~~The liens, mortgages or other instruments shall include a formula for reduction of the principal amount as set forth in the Affordable Housing Regulations. The liens, mortgages or other instruments shall be duly executed and recorded in the Office of the County Clerk.~~

13.9.2. The affordability ~~lien, instrument, or mortgage~~ shall contain a provision that creates a right of first refusal in favor of the County to purchase the Affordable Unit-dwelling or the right to broker-arrange resale of the Affordable Unit-dwelling to an Eligible ~~or Entry Market B~~uyer at the ~~then~~ fair market value of the Affordable Unit-dwelling. ~~The is instrument shall require the~~ owner of an Affordable Udwelling nit shall be required to provide the County with fifteen (15) days written notice of the owner's intent to sell the Affordable Unit-dwelling during which period

the County may indicate its intent to purchase the unit or ~~arrange broker~~ a purchase and sale of the ~~unit dwelling~~ to another ~~Eligible B~~uyer. The ~~instrument affordability lien~~ shall further provide the County with an additional 60 days after it has notified the owner of its intent to purchase the ~~unit dwelling~~ or ~~broker arrange~~ a purchase and sale of the ~~unit dwelling~~ to complete the transaction. If the County fails to notify the owner of its intent to purchase the unit or ~~broker arrange~~ a purchase of the unit within the allotted time period, or if it does not complete the transaction within the allotted time period, the owner shall have the right to sell the unit to any buyer at an unrestricted price, subject to the affordability lien.

13.9.3. The form of ~~the instrument described above, affordability lien~~ and the methodology for determining the initial market value of the ~~A~~affordable ~~Unit dwelling~~ shall be specified in the ~~A~~affordable ~~H~~ousing ~~R~~egulations.

13.9.4. ~~When of of the conditions set forth in the A affordability y-lien, this Chapter, and the affordable housing regulations have been satisfied, the County shall release the owner affordable dwelling from the lien and file an appropriate release in the records of the County Clerk. ; mortgage, or other instrument referred to in this Section shall be released and satisfied through an appropriate instrument at the time of sale of the Affordable Unit and the appropriate instrument shall be recorded in the Office of the County Clerk documenting the release and satisfaction thereof. Any amounts owed to satisfy the collected from application of any affordability mortgage or lien shall be paid to the County before or contemporaneously with such release. of said instrument.~~

13.9.5. An ~~A~~affordability ~~Mortgage or L~~ien may be ~~temporarily~~ released without payment of any sums to the County for the limited purpose of closing a subsequent purchase and sale of an Affordable Unit so long as a new n affordability mortgage or lien is executed by the a new eligible buyer in the same amount of the original lien and duly recorded as provided in this Section with the County Clerk. Alternatively, and in the sole discretion of the County, the County may approve an assignment of the affordability lien to a new eligible buyer.

13.9.6. ~~Any All~~ amounts collected from application of any ~~A~~affordability ~~Mortgage or L~~ien shall be deposited into a fund created in the County treasury for the sole purpose ~~of which shall be to of~~ supporting ~~A~~affordable ~~H~~ousing within Santa Fe County or, alternatively, transferred to the Santa Fe County Housing Authority to support ~~A~~affordable ~~H~~ousing within Santa Fe County. The fund or trust shall be governed by rules and requirements set forth in a separate Ordinance enacted pursuant to NMSA 1978, § 6-27-1 et seq.

13.9.7. Where ~~the then an~~ owner of an ~~A~~affordable ~~Unit dwelling~~ is under extreme duress by reason of unemployment, family medical emergency, divorce, or death, and is unable to sell the ~~A~~affordable ~~Unit dwelling~~ for an amount equal to or greater than the original sales price, or ~~for if~~ other unique and extreme circumstances of hardship exist, the ~~A~~affordable ~~L~~ien may be compromised or released by the County.

13.10. AFFORDABLE HOUSING ADMINISTRATOR. The position of Affordable Housing Administrator is established. The Affordable Housing Administrator shall administer this Chapter, manage the fund or trust established pursuant to ~~subsection 13.7.5.2~~ Section 13.9.6, act as an ombudsman to the development review process, and have other responsibilities set forth in the SLDC.

13.110. AFFORDABLE HOUSING ORDINANCE REVIEW. The Affordable Housing Administrator shall prepare an ~~A~~affordable ~~H~~ousing ~~R~~eport and present it to the Board of County Commissioners annually. The purpose of the report is to measure the overall effectiveness of the

affordable housing provisions of the SLDC and to identify any deficiencies. In the annual report, the Affordable Housing Administrator shall recommend any amendments necessary this ~~Section~~Chapter.

Affordable Housing Definition Proposed Amendments

Affordable Housing : means single-family dwellings provided pursuant to Chapter 13 of the SLDC that meet the requirements of the affordable housing regulations. an Eligible Housing Type or Unit that is sold or rented at or below the Maximum Target Housing Price or Maximum Target Monthly Rent to an Eligible or Entry Market Buyer or Renter, where the Eligible Housing Unit is occupied by the Eligible or Entry Market Buyer or Renter as a primary residence.

Affordable Housing Administrator: means the County employee charged with administering Chapter 13 of the SLDC, making recommendations and taking other actions as set forth in this Chapter 13.

Affordable Housing Agreement: means a recorded, enforceable contract between the County and a subdivider ~~an applicant~~ that specifies how the subdivider will comply with Chapter 13 of the SLDC and the affordable housing regulations. ~~the number of Affordable Units and types that will be built, along with specific locations, and which is recorded along with the final plat or development plan.~~

Affordable Housing Plan: means a written conceptual plan that generally describes how an applicant subdivider intends to will comply with the Affordable Housing requirements of of this Ordinance Chapter 13 of the SLDC. ~~, and which specifies the general location, number and types of Affordable Units that will be built.~~

Affordable Housing Regulations: refers to regulations developed and updated periodically by the ~~Affordable Housing Administrator and~~ Board of County Commissioners to govern implementation and administration of ~~this Ordinance~~ Chapter 13 of the SLDC.

Affordable ~~Housing Unit~~Dwelling: means a dwelling that is sold to an eligible buyer at or below the maximum target housing price or leased for the maximum target monthly rent and that otherwise meets the requirements of Chapter 13 of the SLDC and the affordable housing regulations. ~~an Affordably Priced Housing Unit or an Entry Market Housing Unit.~~

~~**Affordably Priced Housing Unit:** means an Eligible Housing Type or Unit that is sold or rented at or below the Maximum Target Housing Price or Maximum Target Monthly Rent to an Eligible Buyer or Renter within Income Ranges 1, 2, or 3.~~

Eligible Buyer: means the buyer of an ~~Eligible Housing Unit~~ affordable dwelling whose annual gross income is one hundred and twenty percent (~~100~~120%) or less than the Area Median Income.

~~**Eligible Housing Type or Unit:** means a housing unit, attached or detached, that is constructed in compliance with applicable codes. Design standards for an Eligible Housing Type or Unit shall be further categorized within the Affordable Housing Regulations according to housing type, number of bathrooms and minimum square footages of heated residential area.~~

Eligible Renter: means the renter of an ~~Eligible Housing Unit~~ affordable dwelling whose annual gross income is one hundred percent hundred and twenty (~~100~~120%) or less than the Area Median Income.

~~**Entry Market Buyer:** means a buyer of an Eligible Housing Type or Unit whose annual gross income is between one hundred one percent (101%) and one hundred twenty percent (120%) of the Area Median Income.~~

~~**Entry Market Housing Unit:** means an Eligible Housing Type or Unit that is sold at or below the Maximum Target Housing Price or rented at or below the Maximum Target Monthly Rent to an Entry Market Buyer or Renter within Income Range 4.~~

~~**Entry Market Renter:** means a renter of an Eligible Housing Type or Unit whose annual gross income is between one hundred one percent (101%) and one hundred twenty percent (120%) of the Area Median Income.~~

~~**Income Range:** means the income range used to determine the Maximum Target Housing Price or Maximum Target Monthly Rent for that an affordable dwelling may be sold or leased to an eligible buyer or renter, respectively, each Eligible Housing Type, using the following definitions: Income Range 1: 0% to 65% of Area Median Income; Income Range 2: 66% to 80% of Area Median Income; Income Range 3: 81% to 100% of Area Median Income; Income Range 4: 101% to 120% of Area Median Income.~~

~~**Major Project:** means any division of property into twenty five (25) or more parcels for purpose of sale, lease or other conveyance of one or more single family residences.~~

~~**Maximum Target Housing Price:** means the highest price at which an Eligible Housing Type or Unit affordable dwelling may be sold to an Eligible or Entry Market Buyer in the appropriate Income Range, as set forth in the Affordable Housing Regulations.~~

~~**Maximum Target Monthly Rent:** means the highest rent at which an Eligible Housing Type or Unit affordable dwelling may be rented to an Eligible or Entry Market Renter in the appropriate Income Range, as set forth in the affordable Housing Regulationsregulations.~~

~~**Minor Project:** means, for purposes of Chapter 13 of the SLDC, a Subdivision of subdivision of a parcel or parcels into between five (5) and no more than twenty four (24) parcels (inclusive of any Affordable Housing provided) for purpose of sale, lease or other conveyance of one or more single family residences.~~