

## Chapter 2.80

### HOUSING TRUST FUND ADVISORY BOARD

#### 2.80.010 Purpose:

The mayor and the Salt Lake City council, hereinafter "council", declare it to be a policy of the city to address the health, safety and welfare of its citizens by providing assistance for affordable and special needs housing within the city. The purpose of this chapter is to create the Salt Lake City housing trust fund and the Salt Lake City housing trust fund advisory board to address these concerns for affordable and special needs housing in the city. (Ord. 78-00 ? 1, 2000)

#### 2.80.020 Definitions:

For the purpose of this chapter the following terms, phrases, words, and their derivations shall have the meanings given in this section:

- A. "Affordable housing" means: 1) rental housing for which the annualized rent does not exceed thirty percent (30%) of the annual income of a family whose income equals sixty percent (60%) or less of the median income for Salt Lake City, as determined by the United States department of housing and urban development; or 2) nonrental housing for which the annualized mortgage payment does not exceed thirty percent (30%) of the annual income of a family whose income equals eighty percent (80%) or less of the median income for Salt Lake City, as determined by the United States department of housing and urban development.
- B. "Board" means the Salt Lake City housing trust fund advisory board created under this chapter.
- C. "CDBG" means federal community development block grant.
- D. "City" means and refers to Salt Lake City, a municipal corporation of the state of Utah.
- E. "Council" means the Salt Lake City council.
- F. "Director" means the person appointed by the mayor to serve as the director of the department of community and economic development, or its successor department.
- G. "ESG" means federal emergency shelter grant.
- H. "Fund" means the Salt Lake City housing trust fund created by this chapter.
- I. "HAND" means the division of housing and neighborhood development, or its successor.
- J. "HOME" means federal HOME grant.
- K. "HOPWA" means federal housing opportunities for people with AIDS grant.
- L. "Housing sponsor" includes, but is not limited to, an entity which constructs, develops,

rehabilitates, purchases, owns, or manages a housing project or program that is or will be subject to legally enforceable restrictions and covenants that require that the housing assistance be provided to qualifying individuals as defined herein. A housing sponsor includes:

1. A public entity;
2. A nonprofit, limited profit, or for profit corporation;
3. A limited partnership;
4. A limited liability company;
5. A joint venture;
6. A cooperative;
7. A mutual housing or cohousing organization;
8. A municipal government;
9. A local housing authority;
10. A regional or statewide nonprofit housing or assistance organization.

M. "Mayor" means the duly elected or appointed, and qualified mayor of Salt Lake City.

N. "Member" means a person appointed by the mayor who is a duly qualified voting member of the board.

O. "Special needs housing" includes, but is not limited to, supportive housing for people who fit one or more of the following categories: homeless, elderly, persons with mental and/or physical disabilities, domestic violence survivors, and the chronically ill. (Ord. 38-08, 2008: Ord. 20-06 ? 1, 2006: Ord. 6-04 ? 8, 2004: Ord. 78-00 ? 1, 2000)

### **2.80.030 Fund Created:**

There is created a restricted account within the general fund, to be designated as the "Salt Lake City housing trust fund" (the "fund"). The fund shall be accounted for separately within the general fund, and the fund shall be used exclusively to assist with affordable and special needs housing in the city. No expenditures shall be made from the fund without approval of the city council.

A. There shall be deposited into the fund all monies received by the city, regardless of source, which are dedicated to affordable housing and special needs housing including, but not limited to, the following:

1. Grants, loan repayments, bonuses, entitlements, mitigation fees, forfeitures, donations, redevelopment tax increment income, and all other monies dedicated to affordable and

special needs housing received by the city from federal, state, or local governments;

2. Real property contributed to or acquired by the city under other ordinances for the purposes of preserving, developing, or restoring affordable housing;

3. Monies appropriated to the fund by the council; and

4. Contributions made specifically for this purpose from other public or private sources.

5. CDBG, ESG, and HOPWA monies only as designated by the city's community development advisory board and approved by the mayor and city council, and HOME monies only as designated by the city's housing advisory and appeals board and approved by the mayor and city council.

B. The monies in the fund shall be invested by the city treasurer in accordance with the usual procedures for such special accounts. All interest or other earnings derived from fund monies shall be deposited in the fund. (Ord. 78-00 ? 1, 2000)

### **2.80.040 Board Created:**

There is created the Salt Lake City housing trust fund advisory board (the "board"), which body shall consist of eleven (11) appointed members, at least one of whom has a household income which qualifies such person for affordable housing benefits or programs. Membership shall consist of residents of the city as follows:

- A. Seven (7) citizens, one from each city council district, with expertise or experience in affordable and/or special needs housing, which may include a full range of such expertise and/or experience from citizens who are considering purchasing their first home to citizens who have a strong background in affordable housing;
- B. Four (4) citizens at large who have experience or expertise in areas of business, real estate, or housing development generally.

The board may also consult with persons who have experience or expertise in areas such as finance, real estate, affordable housing development, and law as well as with representatives from other city boards and commissions in order to solicit advice on specific projects. (Ord. 78-00 ? 1, 2000)

### **2.80.050 Appointment Of Members?Oath Of Office:**

- A. All appointments of members of the board shall be made by the mayor with the advice and consent of the city council. In making initial appointments, the mayor shall, with the advice and consent of the council, designate four (4) members to serve one year, four (4) members to serve two (2) years and three (3) members to serve three (3) years. Any fraction of a year in the initial appointment shall be considered a full year. Thereafter, all appointments shall be made for a three (3) year term. Each member's term of office shall expire on the applicable last Monday in December. Members shall be limited to no more than two (2) consecutive terms each. Each person shall perform service on a voluntary basis without compensation and on such basis shall be immune from liability with respect to

any recommendation or action taken during the course of those services as provided by Utah Code Annotated section 63-30-1 et seq., as amended, or successor sections. Vacancies occurring in the membership of the board shall be filled by appointment by the mayor with the advice and consent of the city council for the unexpired term.

- B. Members shall sign the oath of office required by law to be signed by city officials and file the same in the office of the city recorder. Every member who shall fail within ten (10) days after notification of his or her appointment to file with the city recorder his or her oath of office to perform faithfully, honestly and impartially the duties of the office, shall be deemed to have refused such appointment, and thereupon another person shall be appointed in the manner prescribed in this chapter. (Ord. 78-00 ? 1, 2000)

### **2.80.060 Removal From Office:**

Any member may be removed from office by the mayor for cause, prior to the normal expiration of the term for which such member was appointed. Any member failing to attend three (3) board meetings in one calendar year shall forfeit membership of the board. (Ord. 78-00 ? 1, 2000)

### **2.80.070 Members' Ethics:**

Members shall be subject to and bound by the provisions of the city's conflict of interest ordinance, [chapter 2.44](#) of this title, or its successor. Any violations of the provisions of said chapter, or its successor, shall be grounds for removal from office. Members shall recuse themselves from voting on any decision to which they are a party or which vote may constitute a violation of the city's conflict of interest ordinance. (Ord. 78-00 ? 1, 2000)

### **2.80.080 Meetings:**

- A. The board shall convene for regular quarterly meetings to be held at least four (4) times each year. Additional meetings may be held as needed in order to conduct the business of the housing trust fund. To the extent that meetings of the board are governed by title 52, chapter 4, Utah Code Annotated, 1953, as amended, or its successor, said meetings shall be conducted in compliance with said state law. Meetings shall be held at the city and county building, or at such other public place as may be designated by the board. Six (6) members of the board shall constitute a quorum for the purpose of holding meetings. The board may act officially by an affirmative vote of a majority of members present.
- B. Special meetings may be called by a majority of the board, the chairperson, or the mayor. The call for a special meeting must be signed by the member calling such meeting and, unless waived in writing, each member not joining in the order for such special meeting must be given not less than three (3) hours' notice. Said notice shall be served personally or left at the member's residence or business office. Meetings shall be held at such public place as may be designated by the board.
- C. The board shall cause a written record of its proceedings to be kept which shall be available for public inspection in the office of the director. The board shall record the yea and nay votes of any action taken by it. The director shall make available a secretary to the board when required.

D. The board shall adopt a system of rules of procedure under which its meetings are to be held. The board may suspend the rules and procedures by unanimous vote of the members of the board who are present at the meeting. The board shall not suspend the rules of procedure beyond the duration of the meeting at which suspension of the rules occurs. (Ord. 51-03 ? 1, 2003: Ord. 78-00 ? 1, 2000)

### **2.80.090 Election Of Officers:**

Each year the board, at its first regular meeting after the last Monday in December, shall select one of its members as chairperson and another of its members as vice chairperson, who shall perform the duties of the chairperson during the absence or disability of the chairperson. No member shall serve more than two (2) consecutive terms as chairperson. (Ord. 78-00 ? 1, 2000)

### **2.80.100 Review Of Action?Powers Of Mayor:**

All actions taken by the board shall constitute recommendations to the director, the mayor, and the city council. The director and the mayor shall have the power to review, ratify, modify or disregard any recommendation submitted by the board, and the mayor may refer the matter to the city council, if appropriate. (Ord. 78-00 ? 1, 2000)

### **2.80.110 Committees:**

The board may, by vote, designate such committee or committees as it desires to study, consider and make recommendations on matters which are presented to the board. In the event the board desires nonboard members to serve on such a committee, the board may make such appointments, but shall include at least one board member on such committee. Nonboard members of such committees shall serve without compensation. (Ord. 78-00 ? 1, 2000)

### **2.80.120 Powers And Duties:**

The board shall have the following powers and duties:

- A. Determine and establish such rules and regulations for the conduct of the board as the members shall deem advisable; provided, however, that such rules and regulations shall not be in conflict with this chapter or its successor, or other city, state or federal law.
- B. Recommend the adoption and alteration of all rules, regulations and ordinances which it shall, from time to time, deem in the public interest and for the purposes of carrying out the objects of this chapter; provided, however, that such rules and regulations shall not be in conflict with this chapter or its successor, or other city, state or federal law.
- C. Consult with experts in areas such as finance, real estate, and affordable housing development to obtain advice on specific projects.
- D. Advise and make recommendations to the city administration and the city council on affordable housing and special needs housing issues which may include, but not be limited to:

1. The means to implement the policies and goals of this chapter and the city's community housing plan and policies;
2. Criteria by which loans and grants should be made, using the city's consolidated plan as a guide to determine housing gaps;
3. The order in which projects and programs should be funded;
4. The distribution of any monies or assets contained in the fund according to the procedures, conditions, and restrictions placed upon the use of those monies or assets by any government entity;
5. The distribution of all other monies from the fund according to the following guidelines:
  - a. Sufficient fund monies shall be distributed as loans to assure a reasonable stream of income to the fund from loan repayments. These may range from short term construction loans to long term acquisition loans;
  - b. Loans shall be recommended in accordance with the borrower's ability to pay, but no more than fifty percent (50%) of the per unit costs shall be recommended;
  - c. Fund monies and assets not distributed as loans shall be distributed as grants;
  - d. All fund monies and assets shall be distributed to benefit households earning one hundred percent (100%) or less of the area median income;
  - e. Not less than one-half (1/2) of all fund monies and assets shall be distributed to benefit households earning fifty percent (50%) or less of the area median income;
  - f. The board may recommend that the mayor, with the consent of the council, grant or lend fund monies or assets to housing sponsors. Housing sponsors must assure the term of affordability as follows:
    - i. Rental Housing: The term of affordability for rental housing units will be fifty five (55) years.
    - ii. Home Ownership Housing: The term of affordability for home ownership housing units will be as follows:
      - (A) Short term financing (less than 5 years) will require that the first homeowner to purchase the housing unit will meet the income requirement of eighty percent (80%) or less of area median income as established by the U.S. department of housing and urban development.
      - (B) Long term financing (5 or more years) for new construction, rehabilitation or acquisition will be as follows:
 

Under \$15,000.00	5 years
\$15,000.00 to \$40,000.00	10 years

Over \$40,000.00

15 years

g. Fund monies and assets may be recommended by the board to be used to obtain matching funds from government entities or other sources, consistent with the intent of this chapter.

E. The board may recommend fund monies or assets be provided to any of the following activities:

1. Acquisition, leasing, rehabilitation, or new construction of housing units for ownership or rental, including transitional housing;
2. Emergency home repairs;
3. Retrofitting to provide access for persons with disabilities;
4. Down payment and closing cost assistance;
5. Construction and gap financing;
6. Land acquisition for purposes consistent with the purposes of this chapter;
7. Technical assistance;
8. Other activities and expenses incurred that directly assist in providing the housing for eligible households in the city, consistent with the intent of this chapter.

F. Fund monies shall not be used for administrative expenses.

G. The board shall develop an application process to be recommended to the mayor and council for approval. Said process may be reviewed from time to time by the council.

H. The board and HAND shall review and monitor the activities of recipients of grants and loans issued under this chapter on an annual basis, or more often as may be deemed necessary, to ensure compliance with the terms and conditions imposed on the recipient by the mayor and the council under this chapter and under any and all instruments and documents entered into between the city and the recipient pursuant to this chapter.

1. Entities receiving grants or loans shall provide to the board and HAND an annual accounting of how the monies or assets received from the fund have been used.

2. An annual report shall be prepared by the board and HAND which shall contain information concerning the implementation of this chapter. The report shall include, but is not limited to, information regarding the location and numbers of units developed or preserved, the numbers and incomes of households served, and detailing the income to and assets in the fund, and the expenditures and uses of fund monies and assets.

3. The annual report shall include the board's and HAND's assessment of housing needs in the city, barriers to affordable and special needs housing development and reservation, and

barriers to the implementation of this chapter.

4. The annual report shall be submitted to the mayor and the council for review by March 31 of each calendar year.

5. Appropriations by the council to the fund shall be considered as part of the budget process.

I. Serve as a coordination body and resource for organizations interested in affordable and special needs housing issues affecting the city including, but not limited to, the housing authority of Salt Lake City, the Salt Lake City redevelopment agency, the housing and neighborhood development division, and other city departments as appropriate, as well as nonprofit and for profit housing developers. (Ord. 51-03 ? 2, 2003: Ord. 45-01 ? 4, 2001: Ord. 78-00 ? 1, 2000)