Proposed Draft Amendment to Section 146 Article VI of the Code of Ordinances

Sec. 146-68. Establishment of Stamford Affordable Housing Trust Fund.

Pursuant to the provisions of CGS 7-148(c)(2)(K), the City of Stamford (the "City") does hereby establish a Special Trust Fund to provide affordable housing for Stamford residents. The fund shall be known as the Stamford Affordable Housing Trust Fund ("SAHTF" or the "Trust"). Such Trust shall not lapse at the end of the municipal fiscal year.

Sec. 146-69. Purpose.

The purpose of the SAHTF is the preservation of existing and the creation of new affordable rental and home ownership housing in the City, pursuant to the City's Master and Affordable Housing plans. "Affordable rental and home ownership units" is defined as housing for households earning incomes of no more than eighty (80) percent of the median family income for the Stamford-Norwalk HUD Metropolitan Fair Market Rent Income Area, adjusted for household size as published annually by the U.S. Department of Housing and Urban Development, or other such equivalent income standard as may be established by a majority vote of the Zoning and Planning boards. The Trustees of the Trust shall determine an affordable rent and home ownership cost which shall not exceed thirty (30) percent of the eligible household income. Preservation and creation of affordable housing shall include but not be limited to programs designed to further housing rehabilitation and/or development opportunities and those that are designed to directly assist homeowners and renters.

Sec. 146-70. Affordable housing trustees.

There shall be ~~seven~~five (~~7~~5) Trustees on the Board of the Trust, ~~five~~two (~~5~~2) who shall serve ex officio and ~~two~~ three (~~2~~3) members of the public. Three (3) additional members of the public shall serve as alternates. The Trustees shall be ~~the Land Use Bureau Chief or such Chief's designee,~~ the President of the Board of Representatives or such President's designee, ~~the Chair of the Board of Finance or such Chair's designee,~~ and the Chair of the Stamford ~~Zoning~~Planning Board or such Chair's designee, ~~and the Director of Social Services for the City of Stamford or such Director's designee,~~ and three~~two~~ (~~2~~3) members of the public. ~~who~~ Members of the public shall be Stamford residents and priority shall be given to residents who have lived experience residing in affordable housing or have professional experience developing or managing ~~housing qualifying as affordable~~ housing projects ~~as defined in section 146-66 herein.~~, ~~who~~Members of the public shall be appointed by the Mayor and confirmed by the Board of Representatives. ~~The Land Use Bureau Chief shall serve as the Chair of the Board of Trustees~~The members shall elect from among themselves a Chair and Vice-Chair. No Trustee shall receive a salary or other remuneration for serving on the Board.

Sec. 146-71. Meetings of the board of trustees.

A. The Board shall meet at least quarterly. All Board meetings and decisions shall be open to the public and duly advertised, pursuant to the requirements of CGS Sections 1-225 to 1-232 and audio and video recorded.

B. Each member of the Board shall have one vote. All decisions of the board shall be made by simple majority of the present Board Members.

C. The presence of at least ~~five~~ three (~~5~~3) Board members constitutes a quorum.

Sec. 146-72. Declaration of trust.

A. The terms of the SAHTF, which shall be consistent with the provisions of this Article, shall be set forth in a Declaration of Trust, which shall be subject to the approval of the Mayor and the Board of Representatives.

B. The Declaration of Trust shall be presented to the Board of Representatives by the Mayor within sixty (60) days after the passage of this Ordinance for review and approval.

Sec. 146-73. Sources of funding, investments, and limitations on use of fund.

A. In addition to such sums as may be appropriated by the City for deposit into said Fund, the City is authorized to and shall deposit all monies received by it, from whatever source, for the provision of affordable housing, including fees received pursuant to CGS section 8-2i, Stamford Code sections 146-65 through 146-67, section 7.4.C.4. of the Stamford Zoning Regulations, and other fees, monetary gifts, grants and loans, unless otherwise restricted, into said Fund.

B. Said Fund shall be in the custody of the Office of Administration. All or any part of the monies in said Trust may be invested in any securities in which public funds may be lawfully invested. All income derived from such investment shall be placed into the Trust and become a part thereof. The monies so invested shall at all times be subject to withdrawal for use as hereinafter set forth.

C. No sums contained in said Trust, including interest and dividends earned, shall be transferred to any other account within the City budget. Any applicant who has paid a fee pursuant to section 7.4.D.3 of the Stamford Zoning Regulations shall not be eligible to apply for funds from the Trust for the same project. No expenditures shall be made from said Fund except in accordance with the provisions of this ordinance.

Sec. 146-74 Affordable housing plan.

A. The City of Stamford Land Use Bureau shall prepare the Stamford Affordable Housing Plan (SAHP).

B. The SAHP shall be based upon and specify the Stamford Master Plan with regard to its housing goals and strategies, and shall be prepared at least every five (5) years. The Affordable Housing Plan shall be completed and adopted no later than twelve (12) months after adoption of this Ordinance.

C. The SAHP shall provide at least ~~include~~ the following information:

1. A survey of the Stamford Housing market both for rental and homeownership units;
2. Trends and developments in the Stamford housing market, in particular with regard to housing cost and affordability;
3. A comprehensive list of the affordable housing supply in Stamford by operator and program and affordability level, and trends in the development of affordable housing options;
4. Identify and prioritize the affordable housing needs in Stamford, taking into consideration, among other factors, affordability levels, demographic characteristics and specific conditions in individual neighborhoods;
5. Identify strategies and programs to address the prioritized needs, including goals and benchmarks for assessing the success in addressing those needs.

D. The SAHP shall be adopted by the Stamford Planning Board pursuant to section C6-30-4 of the City of Stamford Charter. The Plan shall also be posted on the City of Stamford website for public inspection and shall be available in hardcopy at the City of Stamford Land Use Bureau and Town Clerk office for review during normal business hours.

Sec. 146-75. Expenditures from trust.

A. The continuation of the Fund shall be perpetual, notwithstanding that from time to time said Trust may be unfunded.

B. Expenditures from the Trust as defined in section 146-75 must be approved by the Trustees and shall be considered approved pursuant to Part 8 of the Stamford City Charter. Notwithstanding the foregoing, any

proposed expenditure over one ~~hundred thousand~~million dollars ($1,000,000.00) approved by the Trustees shall be submitted as a recommendation to the Board of Representatives. The Board of Representatives may reject such recommended expenditure within forty-five (45) days of receipt of the recommendation by a vote of two-thirds (⅔) of the members of the Board of Representatives present and voting. If, within forty-five (45) days of receipt of the recommendation, the Board of Representatives fails to reject such recommendation, it shall be considered approved pursuant to Part 8 of the Stamford City Charter.

C. Expenditures shall be made from the Trust only in accordance with the following procedures and requirements:

1. All expenditures listed below shall be based on and prioritized by the Stamford Affordable Housing Plan. Funds from the Trust shall only be used for the following authorized purposes:

a. *Creation of affordable rental or homeownership housing units.* To encourage the development of affordable housing through a variety of means including, but not limited to, the provision of favorable financing terms to developers of affordable housing, or by means of the direct write-down of costs for non-profit developers of affordable housing, or to subsidize the acquisition of sites, existing structures or designated affordable housing units which comprise a portion of a larger development containing housing which is not deemed affordable to persons of low and moderate income.

b. *Multi-family rehabilitation program.* To finance the rehabilitation, repair, renovation or alteration of existing and deteriorated multi-family residential properties in a manner that preserves the affordability of dwelling units within such properties through interest rate subsidies, loan guarantees or the direct write-down of project costs. Multi-family housing owned and operated by nonprofit entities that ensure maximum long-term affordability shall receive priority funding consideration.

c. *Limited Equity Cooperative or Condominium Conversion Properties.* To assist in the acquisition, rehabilitation, repair, alteration or renovation of residential properties deemed appropriate for conversion to a "common interest community" as defined pursuant to CGS 47-202(7).

d. *Home ownership assistance.* To assist persons and families of low and moderate income with the financing of the purchase, repair or renovation of affordable housing through low interest loans or local grants. The administration of such loans or grants will be conducted by the City of Stamford Department of Community Development or third party, as determined by the City.

e. *Studies to determine the affordable housing needs of Stamford residents and for the preparation of the Stamford Affordable Housing Plan.* Selection of vendors for such service shall be pursuant to Stamford Code sections 23-13—23-18.13.

f. *Foreclosure and Eviction Prevention and Protection Programs*. Programs that provide support, including, but not limited to, legal services, financial counseling, or financial assistance, to Stamford residents threatened by foreclosure, eviction or other events that may lead to homelessness.

g. *Rental and Landlord Assistance Programs*. Programs that provide financial or other support to renters or landlords focused on low income households and landlords or organizations providing affordable housing for low income households.

h. *Land Acquisition.* To support the acquisition or assembly of land dedicated to future development of affordable housing.

~~2. Interim Provisions:~~

~~a. No funds shall be disbursed from the Affordable Housing Trust fund within six (6) months of the effective date of this Ordinance except for the following purposes:~~

~~i. Foreclosure and Eviction Prevention and Protection Programs pursuant to section 146-75.C.1.f above.~~

~~ii. Rental Assistance Programs for low-income households.~~

~~iii. An Affordable Housing Study pursuant to City of Stamford RFP number 779 and awarded to HRA&A Advisors.~~

~~b. Two (2) years after the creation of the Housing Trust Fund, no funds shall be disbursed in absence of an approved Stamford Affordable Housing Plan and all expenditures must demonstrate how they meet the goals and priorities established by the SAHP. This rule may be suspended during a State of Emergency to allow for the disbursement of funds to alleviate emergency related impacts on housing.~~

~~3~~2. ~~Expenditures of one hundred thousand dollars ($100,000.00) or less.~~ The Board of Trustees shall accept, on a continuous basis, requests for funds ~~of one hundred thousand dollars ($100,000.00) or less~~ for authorized purposes as outlined in subsection 146-75.C.2 from eligible parties. Eligible parties include for-profit and not-for-profit housing developers or not-for-profit organizations with the goal of furthering affordable housing, the Stamford Public Housing Authority (Charter Oak Communities), or the Stamford Department of Community Development. Individuals shall not be considered eligible parties. The Board shall ~~quarterly~~ review at least quarterly and make a determination whether or not to grant such requests. ~~The Board shall disburse no more than thirty (30) percent of the funds available in the trust at the time it makes such determination.~~

~~4~~3. Whenever three million dollars ($3,000,000.00) or more are available in the Trust, the Board of Trustees shall issue a Notice of Funds Available (NoFA) to solicit proposals for how to further the City's Affordable Housing Plan, as defined in section 146-75.C.2. of this Article, and the most current assessment of the City's housing needs. Such NoFA shall be issued no later than two (2) weeks after the first Board meeting after the monies in the Trust reach the above threshold. No later than seven (7) months after the issuance of the NoFA, the Board of Trustees shall render a decision on whether or not and how to fully or partially disburse the monies of the Fund. The Board shall follow the rules established by Stamford Code Chapter 23, Article II (Purchasing).

D. The Board of Trustees shall, at the end of each Fiscal Year, prepare a Report listing all expenditures and projects supported in said Fiscal Year, how they address affordable housing needs and priorities in accordance with the Stamford Affordable Housing Plan and how they meet the criteria of section 146-75.C. Said report shall be completed and submitted to the Planning Board, the Board of Representatives, the Board of Finance and the Director of Administration by no later than September 15 of the following Fiscal Year. The Report shall also be posted on the City of Stamford website for public inspection and shall be available in hardcopy at the City of Stamford Land Use Bureau and Town Clerk office for review during normal business hours.

Sec. 146-76. Interpretation.

Nothing in this Chapter shall be construed to limit any powers lawfully exercised by the Zoning Board exercising the Powers of such Board pursuant to State Statute or Special Acts.