

**MINUTES OF THE**  
**SANTA FE COUNTY COMMISSION:**  
**AFFORDABLE HOUSING MEETING**

**March 29, 2011**

This meeting of the Santa Fe County Commission regarding Affordable Housing was called to order at approximately 10:40 a.m. by Vice Chair Liz Stefanics in the Legal Conference Room, County Courthouse, Santa Fe, New Mexico.

A quorum was present as follows:

**Members Present:**

Commissioner, Virginia Vigil, Chair [late arrival]  
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  
Penny Ellis Green, Assistant County Manager  
Rachel Brown, Assistant County Attorney  
Robert Griego, Planning Manager

**III. Approval of the Agenda**

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

**IV. Approval of Minutes**

Upon motion by Commissioner Anaya and second by Commissioner Holian, the minutes were unanimously [4-0] approved as submitted. [Commissioner Vigil was not present for this action arriving shortly thereafter.]

## V. Program Updates

Darlene Vigil, Program Administrator stated \$500,000 had been allocated out of the Down Payment Assistance Fund and \$440,000 remained. Six families have received \$10,000 each. Five applications are pending. Underwriting standards are in the packet and a formal loan committee, consisting of staff from the Manager's Office, Finance, two from Affordable Housing, and Planning was established.

Commissioner Mayfield asked for clarification on the credit scores and Ms. Vigil said an acceptable credit score was 620 to 640 depending on the amount of the down payment. It is not dependent on income level unless there is no credit history. Non-traditional credit reports take into account payment of bills and student loans which are not on normal credit reports.

Commissioner Anaya asked what had been done on the previously discussed applications. Ms. Vigil explained that the loan committee would meet on Friday to review those cases.

The name of the Happy Roof program has been changed to the Affordable Housing Roof Repair and Replacement program. An ordinance was submitted to the New Mexico Mortgage Finance Authority (NMMFA) on March 14 for a 45-day review period of regulations and forms. Request to publish title and general summary are planned for the end of April.

There was Commission consensus to retain as "also known as" the Happy Roofs program as less bureaucratic.

The basic course for foreclosure prevention was approved at the end of last year. The payment of one homeowner was lowered to \$506 if approved; the property is in Oshara Village. In Turquoise Trail \$3,623,81 was provided by the County to prevent a foreclosure. There are two homes – one in Rancho Viejo and one in Turquoise Trail – are being sold. One property in La Pradera is undergoing loan modification. The County has purchased a property in Turquoise Trail for \$175,000.

Commissioner Stefanics asked if applicants were only eligible for assistance one time and Ms. Vigil said that is correct.

Manager Miller gave an update on the trouble Oshara project. The developer has insufficient funds to complete the development. The County, along with affordable developers, has an interest in doing more affordable homes in the area but the bank has serious reservations about a number of issues, including the wastewater treatment, roads and drainage.

Commissioner Stefanics asked if the County would be reluctant to grant permits, and Ms. Miller said the bank has requested that the County take over the wastewater system and roads and deal with the drainage situation, since there is no one to correct these problems. The County has an obligation to protect other builders who want to develop and may not be aware of these issues. The legal status is in limbo because the bank has not foreclosed.

Ms. Miller explained that the wastewater treatment plan depends on payments from residents calculated at 75 percent build-out, and currently build-out is at 15 to 20 percent. The County is trying to assist the bank and the homeowners association to get the development out of its troubled status, and they are attempting to meet with the bank and the developer.

Commissioner Anaya stated it appears the County is trying to do everything possible. If it were in his district he would like to see it as an agenda item on a land use meeting to develop policy on what to do vis-à-vis approvals granted. Ms. Miller indicated they are trying to delineate all the issues involved to determine if it is a viable development, since currently it appears it is not, although if the bank forecloses that could change. Denial of permits causes problems as well.

Robert Griego from the Planning Division said they will be meeting with Habitat for Humanity who want to purchase seven affordable lots now owned by the bank. The bank is willing to sell them at a lower cost. The problem is affordable housing lots as required by the County are not obligated to pay HOA fees, so maintenance becomes a problem. Additionally, a great deal of traffic is going through the development – approximately 5,000 cars daily. The future road plan calls for a northeast connector to connect to Dinosaur Trail. This was planned for the second phase which is not anticipated in the near future.

Acknowledging staff works hard, Commissioner Stefanics asked how this situation came about. “There’s a disconnect somewhere.”

Ms. Miller said part of the issue is due to the land condition, which has sunk. The road was intended to be temporary. There was a bond which was released bit by bit. She described the soil conditions noting they had to dig out eight feet and backfill which has led to drainage problems.

Commissioner Holian asked if the development required a lot of variances, for instance on the road standards. Mr. Griego said his understanding was the road standards were an alternative to the Community College District standards. Ms. Ellis-Green said the plans were stamped by an engineer and were slightly different from what CCD normally calls for.

Commissioner Anaya suggested there is a balance between sustaining the affordable housing program and making sure things are done right. He said there should be discussion of the situation in tandem with staff. Permits might have to be withheld until this is resolved. Otherwise landowners might ask for redress.

Commissioner Stefanics cautioned there are other developments with similar concerns; Oshara isn’t the only one. She asked that Land Use staff react and provide recommendations. Much depends on who has legal authority. Currently, conditioned variances are granted and this might lead to serious repercussions.

Ms. Miller said the Habitat request cannot be dealt with in isolation. The conundrum is: are we making things worse? Oshara is the most pressing case at this point.

Commissioner Holian asked if there were safety issues associated with the wastewater

treatment plant. Ms. Miller said there might be and she has asked the band to scope the lines. Additionally, there could be issues having to do with their discharge permit.

Commissioner Anaya noted there was a recent land use case approved with conditions where he has heard those conditions are not being met. If developments have conditions there should be ramifications for non-compliance.

Commissioner Stefanics pointed out this is relevant to the code rewrite, and Commissioner Vigil said there are lessons to be learned from this, one being roads should probably be building in the first phase.

Commissioner Mayfield suggested developers be required to provide periodic updates.

**VI. Matters from the Public**

None were presented.

**VII. Matters from the Board**

None were presented.

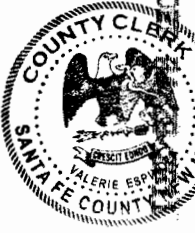
**VIII. Executive Session**

There were no issues.

**IX. Adjournment**

Chair Vigil declared this meeting adjourned at 11:15 a.m.

COUNTY OF SANTA FE ) AFFORDABLE HOUSING MI  
STATE OF NEW MEXICO ) ss PAGES: 4  
I Hereby Certify That This Instrument Was Filed for  
Record On The 28TH Day Of April, 2011 at 04:17:45 PM  
And Was Duly Recorded as Instrument # 1633633  
Of The Records Of Santa Fe County  
Witness My Hand And Seal Of Office  
Valerie Espinoza  
Deputy \_\_\_\_\_ County Clerk, Santa Fe, NM



Approved by:

*Virginia Vigil*  
Board of County Commissioners  
Virginia Vigil, Chair

ATTEST TO:

*Valerie Espinoza*  
VALERIE ESPINOZA  
SANTA FE COUNTY CLERK

Respectfully submitted: