

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

ORDINANCE NO. 2026- 09

**AN ORDINANCE TO AMEND ORDINANCE NO. 2023-05 PURSUANT TO THE NEW
MEXICO AFFORDABLE HOUSING ACT AND THE NEW MEXICO MORTGAGE
FINANCE AUTHORITY RULES**

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 2023-05.

Section 2, purpose clause 9 of Ordinance 2023-05 is amended to read as follows:

Adopt the definitions of ‘low-income’ and ‘moderate-income’ set forth in the Act and the Rules and set out requirements for verification of income levels.

Section 3 of Ordinance 2023-05 is amended to read as follows:

Section 3. Definitions

3.1 Terms Defined by the Act and the Rules. Except as provided in Section 3.2, capitalized terms used in this Ordinance shall have the meanings given to those terms in the Affordable Housing Act, NMSA 1978, §§ 6-27-1 to -10 (the “Act”), and in the New Mexico Mortgage Finance Authority Affordable Housing Act Rules adopted pursuant to Section 6-27-8(B) NMSA 1978 (the “Rules”), in each case as the Act and the Rules may be amended, supplemented, or replaced from time to time. Where a term is defined in both the Act and the Rules, the definition in the Act shall control. A term defined in the Rules shall have the meaning given to it wherever that definition appears in the Rules, whether or not the definition appears in the section of the Rules captioned “General Definitions.”

3.2 Terms Defined by this Ordinance. The following terms shall have the following meanings:

“Affordability Period” shall have the meaning given in the Rules, provided that if the fair market value of a Housing Assistance Grant or Loan, or the total amount of Affordable Housing Funds, falls within more than one tier established by the Rules, the longer period shall apply. The County, in its discretion, may increase the Affordability Period in any contract, note, mortgage, loan agreement, land use restriction agreement, restrictive covenant agreement, or other agreement the County enters into with a Qualifying Grantee or beneficiary.

“Affordable Housing Funds” shall mean any or all funds awarded or to be awarded, loaned or otherwise distributed under the Act, which includes any reduction or abatement of taxes or fees that would otherwise be imposed in full on a market-rate project. “Affordable Housing Funds” does not include any reduction or abatement of taxes or fees resulting from the inclusionary zoning mandates in the Sustainable Land Development Code, Ordinance No. 2016-09, as amended.

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“Affordable Housing Plan” or “Plan” shall mean the affordable housing plan adopted by the Commission pursuant to the Act and the Rules, as amended, together with any housing elements contained in the County’s general plan, which produces a housing needs assessment for low- and moderate-income Households in the County.

“Annual gross income” shall mean the annual anticipated income from assets, regular cash or noncash contributions, and any other resources and benefits determined to be income by HUD, as defined in 24 CFR Section 5.609.

“Builder” shall mean an individual or entity licensed as a general contractor to construct Residential Housing in the State that satisfies the requirements of a Qualifying Grantee and has been approved by the County and/or the MFA to participate in an Affordable Housing Program.

“Commission” shall mean the Board of County Commissioners of Santa Fe County.

“County” shall mean Santa Fe County, New Mexico, a unit of local government under the Constitution and laws of the State of New Mexico.

“Housing Assistance Grant or Loan” shall mean a Housing Assistance Grant as defined in the Act, and, in addition, a loan made by the County for any purpose for which the County is authorized to make a Housing Assistance Grant. Every provision of this Ordinance applicable to a Housing Assistance Grant shall apply with equal force to a Loan.

“Housing Related Services” shall mean any service necessary for resident support, residential amenities, or the operation of an Affordable Housing Project.

“Loan” shall have the meaning given in the definition of “Housing Assistance Grant or Loan.”

“Ordinance” shall mean this Ordinance No. 2023-05, as amended.

“Public Service Agencies” shall include, but are not limited to, any entities that support Affordable Housing and that believe the program or project proposed by the Applicant is worthy and advisable, but that are not involved, either directly or indirectly, in the Affordable Housing Program or Project for which the Applicant is applying.

“RFP” shall mean any request for proposals made by the County to solicit proposals for Affordable Housing Projects and related services.

“Shelter” shall mean a facility used to provide emergency or transitional housing opportunities to Persons of Low- or Moderate-Income who are homeless or at risk of becoming homeless.

3.3 Conflicts; Conforming Amendments. In the event of any conflict between a provision of this Ordinance and the Act or the Rules, the Act and the Rules shall control, and this Ordinance shall be construed and administered so as to give effect to the Act and the Rules. Nothing in this Ordinance shall be construed to authorize any Housing Assistance Grant or Loan, any use of Affordable Housing Funds, or any other action that is not permitted by the Act and the Rules. Upon

any amendment to the Act or the Rules that renders a provision of this Ordinance inconsistent, the County Attorney shall present a conforming amendment to the Commission for consideration, and shall submit the proposed amendment to the MFA as required by Section 6-27-7(A) NMSA 1978 and Section 4.2 of the Rules.

Subparagraph (b) of Paragraph 2 of Section 4 of Ordinance 2023-05 is amended to read as follows:

b. All regional housing authorities, tribal governments, tribal housing agencies, and any governmental housing agencies;

Paragraph (b) of Subsection 5 of Section 4 of Ordinance 2023-05 is amended to read as follows:

b. *Multi-Family Property.*

i. Single Apartment within a Multi-Family Property. Qualifying Grantees shall agree that, if any single apartments are to be rehabilitated, weatherized, converted, leased, repaired, constructed or otherwise are to benefit from Affordable Housing Funds, those apartments shall be leased to Persons of Low- or Moderate-Income at the time of any such award. Qualifying Grantees, who are the landlords and/or owners of such properties, shall further agree to contribute a percentage of the cost of the rehabilitation, weatherization, conversion, lease, repair, and/or construction in an amount required by the County or MFA. Qualifying Grantees also shall agree that the Persons of Low or Moderate- Income, who are tenants of those apartments, shall be allowed to remain tenants for so long as there are no uncured defaults by those tenants under their respective leases -- which must be compliant to the New Mexico Uniform Owner-Resident Relations Act (NMSA 1978 Sections 47- 8-1 through 47-8-52)- and provided that there is no just cause (as outlined in Section 47-8-33 NMSA 1978) for the landlord to terminate any lease agreement with those tenants.

ii. Multiple Apartments. Qualifying Grantees shall agree that, if multiple apartments or an entire multi-family property are to be acquired, rehabilitated, weatherized, converted, leased, repaired, constructed, or otherwise are to benefit from Affordable Housing Funds, including but not limited to any loans which have been repaid with Affordable Housing Funds and which loans previously were secured by such properties, they shall maintain as Affordable Housing a percentage of units set aside for Persons of Low or Moderate Income, that is in direct proportion to the amount of subsidy provided as a percentage of total cost. These set aside units shall be maintained as Affordable Housing for so long as any or all of the Affordable Housing Funds which have been awarded, loaned, or otherwise conveyed to the Qualifying Grantee are unpaid and outstanding or the Affordability Period, whichever is longer.

Ordinance 2023-05 is further amended to contain the following Section 11:

Section 11. Interpretation.

This Ordinance shall be interpreted consistently with Act, the Rules and the MFA Act, as amended. A word or phrase used in this Ordinance that is specifically defined by the Act, the Rules, or the MFA Act shall be given the same meaning, unless the word or phrase has acquired a technical or particular meaning in a particular context.

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This Ordinance shall be thirty (30) days after this Ordinance is recorded with the County Clerk or when it is approved by MFA pursuant to Section 6-27-7(A) NMSA 1978, whichever date is later.

SANTA FE COUNTY
THE BOARD OF COUNTY COMMISSIONERS

By:

Justin S. Greene, Chair

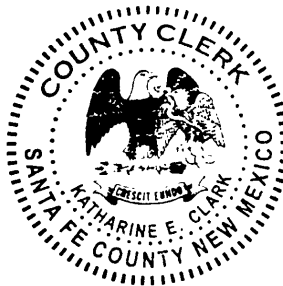
ATTEST:

Katharine E. Clark
Santa Fe County Clerk

Approved as to Form:

Michael Nunez for

Walker Boyd
Santa Fe County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC ORDINANCE
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Hereby Certify That This Instrument Was Filed for
 record On The 28TH Day Of October, 2026 at 05:37:51 PM
 and Was Duly Recorded as Instrument # **2094641**
 of The Records Of Santa Fe County

deputy  Witness My Hand And Seal Of Office
Katharine E. Clark
County Clerk, Santa Fe, NM

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