

**CITY OF SANTA FE, NEW MEXICO**

**ORDINANCE NO. 2011-17**

**AN ORDINANCE**

**AMENDING SECTION 14-8.11(F) SFCC 1987 TO TEMPORARILY REDUCE THE PERCENTAGE REQUIREMENTS OF THE SANTA FE HOMES PROGRAM (SFHP); AMENDING SECTION 26-1.8 TO INCLUDE A TEMPORARY 70% REDUCTION IN SFHP FEES FOR SFHP DEVELOPMENTS WITH TWO THROUGH TEN TOTAL UNITS; AND AMENDING SECTION 26-1.15 SFCC 1987 TO TEMPORARILY REDUCE THE PERCENTAGE OF THE REQUIRED NUMBER OF FOR SALE SFHP HOMES IN A DEVELOPMENT.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

**Section 1. Section 14-8.11(F) SFCC 1987 (being Ord. No. 2001-38, §2) is amended to read:**

**(F) Santa Fe Homes Program Requirements**

**(1) If a SFHP developer obtains a residential building permit for a SFHP development between June 8, 2011 through June 7, 2014, then twenty percent of the total number of dwelling units or manufactured home lots in an SFHP development shall be SFHP units and meet all requirements of §26-1 SFCC 1987. A modification to a SFHP agreement or HOP agreement that was entered into prior to June 8, 2011 shall be made to reflect the twenty percent requirement; and if applicable, an annexation agreement, subdivision plat or development plan shall be administratively amended to reflect the**

1 reduction and redistribution of SFHP or HOP lots and the amended  
2 annexation agreement, subdivision plat or development plan shall be  
3 recorded or filed, as applicable, by the owner or developer.

4 (2) Effective June 8, 2014, and thereafter, thirty percent of the total number of  
5 dwelling units or manufactured home lots in an SFHP development shall be  
6 SFHP units and meet all requirements of §26-1 SFCC 1987.

7 (3) Fifteen percent of the total number of dwelling units or manufactured home  
8 lots offered for rent in an SFHP development shall be SFHP units and meet  
9 all requirements of §26-1 SFCC 1987.

10 **Section 2. Section 26-1.8 SFCC 1987 (being Ord. #2005-30(A), §37, as amended) is**  
11 **amended to read:**

12 **26-1.8 Applicability.**

13 A. Except as set forth in this paragraph the SFHP shall apply to any application for  
14 development including, but not limited to, annexation, rezoning, subdivision plat, increase in density,  
15 development plan, extension of or connection to city utilities for land outside the city limits, and  
16 building permits which proposes two (2) or more dwelling units or buildings or portions of buildings  
17 which may be used for both nonresidential and residential purposes and manufactured home lots.  
18 SFHP applies to the residential portion of the development.

19 (1) The SFHP applies to new construction and to the conversion of existing  
20 rental units to ownership units.

21 (2) The SFHP shall not apply to a family transfer as set forth in subsection 14-  
22 3.7(E)(3)(b) or a division of land into two (2) lots as set forth in subsection 14-2.3(E)(1)(a).

23 (3) It shall be the responsibility of the applicant to determine the applicability of  
24 SFHP to the proposed development and comply with the requirements of SFHP.

25 (4) If a SFHP developer obtains a residential building permit for a SFHP

1 development with two through ten total units between June 8, 2011 and June 7, 2014, then a  
2 seventy percent (70%) reduction in fees associated with such development shall be assessed  
3 in accordance with the SFHP administrative procedures.

4 B. The SFHP shall apply to dwelling units in vacation time share projects as defined in  
5 Article 14-12 SFCC 1987.

6 C. In addition to paragraph A.(2) above, the SFHP shall not apply to the following:

7 (1) Any development or portion thereof which is subject to any formal, written  
8 and binding agreement entered into prior to August 15, 2005, with the city or Santa Fe county  
9 which if within said agreement the signatories agreed to provide affordable housing or  
10 payment in lieu thereof; or

11 (2) Dwelling units or manufactured home lots for an elementary, middle or high  
12 school, community college, private four (4) year college or related institutions where  
13 coursework leads to an associate of arts, bachelors or vocational degree or certification,  
14 hospital or similar institution to be used exclusively by its employees or enrolled students and  
15 their families. If the dwelling units are no longer used exclusively by its employees or  
16 enrolled students, the SFHP shall apply at the time the units are converted.

17 D. Petitioners for annexations and the office of affordable housing shall negotiate all  
18 terms for providing affordable housing on site including the distribution of development types and the  
19 number of SFHP units required or alternate means of compliance. The number of SFHP units  
20 required or alternate means of compliance may be in excess of that required by SFHP. These terms  
21 shall be included in the annexation agreement. To the extent practicable, all other SFHP requirements  
22 shall apply to annexations. In no case shall the agreement provide for less affordable housing or a  
23 lesser in-lieu contribution than required by SFHP. As the property is developed, a separate SFHP  
24 agreement in compliance with the annexation agreement shall be recorded with each subdivision plat  
25 or development plan.

1 E. All provisions of the prior ordinance, titled Housing Opportunity Program (HOP)  
2 remain in full force and effect with respect to any and all agreements executed by the city and others  
3 which were required by HOP or incorporated HOP provisions by reference. Accordingly, the office of  
4 affordable housing will continue to use and annually update the administrative procedures for the  
5 HOP ordinance until such time as all obligations under such agreements have been satisfied.

6 **Section 3. Section 26-1.15 SFCC 1987 (being Ord. #2005-30(A), §44, as amended) is**  
7 **amended to read:**

8 **26-1.15 Required Number of For Sale SFHP Homes in a Development.**

9 A. If a SFHP developer obtains a residential building permit for a SFHP development  
10 between June 8, 2011 and June 7, 2014, then twenty percent (20%) of the total number of dwelling  
11 units or manufactured home lots offered for sale in an SFHP development shall be SFHP Homes, as  
12 follows:

13 (1) Ten percent (10%) of the total dwelling units or manufactured home lots  
14 shall be sold at or below the affordable home price or affordable manufactured home lot  
15 price, as applicable, for income range 2.

16 (2) Ten percent (10%) of the total dwelling units or manufactured home lots  
17 shall be sold at or below the affordable home price or affordable manufactured home lot  
18 price, as applicable, for income range 3, and

19 (3) Zero percent (0%) of the total dwelling units or manufactured home lots shall  
20 be sold at or below the affordable home price or affordable manufactured home lot price, as  
21 applicable, for income range 4.

22 A modification to a SFHP agreement or HOP agreement that was entered into prior to June 8, 2011  
23 shall be made to reflect the twenty percent requirement; and if applicable, an annexation agreement,  
24 subdivision plat or development plan shall be administratively amended to reflect the reduction and  
25 redistribution of SFHP or HOP lots and the amended annexation agreement, subdivision plat or

1 development plan shall be recorded or filed, as applicable, by the owner or developer. Fifteen percent  
2 of the total number of dwelling units or manufactured home lots offered for rent in an SFHP  
3 development shall be SFHP units and meet all requirements of §26-1 SFCC 1987.

4 B. Effective June 8, 2014, and thereafter, thirty percent (30%) of the total number of  
5 dwelling units or manufactured home lots offered for sale in an SFHP development shall be SFHP  
6 Homes, as follows:

7 (1) Ten percent (10%) of the total dwelling units or manufactured home lots  
8 shall be sold at or below the affordable home price or affordable manufactured home lot  
9 price, as applicable, for income range 2.

10 (2) Ten percent (10%) of the total dwelling units or manufactured home lots  
11 shall be sold at or below the affordable home price or affordable manufactured home lot  
12 price, as applicable, for income range 3, and

13 (3) Ten percent (10%) of the total dwelling units or manufactured home lots  
14 shall be sold at or below the affordable home price or affordable manufactured home lot  
15 price, as applicable, for income range 4.

16 C. If an applicant exceeds the percentage in income range 2 or income range 3 as set  
17 forth above, the requirement in any higher income range may be reduced by the same percentage.

18 D. The whole number resulting from this calculation shall be the number of SFHP  
19 homes required to be constructed or SFHP manufactured home lots to be created. If the calculation  
20 described results in a fraction of a unit, this obligation shall be satisfied as set forth in the  
21 administrative procedures. Nothing herein shall prohibit a developer from building a greater number  
22 of SFHP homes or creating a greater number of SFHP manufactured home lots than specified herein.  
23 Such additional units shall meet all the requirements as an SFHP home or manufactured home lot to  
24 be considered an SFHP home or manufactured home lot. The SFHP developer shall receive the fee  
25 waivers described in subsection 14-8.11 G,(2) for such additional units so long as those units meet all

1 SFHP requirements.

2 E. In any development with a mix of rental and ownership units or manufactured home  
3 lots, the number of SFHP rental units or rental manufactured home lots shall be in the same  
4 proportion as the number of non-SFHP rental units or rental manufactured home lots and likewise  
5 with ownership units or ownership manufactured home lots.

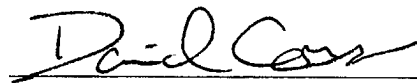
6 F. In any development with a mix of detached and attached ownership units, the  
7 mix of SFHP units shall be in the same proportion as the mix of non-SFHP units.

8 G. In the event that two (2) or fewer SFHP Homes or SFHP manufactured home lots are  
9 required, the SFHP Homes or manufactured home lots shall be affordable to income range 3 or  
10 income range 2.

11 H. The Governing Body by adoption of a resolution may approve the temporary  
12 modification to the requirements of this Section. This authority shall not be used for a specific SFHP  
13 development or for an individual economic situation, but shall apply to all SFHP development due to  
14 broad economic downturns.

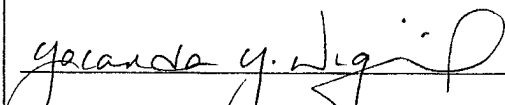
15 **Section 4.** This Ordinance shall be reviewed by the governing body one year from the  
16 date of adoption and thereafter on an annual basis with particular attention given to quantifying the  
17 economic benefits of this policy change.

18 PASSED, APPROVED and ADOPTED this 8<sup>th</sup> day of June, 2011.

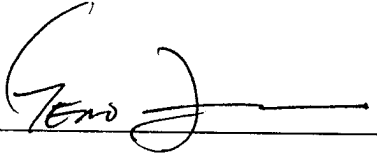
19  
20 

21 DAVID COSS, MAYOR

22 ATTEST:

23  
24   
25 YOLANDA Y. VIGIL, CITY CLERK

1 APPROVED AS TO FORM:

2  
3  A handwritten signature in black ink, appearing to read "Geno Zamora", is written over a horizontal line. The signature is stylized with a large initial "G" and "Z".

4 GENO ZAMORA, CITY ATTORNEY

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25