

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

**July 26, 2011**

This meeting of the Santa Fe County Commission regarding Affordable Housing was called to order at approximately 11:07 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 Danny Mayfield

**Members Excused:**

Commissioner Kathy Holian

**Staff Present:**

Katherine Miller, County Manager  
Steve Ross, County Attorney  
Darlene Vigil, Affordable Housing Administrator  
Rosemary Bailey, Affordable Housing Staff  
Teresa Martinez, Finance Director  
Penny Ellis-Green, Assistant County Manager  
Rachel Brown, Assistant County Attorney  
Robert Griego, Planning Manager  
Chris Barela, Constituent Liaison

**III. APPROVAL OF THE AGENDA**

Commissioner Mayfield moved to approve the agenda as published. Commissioner Stefanics seconded and the motion passed by unanimous [4-0] voice vote.

**IV. APPROVAL OF MINUTES: June 28, 2011**

Upon motion by Commissioner Anaya and second by Commissioner Stefanics, the minutes were unanimously [4-0] approved as submitted.

V. **PROGRAM UPDATES**

A. **Ordinance 2009-14 proposed amendment based on recommendations from NMMFA**

Darlene Vigil, Program Administrator announced changes to the down payment and developer subsidy ordinance were recommended by NMMFA and a request to publish title and general summary will be coming forward to the Board. A 45-day review period is required. Changes requested include mandating long-term affordability wherein the period is tied to the amount of subsidy provided; language specifying that in the case of default it would follow the jurisdiction of the municipal courts; and further amendments will be subject to review by NMMFA.

Commissioner Mayfield asked about to what degree the contents of an ordinance are constrained by what is published. County Attorney Ross said changes can be made but they should not be substantively different from the published version.

Commissioner Stefanics asked for clarification of the default provision. Ms. Vigil said if a recipient is in default that recipient would be subject to the jurisdiction of the New Mexico courts.

Commissioner Stefanics asked what would happen in the case the County chose to do some foreclosure measures. Mr. Ross said NMMFA's language is not helpful and in this case could be modified. Ms. Vigil said they currently are working to prevent foreclosures. Mr. Ross said he understood "default" to mean an action undertaken by the County.

Ms. Miller said that provision would come into play if the County doesn't try to do a foreclosure action. Generally, the County's action takes place before a formal foreclosure. Ms. Vigil said the bank is usually willing to work with the County. Mr. Ross said banks are not obligated to do so.

Commissioner Anaya suggested Legal staff and the Manager work with NMMFA to clarify the language issue raised by Commissioner Stefanics. Ms. Vigil said she would do that prior to it coming up for authorization to publish.

Ms. Miller noted that the County ordinance had been approved by NMMFA in 2006. She did not recall this particular provision coming up.

B. **Update regarding the ongoing analysis of the Inclusionary Zoning Ordinance**

Ms. Vigil referred to the matrix in the packet and noted this issue was slated for discussion at the retreat. Maps showing the growth management areas will be provided.

Commissioner Anaya said he was willing to act on authorizing publication of an ordinance including multi-family housing and having a fee structure replacing the current provisions requiring a certain percentage of housing.

Commissioner Stefanics asked if there was an in-lieu option. Mr. Ross said that was still in force. The ordinance calls for an equivalent payment, i.e., the cost of the houses

required. Ms. Vigil added that the tier requirement applies.

Commissioner Anaya pointed out that the reality is that people have been moving to Rio Rancho. He said he had no problem with a project comprised of 100 percent affordable housing. The lower tier is selling well and there's not enough of it. He suggested looking at impact fee and collaborating with the private sector and including multi-family and rental units.

Ms. Miller said NMMFA has no jurisdiction over inclusionary zoning; it is only when subsidies are involved do they step in since that falls under the Affordable Housing Act.

Commissioner Mayfield asked if there was a separate ordinance for affordable housing. Ms. Miller said both the Happy Roofs and the down payment and developer subsidies are County measures.

Commissioner Stefanics asked what the repercussions would be of sending the down payment assistance program to a different entity, a non-profit for example. Mr. Ross indicated he wasn't sure what the effect would be.

Ms. Miller said Resolution 2009-14 covers down payment assistance, which is separate from inclusionary zoning.

### **C. Happy Roofs Ordinance 2006-02**

Ms. Vigil stated an RFQ was sent out and there were six responses. The original RFQ specified roofing contractors. However, one of the applicants was a general contractor and it was decided to cancel the original RFP and reissue one including general contractors.

### **D. Foreclosure Intervention**

Ms. Vigil said they've received notice of a foreclosure in Rancho Viejo and have made three site visits to the residence. The family is still living there and the owner insists he is up to date and is not interested in the prevention program. Legal says he is in default.

Commissioner Stefanics speculated the owner was working with a lawyer. Ms. Vigil said the County's lien is over \$100,000 and the first is around \$160,000. Ms. Vigil said there could be an option for the County to purchase the home for the value of the first. Ms. Miller said they have the authority up to \$250,000.

Commissioner Vigil asked if the homeowner understood that the County's program would not cost anything. Ms. Vigil said she tried to explain that they were advocates trying to keep the family in the home and information has been hand-delivered.

Commissioner Mayfield asked if the County has done this before and Ms. Vigil said they purchased a home in Turquoise Trail using funds from the Housing Authority. Ms. Miller said there is a potential buyer from the Housing program. Commissioner Stefanics

suggested issuing a press release if it works.

Commissioner Mayfield asked if training about foreclosure can be mandated. Ms. Vigil said there is an educational program that typically has a foreclosure intervention component. Ms. Miller said that could be amplified. She asked which of the entities did the training of the Rancho Viejo homeowner and postulated that that group could help.

**VI. MATTERS FROM THE PUBLIC**

None were presented.

**VII. MATTERS FROM THE BOARD**

Commissioner Anaya said he felt the changed meeting structure appeared to be working.

**VIII. EXECUTIVE SESSION**

There were no issues.

**IX. ADJOURNMENT**

Chair Vigil declared this meeting adjourned at 11:40 a.m.



Approved by:

*Elizabeth Delaney*

Board of County Commissioners  
Virginia Vigil, Chair

*Valerie Espinoza*

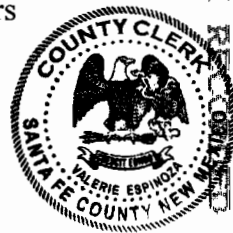
VALERIE ESPINOZA  
SANTA FE COUNTY CLERK

Respectfully submitted:

*Debbie Doyle*  
Debbie Doyle, Wordswork

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss  
AFFORDABLE HOUSING MIN  
PAGES: 4  
I Hereby Certify That This Instrument Was Filed for  
Record On The 28TH Day Of September, 2011 at 10:40:05 AM  
And Was Duly Recorded as Instrument # 1646433  
Of The Records Of Santa Fe County

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



SFC CLERK RECORDED 09/28/2011