

MINUTES OF THE
SANTA FE COUNTY COMMISSION:
AFFORDABLE HOUSING MEETING

January 25, 2011

This meeting of the Santa Fe County Commission regarding Affordable Housing was called to order at approximately 10:50 a.m. by Chair Virginia Vigil in the Legal Conference Room, County Courthouse, Santa Fe, New Mexico.

A quorum was present as follows:

Members Present:

Commissioner, Virginia Vigil, Chair
Commissioner Liz Stefanics, Vice Chair
Commissioner Robert Anaya
Commissioner Kathy Holian
Commissioner Danny Mayfield

Members Excused:

[None]

Staff Present:

Katherine Miller, County Manager
Darlene Vigil, Affordable Housing Administrator
Rosemary Bailey, Affordable Housing Staff
Rachel Brown, Assistant County Attorney
Robert Griego, Planning Manager
Dodi Salazar, Housing Authority

III. Approval of the Agenda

Commissioner Holian moved to approve the agenda as published. Commissioner Stefanics seconded and the motion passed by unanimous [4-0] voice vote. [Commissioner Mayfield was not present for this action.]

IV. Approval of Minutes

Upon motion by Commissioner Stefanics and second by Commissioner Holian minutes were unanimously approved as submitted. [Commissioner Mayfield was not present for this action.]

V. Foreclosure Prevention Program

Ms. Vigil said the program was laid out with the five policies regarding foreclosure. She reviewed the five points which include analyzing individuals having difficulties making payments and evaluating whether the mortgage can be refinanced/adjusted; working with the homeowner and banker to modify mortgage; mortgage assistance to identify and analyze homeowner emergencies; voluntary sale with notification to not-for-profit organizations; and the final option would be for the County to purchase the home.

Ms. Vigil said there are currently five pending cases that she reviewed.

Commissioner Mayfield asked whether there were any foreclosures of homes within the County's home sale program and Ms. Salazar said there have been three. She said the foreclosures happened without the County's knowledge. Commissioner Stefanics said the loss of those resources is what prompted the County to develop the prevention program. Ms. Miller concurred with Commissioner Stefanics adding the County was losing their entire lien.

Ms. Miller asked whether staff investigated the use of HUD funds to prevent foreclosure. Ms. Salazar said further discussions are necessary.

VI. Program Update

- a. Production of affordable homes**
- b. Down Payment Assistance**
- c. Developer Subsidy**
- d. Happy Roofs**

Ms. Vigil said with there were 179 affordable homes built and sold within the Community College District. The developments that participated included Rancho Viejo, Oshara Village, La Pradera, and Turquoise Trail.

The only developer that has participated in the inclusionary zoning ordinance that was enacted in 2006 has been Rancho Viejo with 15 homes with the last closing in 2008.

Ten of those homes have been paid off and the County holds 184 seconds with a total in liens of \$13.774 million. Fees paid in lieu were over \$393,000.

The downpayment assistance program was allocated \$500,000 and provides \$20,000 per family. As of today six families have participated for \$10,000 each.

The developer subsidy, wherein cash goes directly to the developer for the building of the lower tiers was established with \$500,000. No funds have been expended and there have been no applications.

Ms. Vigil said the Happy Roofs Ordinance and regulations are receiving legal review. MFA confirmation was received to move forward with the program.

Commissioner Anaya asked whether the downpayment assistance program is captured in a note to recoup the funds if the property is sold. Ms. Vigil said an affordability lien is placed on the property and is due upon sale, transfer of title, or refinance, and is forgiven after 10 years.

Commissioner Stefanics asked what the fees paid in lieu of will be used for and Ms.

Vigil responded that it is part of the County's affordable housing fund and used in the downpayment and developer's subsidy programs.

Mentioning a road in Oshara that was not developed property, Commissioner Stefanics said it was important that affordable housing have infrastructure up to County standards.

Regarding Aldea's affordable units, Ms. Vigil said HomeWise purchased all 43 units and they were not subject to the Affordable Housing Ordinance.

VII. Matters from the Board

Commissioner Anaya said he was excited by the opportunities for the County to develop this program and the assistance Ms. Miller will bring to the program.

Commissioner Anaya said he understood some of the homes sold through the County's program have restrictions regarding refinancing requiring repayment of the third mortgage. He asked the County to review that issue and report back. Ms. Vigil said the County has a subordination policy that allows for refinancing. Commissioner Anaya asked that the homeowners be apprised of that policy.

Chair Vigil mentioned that a study is being conducted on the County's inclusionary zoning. Ms. Miller said BBER has been contracted to review the inclusionary zoning and that study will include recommendations.

Ms. Miller said Oshara is in a situation where foreclosure is being considered. Oshara has its own PRC-regulated wastewater utility plant which is not collecting sufficient funding to operate. The County is working with the bank to develop solutions to avoid any environmental issues. The County does not want to take over the facility; however, if the homeowners take on the liability the County is willing to enter into an MOU and run it. The bank cannot subsidize that facility. The road that Commissioner Stefanics mentioned is a public access road that was not built to the appropriate standards. She said the County is working with the bank to address that.

SB 177 establishes a local optional mil for a housing trust fund through the Affordable Housing Act. Ms. Miller said the bill has generated a great deal of interest.

VIII. Executive Session

There were no issues.

IX. Adjournment

Chair Vigil declared this meeting adjourned at 11:10 a.m.

Approved by:


Board of County Commissioners
Virginia Vigil, Chair

ATTEST TO:


VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:

Karen Farrell, Wordswork



SFC CLERK RECORDED 02/23/2011

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
AFFORDABLE HOUSING M
PAGES: 4

I Hereby Certify That This Instrument Was Filed for
Record On The 23RD Day Of February, 2011 at 10:23:01 AM
And Was Duly Recorded as Instrument # 1627598
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy _____ County Clerk, Santa Fe, NM