

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION 2016-30**

3 **INTRODUCED BY:**

4
5 Councilor Christopher M. Rivera Councilor Ronald S. Trujillo
6 Mayor Javier M. Gonzales Councilor Peter N. Ives
7 Councilor Carmichael A. Dominguez
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9
10 **A RESOLUTION**

11 **CONTRIBUTING PROPERTY AND RESOURCES TO NEW MEXICO INTER-FAITH**
12 **HOUSING COMMUNITY DEVELOPMENT CORPORATION FOR DEVELOPMENT OF**
13 **THE SANTA FE ARTS+CREATIVITY CENTER LOW INCOME HOUSING TAX CREDIT**
14 **PROJECT PURSUANT TO THE AFFORDABLE HOUSING ACT.**
15

16 **WHEREAS**, it is the policy of the City of Santa Fe to provide incentives and encourage
17 proposals that support the production, acquisition and redevelopment of rental housing in mixed
18 income developments; and

19 **WHEREAS**, the City’s Housing Needs Assessment (2013) identified an urgent need for
20 rental housing serving households below fifty percent of area median income; and

21 **WHEREAS**, the planning and predevelopment of the Santa Fe Arts + Creativity Center Low
22 Income Housing Tax Credit Project (the “Project”) has been supported by City Council Resolutions
23 2014-13 and 2015-24; and

24 **WHEREAS**, the city intends to donate a parcel of land as shown in the attached Exhibit A of
25 a size that is sufficient for the Project which will serve households earning from thirty to sixty percent

1 of median income, with at least fifty affordable live/work rental units, and a portion of market rate
2 live/work rental units not to exceed fifteen percent of the total project, dedicated outdoor amenities,
3 green space, and shared facilities for residents; and

4 **WHEREAS**, the City’s donations are contingent upon the Project receiving Low Income
5 Housing Tax Credit (LIHTC) subsidies; and

6 **WHEREAS**, the land that the City intends to donate for the Project is located in both a
7 majority Low- and Moderate-Income Census Tract and a Qualified Census Tract as designated by the
8 U.S. Department of Housing and Urban Development; and

9 **WHEREAS**, the proposed land donation and the Project conform to the City of Santa Fe
10 Five-Year Strategic Housing Plan "Affordable Housing Element" adopted in conformance to the
11 Affordable Housing Act by Ordinance No. 2007-23 pursuant to the express statutory authority
12 conferred upon municipalities to enact a housing code pursuant to Section 3-17-6A(8) NMSA 1978;
13 to enact ordinances pursuant to its police power, Section 3-17-1 B NMSA 1978; to provide for
14 affordable housing pursuant to subsections E and F of Art. 9, §14, of the New Mexico Constitution
15 and the Affordable Housing Act (§§ 10 6-27-1 through 6-27-8 NMSA 1978) and in particular to
16 provide a portion of the cost of financing and/or authorizing housing assistance grants for the purpose
17 of affordable housing pursuant to Section 6-27-5 NMSA 1978 (2007), and pursuant to any and all
18 such other authority as may be applicable including but not limited to the city's recognized authority
19 to protect the general welfare of its citizens; and

20 **WHEREAS**, the City of Santa Fe is being asked to make a substantial investment in the
21 Project, and therefore the Project should be consistent with the City of Santa Fe’s long-term
22 sustainability goals; and

23 **WHEREAS**, the City also intends to provide additional donations related to City
24 development water budget fees, impact fees, construction permit and plan review fees, water and
25 wastewater utility expansion charges and other valuable incentives to the Project; and

1 **WHEREAS**, the above referenced donations will be contributed to the Project without debt
2 or interest pursuant to the terms of a land use regulatory agreement.

3 **NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE**
4 **CITY OF SANTA FE** that the City will provide to the Project the donations as described above in an
5 amount equal to the appraised value of the identified five acres, plus affordable housing fee waivers,
6 but in no amount less than ten percent (10%) of the Project’s development costs as a direct grant to
7 the Project in furtherance of a competitive LIHTC application. The City’s donations shall be made in
8 the form of a grant subject to the terms of a land use regulatory agreement requiring an affordability
9 period of forty-five (45) years running concurrently with requirements imposed by the New Mexico
10 Mortgage Finance Authority and specifying the requirement for consistency with the Low Income
11 Housing Tax Credit program requirements serving targeted low income clientele. If within a period of
12 30 months after approval of this resolution the project is unsuccessful in its application for Low
13 Income Housing Tax Credits, the City of Santa Fe will have no further obligation to the project.

14 **BE IT FURTHER RESOLVED** that City staff is directed to work with the Project
15 developer to bring forward to the Governing Body an application to rezone the donated parcel to an
16 appropriate commercial zoning category to accommodate the proposed uses for the site, including
17 multi-family residential and shared community spaces.

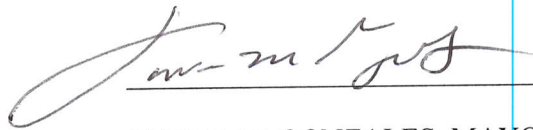
18 **BE IT FURTHER RESOLVED** that staff shall work to minimize the costs associated with
19 relocating to adjacent locations any city uses currently housed on the parcel of land.

20 **BE IT FURTHER RESOLVED** that the Project shall be consistent with the City of Santa
21 Fe’s long-term sustainability goals.

22 **BE IT FURTHER RESOLVED** that the City Council of the City of Santa Fe hereby directs
23 city staff to provide an executed copy of this resolution to Santa Fe County.

24 PASSED, APPROVED and ADOPTED, this 13th day of April, 2016.

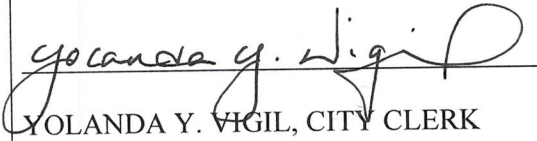
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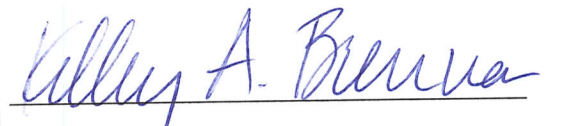
JAVIER M. GONZALES, MAYOR

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ATTEST:


YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:


KELLEY A. BRENNAN, CITY ATTORNEY

