

Daniel "Danny" Mayfield

Commissioner, District 1

Virginia Vigil

Commissioner, District 2

Robert A. Anaya

Commissioner, District 3



Kathy Holian

Commissioner, District 4

Liz Stefanics

Commissioner, District 5

Katherine Miller

County Manager

Date: May 31st, 2011
To: Board of County Commissioners
From: Robert Griego, Planning Manager *RG*
Beth Mills, Open Space Planner
Cc: Jack Kolkmeier, Growth Management Director *JK*
Colleen Baker, Open Space Director
Re: Resolution 2011- A Resolution to Support The Madrid Mining Landscape Community-Based Plan

Project Overview

The Abandoned Mines Lands Program (AML) has been working with the Madrid Community via their consultant Dekker/Perrich/Sabatini to develop the Madrid Mining Landscape Community-Based Plan. The plan recognizes that coal mining in the village of Madrid has shaped the landscape that contributes to the village's sense of place and identity. This project was presented to the Board in January, 2011 to provide an overview of the process. AML and affiliates have continued to work with Santa Fe County staff and the community and have completed the final report and are now moving towards implementation of this project in conjunction with residents and the community of Madrid and Santa Fe County Open Space.

Background:

- ❖ Historic coal mining practices and processing techniques have contributed to specific adverse environmental effects such as flooding, erosion and sedimentation
- ❖ The Abandoned Mine Land (AML) Program, an agency within the New Mexico Energy, Minerals and Natural Resources Department, has three priorities:
 - ❖ Protection of public health and safety and property from extreme danger of adverse effects of historic mining practices.
 - ❖ Protection of public health and safety from adverse effects of historic mining practices.
 - ❖ Restoration of land and water resources and the environment previously degraded by the adverse effects of historic mining practices.

- ❖ The AML Program has initiated, and funded a community-based planning process called the Madrid Mining Landscape that has resulted in the identification of two projects that will improve the quality of life for Madrid residents
 - ❖ The AML Program intends to design and construct improvements to the public and private properties affected by the adverse effect of past mining practices.
 - ❖ The AML Program and its contractors will adhere to Federal, State and County ordinances, and regulations that oversee the review and approval of project reports and construction documents.

- ❖ The AML Program and associated scope of work that will initiate improvements to public and private properties will occur within the boundaries of the Madrid Traditional Community Zoning District governed by Ordinance No. 2001-01.

- ❖ Santa Fe County Sustainable Growth Management Plan sets forth directives that need to be addressed with reference to the proposed technical improvements. Various County Departments will need to coordinate with Growth Management Staff in the review and implementation of the proposed AML improvements.

- ❖ Santa Fe County's Open Space Program owns approximately 57 acres in Madrid as part of their countywide inventory. Approximately 12 of these acres, purchased in 2005, are located in the "Madrid Gulch", the primary drainage that runs through the center of the town. County Open Space plans refer to this property as the "Madrid Greenway". The property was purchased in order to provide public open space, the opportunity for passive recreation, and a focal point for the community, in the center of Madrid.

- ❖ County staff supports the community based planning that has been completed by the Abandoned Mine Land Program and look forward to collaborating with AML Program staff to maximize the benefits of the drainage and restoration work they are undertaking for the Madrid Greenbelt. County Open Space staff anticipates that the proposed work will slow the flows in the Madrid Gulch and provide an opportunity for increased infiltration of storm water on site. Consequently, there will be an opportunity to work on the restoration of native landscape and construction of a pedestrian trail in the Madrid Greenbelt. The development of additional amenities in the Greenbelt could also be a result of collaborative work with the AML project.

- ❖ County Planning staff recognizes that this community based planning process provides an opportunity to continue to work with the community of Madrid on community planning efforts.

- ❖ AML Project goals are to protect the Community of Madrid's public health, safety and welfare from the adverse effects of historic mining practices and to enhance the County's open space in Madrid.

Action Requested:

Santa Fe County staff requests adoption of this resolution in order to allow continued staff support through the County's Technical Review Team to include Open Space and Planning staff for the protection of the Community of Madrid's public health, safety and welfare from the adverse effects of historic mining practices and to enhance the County's open space in Madrid.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO**

RESOLUTION NO. 2011-_____

**A RESOLUTION TO SUPPORT THE MADRID MINING LANDSCAPE
COMMUNITY-BASED PLAN**

WHEREAS, Santa Fe County recognizes that the legacy of coal mining in the Town of Madrid (Madrid) has shaped the landscape that contributes to the community's sense of place and identity;

WHEREAS, historic coal mining practices and processing techniques have contributed to specific adverse health, safety and environmental effects such as flooding, erosion and sedimentation;

WHEREAS, the Abandoned Mine Land (AML) Program is within the New Mexico Energy, Minerals and Natural Resources Department and has the following priorities:

- Protection of public health and safety and property from extreme danger of adverse effects of historic mining practices.
- Protection of public health and safety from adverse effects of historic mining practices.
- Restoration of land, water resources and the environment previously degraded by the adverse effects of historic mining practices.

WHEREAS, the AML Program has initiated and funded a specific community-based planning process called the Madrid Mining Landscape (MML) Plan;

WHEREAS, the MML Plan has identified two projects that are intended to design and construct improvements on properties impacted by the adverse effects of past mining practices in an effort to improve the quality of life for residents living in and near Madrid;

WHEREAS, the AML Program and its contractors will adhere to Federal, State and County laws, ordinances and regulations in all related aspects including, but not limited to, project oversight, review and approval of reports and construction documents; and

WHEREAS, the MML community-based planning effort and the quality of life projects articulated within the Plan enhance Santa Fe County's Sustainable Growth Management Plan (SGMP) by adhering to its three core principles of sustainability; environmental responsibility, economic strength and diversity, and community livability.

NOW, THEREFORE, BE IT RESOLVED THAT the Santa Fe County Board of County Commissioners supports the AML Program priorities of protecting public health, safety and welfare from the adverse effects of historic mining practices.

BE IT FURTHER RESOLVED THAT the Board of County Commissioners hereby directs staff from the County's Technical Review Team to include the following Divisions for the following purposes: Planning, Open Space and Trails, Public Works, Fire, Building and Development Services, and Utilities to work with the representatives from the AML Program and the community of Madrid to implement the MML Plan projects that further the County SGMP's goals and objectives.

PASSED, APPROVED and ADOPTED this ____ day of MAY 2011.

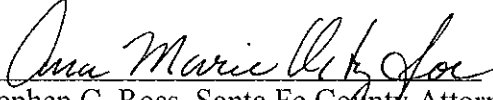
THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

Virginia Vigil, Chair

ATTEST:

Valerie Espinoza, Santa Fe County Clerk

APPROVED AS TO FORM:



Stephen C. Ross, Santa Fe County Attorney



Memo

To: Board of County Commissioners
From: Darlene Vigil, Affordable Housing Administrator
CC: Jack Kolkmeier, Growth Management
Robert Griego, Planning Manager
Date: 5/24/2011

Re: Request Approval of Ordinance 2011-__ An Ordinance Authorizing Santa Fe County to provide Housing assistance grants for repair or replacement of an existing roof and renovation pursuant to Section 14 Article IX of the New Mexico Constitution, the New Mexico Affordable Housing Act, the New Mexico Mortgage Finance Authority Affordable Housing Act Rules and the Santa Fe County Affordable Housing Plan 2009; establishing eligibility criteria, an application process, and calling for the development of Regulations implementing the Ordinance.

BACKGROUND

Ordinance 2011-__, the "Affordable Housing Roof Repair or Replacement and Renovation Ordinance;" also known as the Happy Roofs Program, would authorize the Affordable Housing Administrator to use the Affordable Housing Fund to address the substandard housing conditions of low to moderate income homeowners residing within the unincorporated areas of Santa Fe County.

Pursuant to Ordinance 2006-02, as amended, the Affordable Housing fund was established to enable Santa Fe County to support Affordable Housing within Santa Fe County, which includes the cost of owning affordable housing. While necessary for health and safety, roof repair or replacement and renovation can be an expense that is beyond the resources of low to moderate income households.

If approved, the Happy Roofs program will provide financial assistance, in the form of a Housing Assistance Grant, to qualifying renovations, repairs or to replace a roof that poses health and safety hazards for the occupants of a Qualifying Residence. The sum of the assistance will not exceed Ten Thousand dollars (\$10,000) for repairs or replacement of a roof and any funds awarded will be secured by a mortgage or lien.

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 and promises in writing to maintain the property as the transferee's principal residence for the remainder of the Affordability Period. The affordability period is 5 years, which meets the legal standards established by the NM MFA, and protects the County's donation to ensure the home continues to be owned and used by a low to moderate income household.

This Ordinance may be enacted under the authority of Section 14 Art. IX of the New Mexico Constitution, the NM Affordable Housing Act, the NM MFA Rules and is consistent with the County's Affordable Housing Plan, which was approved by the New Mexico Mortgage Finance Authority on September 4, 2009.

RECOMMENDATIONS:

Staff respectfully recommends the Santa Fe Board of County Commissioners grant approval of Ordinance 2011-__ authorizing Santa Fe County to provide qualifying individuals funding for the repair or replacement of an existing roof of a qualifying residence.

SANTA FE COUNTY, NEW MEXICO

ORDINANCE NO. 2011-_____

AN ORDINANCE AUTHORIZING SANTA FE COUNTY TO PROVIDE HOUSING ASSISTANCE GRANTS FOR REPAIR OR REPLACEMENT OF AN EXISTING ROOF AND RENOVATION PURSUANT TO ARTICLE IX SECTION 14 OF THE NEW MEXICO CONSTITUTION AND THE NEW MEXICO AFFORDABLE HOUSING ACT, ESTABLISHING ELIGIBILITY CRITERIA, AN APPLICATION PROCESS, AND CALLING FOR THE DEVELOPMENT OF REGULATIONS IMPLEMENTING THE ORDINANCE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY:

Section One. Short Title: This Ordinance may be cited as the “Affordable Housing Roof Repair or Replacement and Renovation Ordinance;” also known as the Happy Roofs Program.

Section Two. Statutory Authority: This Ordinance is enacted under the authority of Subsection E and F of Section 14 of Article IX of the New Mexico Constitution, the New Mexico Affordable Housing Act, Section 6-27-1 NMSA 1978 *et seq.*, the New Mexico Mortgage Finance Authority Affordable Housing Act Rules and is consistent with the rehabilitation and energy efficiency initiatives included in the Santa Fe County Affordable Housing Plan 2009 and the Santa Fe County Sustainable Growth Management Plan (SGMP) to address substandard housing conditions and infrastructure for programs that address special housing needs, including services for seniors, of low to moderate income Persons or Households within Santa Fe County.

Section Three. Scope: This Ordinance shall apply within the unincorporated areas of Santa Fe County.

Section Four. Definitions:

- A. “Administrator” means the Affordable Housing Administrator.
- B. “Affordable Housing” means residential housing primarily for Persons and Households of Low or Moderate Income.
- C. “Affordable Housing Fund” means the fund established in Ordinance 2006-02 whose sole purpose is to support Affordable Housing within Santa Fe County.
- D. “Affordability Period” means the duration of the Affordability Period, which shall comply with the long-term affordability restriction requirements of the New Mexico Mortgage Finance Authority Affordable Housing Act Rules.
- E. “Applicant” means an individual who applies for assistance to repair or replace an existing roof or to renovate existing Infrastructure, single-family residence or multi-family housing projects.

F. "Area Median Income" (AMI) means the median income for the Santa Fe Metropolitan Statistical Area as adjusted for various household sizes and published and revised periodically by the U.S. Department of Housing and Urban Development (HUD).

G. "Assistance" is a Housing Assistance Grant issued under authority of this Ordinance

H. "Final Inspection Report" means a report certifying that the repaired or replaced roof has passed inspection by the State of New Mexico Construction Industries Division and meets the requirements defined in the Regulations. The final inspection report shall be prepared by the county, the county's designee, or a contractor to the federal weatherization assistance program.

I. "Housing Assistance Grant" means the donation, provision, or payment by the County of:

- (1) the cost of repair or replacement of an existing roof; or
- (2) the cost of renovating an existing building or Infrastructure.

J. "Infrastructure" means Infrastructure Improvement and Infrastructure Purpose.

K. Infrastructure Improvement" includes, but is not limited to:

- (1) sanitary sewage systems, including collection, transport, storage, treatment, dispersal, effluent use and discharge;
- (2) drainage and flood control systems, including collection, transport, diversion, storage, detention, retention, dispersal, use and discharge;
- (3) water systems for domestic purposes, including production, collection, storage, treatment, transport, delivery, connection and dispersal;
- (4) areas for motor vehicle use for road access, ingress, egress and parking;
- (5) trails and areas for pedestrian, equestrian, bicycle or other non-motor vehicle use for road access, ingress, egress and parking;
- (6) parks, recreational facilities and open space areas for the use of residents for entertainment, assembly and recreation;
- (7) landscaping, including earthworks, structures, plants, trees and related water delivery systems;
- (8) electrical transmission and distribution facilities;
- (9) natural gas distribution facilities;
- (10) lighting systems;
- (11) cable or other telecommunications lines and related equipment;
- (12) traffic control systems and devices, including signals, controls, markings and signs;
- (13) inspection, construction management and related costs in connection with the furnishing of the items listed in this subsection; and
- (14) heating, air conditioning and weatherization facilities, systems or services, and energy efficiency improvements that are affixed to real property.

L. "Infrastructure Purpose" means:

- (1) renovating or improving existing facilities for Infrastructure, including facilities owned, leased or installed by the owner; and
- (2) incurring expenses incident to and reasonably necessary to carry out the purposes specified in this subsection.

M. “Initial Inspection Report” means a report to verify that the proposed roof repair or replacement roof is necessary as defined in the regulations. The Initial Inspection Report shall be prepared by the county, the county’s designee, or a contractor to the federal weatherization assistance program.

N. “Low Income Person or Household” means a person or household whose income does not exceed 80% of the Area Median Income, adjusted for household size.

O. “MFA Rules” means the New Mexico Mortgage Finance Authority Affordable Housing Act Rules adopted by the New Mexico Mortgage Finance Authority’s Board of Directors.

P. “Moderate Income Person or Household” means a person or household whose income does not exceed 120% of the Area Median Income, adjusted for household size.

- Q. “Qualifying Grantee” means:
- (1) a person of low or moderate income who is qualified to receive assistance pursuant to the Act, MFA Rules, Ordinance 2011-___ and is approved by the Administrator or
 - (2) a governmental housing agency, regional housing authority, corporation, limited liability company, partnership, joint venture, syndicate, association or a non-profit organization that:
 - (i) is organized under State or local laws and can provide proof of such organization;
 - (ii) if a non-profit organization the primary mission must be to provide housing or housing-related services to Persons of Low or Moderate Income, must have received a 501(c)(3) designation prior to applying and no part of net earnings inure to the benefit of any member, founder, contributor, or individual;
 - (iii) if a non-individual applicant the organization must have a functioning accounting system that is operating in accordance with generally accepted accounting principles or has designated an entity that will maintain such accounting system, have among its purposes significant activities related to providing housing or services to Persons or Households of Low or Moderate Income; and evidence or certification that the applicant has no significant outstanding or unresolved monitoring findings from the County, the MFA, or its most recent independent financial audit, or if it has any such findings, it has a certified letter from the County, the MFA, or auditor stating that the findings are in the process of being resolved; and
 - (iv) is approved by the Administrator.

R. “Qualifying Residence” means a single-family residence or multi-family housing project occupied or intended primarily for occupancy by a Person or Household of Low or Moderate Income within the unincorporated areas of Santa Fe County.

S. "The Act" means the New Mexico Affordable Housing Act, Section 6-27-1 NMSA 1978, *et seq.*

T. "Regulations" means the regulations adopted and amended by the Board of County Commissioners of Santa Fe County to carry out the provisions of the Affordable Housing Roof Repair and Replacement Ordinance.

U. "Relation by blood or marriage within the third degree" includes spouse, domestic partner, parent, mother-in-law, father-in-law, step-parent, children, domestic partner children, son-in-law, daughter-in-law, step-child, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, grandparent, grandchild, uncle, aunt, nephew, niece, great-grandchild, and great-grandparent.

V. "Renovation" means the substantial renovation or reconstruction of existing Infrastructure, single-family residence or multi-family housing projects.

Section Five. Roof Repair or Replacement General Provisions:

A. The Administrator may provide Assistance to a Qualifying Grantee to pay the cost or a portion of the cost of the repair or replacement of an existing roof.

B. To be eligible to receive Assistance an applicant shall:

- (1) submit a completed application to the Administrator;
- (2) qualify as a Low or Moderate Income Person or Household;
- (3) own a Qualifying Residence; and
- (4) occupy the Qualifying Residence as a primary residence.

C. A roof repair or replacement Housing Assistance Grant shall not exceed the sum of ten-thousand dollars (\$10,000). The amount of the Assistance shall be determined by the Administrator.

D. Prior to approval of Assistance the Administrator must receive, in writing, an Initial Inspection Report.

E. Prior to disbursement of Assistance the Administrator shall receive a Final Inspection Report.

F. In accordance with the Act, MFA Rules and this Ordinance:

(1) Assistance shall be secured by a mortgage or lien on the real estate for which the Housing Assistance Grant was issued in the amount of Assistance for the duration of the Affordability Period; and

(2) 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.

G. The mortgage or lien shall be in the form prescribed by the county attorney, shall be duly executed and recorded in the office of the Santa Fe County Clerk prior to the

commencement of any work contemplated under this Ordinance and shall contain a provision that the County may, as permitted by law, recover any attorney's fees and costs incurred in enforcing the provisions of the mortgage or lien and restrictive covenant.

H. Assistance issued pursuant to this Ordinance shall be made directly to the person or business that completed the roof repair or replacement.

I. Notwithstanding any other provision of the Ordinance, 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 and promises in writing to maintain the property as the transferee's principal residence for the remainder of the Affordability Period and otherwise to comply with and assume all the terms and conditions of the applicable agreement or the transfer is the result of the death of the qualifying grantee and the transfer is by devise or operation of law to the Qualifying Grantees relation by blood or marriage within the third degree, in which case the transfer will cause an immediate termination of the Affordability Period. The Administrator reserves the right to deny approval of a request to assume or transfer the mortgage or lien.

J. No individual may receive more than one Housing Assistance Grant under this Ordinance and no Qualifying Residence may benefit from more than one award of Assistance under this Ordinance.

K. Individuals who have received Affordable Housing Assistance under Santa Fe County Ordinance 2009-14 shall not be eligible for Assistance under this Ordinance.

L. Applicants approved for Assistance will receive certification from the Administrator. The certification shall be valid for six months after which a person shall be required to update the application and be reapproved. The Administrator, in his or her discretion, may request additional information.

M. Pursuant to MFA Rules, the long-term Affordability Period for Housing Assistance Grants awarded for roof repair or replacement under this Ordinance (\$1 to \$10,000) shall be for a period of five years.

Section Six. Roof Repair or Replacement Application Process:

A. The application shall be made on a form approved by the Administrator. The Administrator, in his or her discretion, may request additional information.

B. If the Administrator determines that the application is complete and the applicant meets the qualifications as defined by this Ordinance and the Regulations, the Administrator may approve the Housing Assistance Grant.

C. The Administrator shall provide a copy of the decision and relevant documents to the applicant and when applicable to a contractor to the federal weatherization assistance program to conform to the New Mexico Mortgage Finance Authority weatherization program.

Section Seven. Renovation General Provisions:

A. The Administrator may provide Assistance to a Qualifying Grantee to pay the cost or a portion of the cost of Renovating an existing Qualifying Residence or Infrastructure.

B. To be eligible to receive Assistance an applicant shall:
(1) submit a completed application to the Administrator; and
(2) provide proof of eligibility to apply for a Housing Assistance Grant to provide housing or related services to Persons or Households of Low or Moderate Income.

C. In accordance with the Act, MFA Rules and this Ordinance:
(1) Assistance shall be secured by a mortgage or lien on the real estate for which the Housing Assistance Grant was issued in the amount of Assistance for the duration of the Affordability Period; and
(2) the Qualifying Grantee shall enter into a restrictive covenant agreement to maintain the Qualifying Residence as Affordable Housing or as a facility which provides housing related services to Persons or Households of Low or Moderate Income for the duration of the Affordability Period.

D. The mortgage or lien shall be in the form prescribed by the county attorney, shall be duly executed and recorded in the office of the Santa Fe County Clerk prior to the commencement of any work contemplated under this Ordinance and shall contain a provision that the County may, as permitted by law, recover any attorney's fees and costs incurred in enforcing the provisions of the mortgage or lien and restrictive covenant.

E. Assistance issued pursuant to this Ordinance shall be made directly to the person or business that completed the renovation.

F. Notwithstanding any other provision of the Ordinance, 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.

G. Applicants approved for Assistance will receive certification from the Administrator. The certification shall be valid for six months.

H. Pursuant to MFA Rules, the long-term Affordability Period for Housing Assistance Grants awarded under this Ordinance shall be as follows:

- (1) \$1 to \$14,999 shall be for five (5) years;
- (2) \$15,000 to \$39,999 shall be for ten (10) years;
- (3) \$40,000 to \$100,000 shall be for fifteen (15) years; and
- (4) \$100,001 or greater shall be for twenty (20) years.

Section Eight. Renovation Application Process:

A. The application shall be made on a form approved by the Administrator. The Administrator, in his or her discretion, may request additional information.

B. The application shall include the following:

(1) proposal describing the nature and scope of the Renovation proposed by the Applicant, which describes the type and/or amount of assistance which the Applicant proposes to provide to Persons or Households of Low or Moderate Income;

(2) Executive Summary & Project Narrative(s) that address the evaluation criteria set forth in any RFP issued by the County;

(3) for non-profit organizations, proof of 501(c)(3) tax status, documentation which confirms that no part of its net earnings inures to the benefit of any member, founder, contributor or individual;

(4) current annual budget for the Applicant, including all sources and uses of funds not just those related to relevant programs and/or a current annual budget only for the program for which the Applicant is applying for a Housing Assistance Grant, or as otherwise may be required by the County in its discretion;

(5) proposed budget for the Renovation for which the Applicant is applying for a Housing Assistance Grant;

(6) mission statement that has among its purposes significant activities related to providing housing or housing-related services to Persons or Households of Low or Moderate Income;

(7) list of current board members, including designated homeless participation, where required by the County;

(8) current independent financial audit;

(9) evidence or a certification that the Applicant has a functioning accounting system that is operated in accordance with generally accepted accounting principles, or has a designated entity that will maintain such an accounting system;

(10) evidence or certification that the Applicant has no significant outstanding or unresolved monitoring findings from the County, the MFA, or its most recent independent financial audit; or if it has any significant outstanding or unresolved monitoring findings from the County, the MFA, or its most recent independent financial audit, it has a certified letter from the County, the MFA, or the auditor stating that the findings are in the process of being resolved;

(11) organizational chart, including job titles and qualifications for the Applicant's employees or as otherwise may be required by the County in its discretion (job descriptions may be submitted as appropriate);

(12) documentation that the Applicant is duly organized in accordance with State or local law and is in good standing with any state authorities such as the Public Regulation Commission (e.g. Articles, Bylaws, and Certificate of Good Standing for a Corporation; Articles, Operating Agreement, and Certificate of Good Standing for a Limited Liability Company; partnership agreement and certificate of limited partnership for a partnership);

(13) certification signed by the Chief Executive Officer, Board President or other authorized official of the Applicant;

(14) evidence to prove the financial and management stability of the Applicant;

and
(15) evidence that demonstrates commitment of the Applicant to the community;

C. The information provided must clearly evidence the need for the subsidy, that there is or will be a direct benefit from the project proposed by the Applicant to the community and/or to the purported beneficiaries of the project, consistent with the provisions of the Act.

D. The County may require that the Applicant provide proof of substantive or matching funds or contributions and/or in-kind donations to the proposed Renovation in connection with the Application for funds under the Act. Nothing contained herein shall prevent or preclude an Applicant from matching or using local, private, or federal funds in connection with a specific Housing Assistance Grant under the Act.

E. Applicant shall provide the County with any certifications or other proof which it may require in order for the County to confirm that the Applicant is in compliance with all applicable federal, state and local laws, rules and ordinances.

F. For Applicants who are submitting Applications in connection with a Multi-Family Housing Project, the following additional information is required:

- (1) A verified certificate that, among other things:
 - (i) identifies every Multi-Family Housing Program, including every assisted or insured project of HUD, RHS, FHA and any other state or local government housing finance agency in which Applicant has been or is a principal;
 - (ii) except as shown on such certificate, states that
 - (I) no mortgage on a project listed on such certificate has ever been in default, assigned to the United States government or foreclosed, nor has any mortgage relief by the mortgagee been given;
 - (II) there has not been a suspension or termination of payments under any HUD assistance contract in which the Applicant has had a legal or beneficial interest;
 - (III) such Applicant has not been suspended, debarred or otherwise restricted by any department or agency of the federal government or any state government from doing business with such department or agency because of misconduct or alleged misconduct; and
 - (IV) the Applicant has not defaulted on an obligation covered by a surety or performance bond.

If such Applicant cannot certify to each of the above, such Applicant shall submit a signed statement to explain the facts and circumstances which such Applicant believes will explain the lack of certification. The County may then determine if such Applicant is or is not qualified.

(2) the experience of the Applicant in developing, financing and managing Multiple-Family Housing Projects.

(3) whether the Applicant has been found by the United States Equal Employment Opportunity Commission or the New Mexico Human Rights Commission to be in noncompliance with any applicable civil rights laws.

G. All Applications shall contain a verification signed by the Applicant before a notary public that the information provided, upon penalty of perjury, is true and correct to the best of the Applicant's information, knowledge, and belief.

H. If the Administrator determines that the application is complete and the applicant meets the qualifications as defined by this Ordinance and the Regulations, the Administrator may approve the Housing Assistance Grant.

Section Nine. Regulations:

A. The Affordable Housing Roof Repair or Replacement and Renovation Regulations shall be adopted and amended by resolution of the Board of County Commissioners.

B. The Regulations shall include the following:

- (1) application requirements to ensure that a Qualifying Grantee meets the requirements of the Act, this Ordinance and the Regulations promulgated pursuant to the Ordinance at the time of the award;
- (2) a form application;
- (3) the requirements for verification of an applicant's income level;
- (4) procedures to review and process an application for Assistance;
- (5) the process and requirements for an initial inspection prior to approval of a Housing Assistance Grant;
- (6) timetable for reviewing and awarding a Housing Assistance Grant;
- (7) certificate of approval and Qualifying Grantee's acceptance form; and
- (8) the process and requirements for a final inspection prior to disbursement of a Housing Assistance Grant.

Section Ten. Affordable Housing Fund, Limitations and Administration:

A. Proceeds from the Affordable Housing Fund may be used to make the awards permitted pursuant to this Ordinance.

B. Assistance pursuant to this Ordinance shall be subject to the availability of funds budgeted by the Board of County Commissioners for the purpose of providing awards pursuant to this Ordinance.

C. The Affordable Housing Administrator shall administer the Affordable Housing Roof Repair and Replacement Ordinance.

D. Pursuant to Section 6-27-7 NMSA 1978 and MFA Rules Section 4, this Ordinance and any amendments of this Ordinance, along with other required documentation, shall be submitted to MFA for review no less than forty-five days prior to enactment to ensure compliance with the Act, MFA Rules and the Santa Fe County Affordable Housing Plan 2009 and the Santa Fe County Sustainable Growth Management Plan (SGMP).

Section Eleven. Affordable Housing Roof Repair or Replacement and Renovation Ordinance Review: The Board of County Commissioners shall review and may consider appropriate amendments to this Ordinance or may repeal this Ordinance in whole or in part.

Section Twelve. Severability: The provisions of this Ordinance are severable and if any individual provision of this Ordinance is 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.

Section Thirteen. Effective Date: This Ordinance shall become effective thirty days after recordation pursuant to Section 4-37-1 NMSA 1978 et seq.

PASSED AND ENACTED THIS _____ DAY OF _____, 2011.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO**

**By _____
Virginia Vigil, Chair**

ATTEST:

Valerie Espinoza, Santa Fe County Clerk

APPROVED AS TO FORM:

Stephen C. Ross, Santa Fe County Attorney



Memo

To: Board of County Commissioners
From: Darlene Vigil, Affordable Housing Administrator
CC: Jack Kolkmeier, Growth Management
Robert Griego, Planning Manager

Date: 5/24/2011

Re: Approval of Resolution No. ___ adopting the Affordable Housing Roof Repair or Replacement and Renovation Regulations to provide an appropriate process to implement Ordinance 2011-__.

BACKGROUND

Ordinance 2011-__, the Affordable Housing Roof Repair or Replacement and Renovation Ordinance requires the adoption of regulations to implement the Happy Roofs Program. The Happy Roofs program authorizes the Affordable Housing Administrator to provide qualifying individuals funding for the repair or replacement and qualified renovations of an existing qualified residence.

The proposed regulations establish an application process to adequately determine eligibility to Housing Assistance Grants, a procedure to ensure uniform application review, a time-table for issuing Housing Assistance Grants and internal controls to ensure the County's investment in safe and affordable housing is adequately protected.

The proposed regulations are consistent with the authorizing Ordinance which has been reviewed by the New Mexico Mortgage Finance Authority to ensure compliance with the State Constitution, the Affordable Housing Act and NM MFA Rules.

RECOMMENDATIONS:

Staff respectfully recommends the Santa Fe Board of County Commissioners approve Resolution 2011-__ to provide an appropriate process to implement Ordinance 2011-__.

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

RESOLUTION NO. 2011-_____

**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-___ (“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.

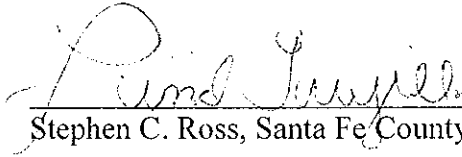
**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY**

By: _____
Virginia Vigil, Chair

ATTEST:

Valerie Espinoza, Santa Fe County Clerk

APPROVED AS TO FORM:



Stephen C. Ross, Santa Fe County Attorney

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-___, 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- ___.

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-

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-___, 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 Administrator's 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-____. 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-__ 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-____, 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-____.
- 3.1.2.** The Renovation Housing Assistance Grant shall be subject to a Mortgage or Lien securing the assistance as set forth in Ordinance No. 2011-____.
- 3.2 Affordability Period.**

- 3.2.1. Pursuant to Section 5(N) of Ordinance 2011-__ 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-__ 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-__, 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.