

SUMMARY: An ordinance amending the Washoe County Code by revising provisions relating to the Washoe County affordable housing trust fund.

BILL NO. 18003

ORDINANCE NO. 18094

AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 45 (PUBLIC WELFARE) BY ADDING A SECTION DEFINING "LOW-INCOME HOUSEHOLDS", "VERY LOW-INCOME HOUSEHOLDS", "EXTREMELY LOW-INCOME HOUSEHOLDS", AND "PERMANENT SUPPORTIVE HOUSING"; AND BY AMENDING PROVISIONS RELATED TO: THE ESTABLISHMENT AND PURPOSE OF THE WASHOE COUNTY AFFORDABLE HOUSING TRUST FUND ("THE FUND"); THE ADMINISTRATION OF THE FUND, WHICH IS TO BE ADMINISTERED BY THE HOUSING AND HOMELESS SERVICES DIVISION OF WASHOE COUNTY RATHER THAN A NON-PROFIT CONTRACTOR; THE USE OF A FISCAL AGENT TO COLLECT, HOLD, MANAGE AND DISBURSE FUND ASSETS; THE POTENTIAL FUNDING SOURCES AND AVAILABILITY OF MONIES IN THE FUND; THE USE AND DISBURSEMENT OF MONIES IN THE FUND; THE LOCATION OF UNITS/PROJECTS TO BE ASSISTED WITH FUND MONIES; AND REQUIREMENTS FOR THE ANNUAL EVALUATION; AND ALL MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Chapter 45 of the Washoe County Code is hereby amended by adding thereto a new section which shall be labeled 45.498 and read as follows:

45.498 Definitions.

For purposes of sections 45.495 through 45.520, the following definitions apply:

1. "Low-income households" are those households with incomes of 80 percent or below the median income in Washoe County as set forth from time to time by the U.S. Department of Housing and Urban Development;

2. "Very low-income households" are those households with incomes of 50 percent or below the median income in Washoe County as set forth from time to time by the U.S. Department of Housing and Urban Development;

3. "Extremely low-income households" are those households with incomes of 30 percent or below the median income in Washoe County as set forth from time to time by the U.S. Department of Housing and Urban Development; and

4. "Permanent supportive housing" is permanent housing which provides indefinite leasing opportunities and/or rental assistance combined with voluntary supportive social and/or medical services to assist households in maintaining housing stability.

SECTION 2. Section 45.495 of the Washoe County Code is hereby amended to read as follows:

45.495 Establishment of the Washoe County Affordable Housing Trust Fund; purpose of Fund.

There is hereby established the Washoe County affordable housing trust fund, which for the purposes of sections 45.495 through 45.520, shall be referred to as "the Fund." The Fund may receive monies from both public and private sources and monies from the Fund shall be expended in a manner consistent with the provisions of sections 45.495 through 45.520, inclusive.

Monies deposited in the Fund shall be used to increase and improve the supply of housing projects affordable to low, very low and extremely low-income households, with priority given to permanent supportive housing projects affordable to extremely low-income households. During the annual solicitation and award cycle, if there are no applicants seeking to provide permanent supportive housing affordable to extremely low-income households, the Fund may be utilized for eligible applicants seeking to provide housing affordable to extremely low-income, very low-income households or low-income households, prioritized in that order.

No portion of the Washoe County affordable housing trust fund may be diverted to other purposes by way of loan or otherwise.

SECTION 3. Section 45.500 of the Washoe County Code is hereby amended to read as follows:

45.500 Administration of the Fund.

The Fund shall be administered by the Housing and Homeless Services Division of Washoe County, which for the purposes of sections 45.495 through 45.520, shall be referred to as "the Division". The Division shall administer the solicitation and award process as well as monitor Fund recipients on an annual basis to ensure ongoing compliance with the purpose and requirements of the Fund. The Division shall establish standard operating procedures for the Fund, including but not limited to,

the solicitation and award process, the use of monies from the Fund, the distribution of monies from the Fund, and the applicant's reporting requirements. The Division may engage regional partners to review applications and provide feedback or recommendations on projects requesting funding. Division staff shall present projects recommended for funding to the board of county commissioners, which shall make the final decision as to whether to award Fund monies to a particular project.

A non-profit contractor may be given by contract the authority to serve as fiscal agent of the Fund for the purpose of collecting, holding, managing and disbursing the assets of the Fund. Any such contract with the fiscal agent shall include provisions for collecting and disbursing Fund monies; managing the assets of the Fund, including distributions of principal, interest, or other assets in the Fund in furtherance of the public purpose described in section 45.495; and reporting the status of the Fund. Any such contract with the fiscal agent shall also specify all administrative and other operational costs to be paid to the fiscal agent from Fund monies. The fiscal agent shall only make distributions from the Fund at the direction of and in accordance with instructions provided by the Division upon approval of funding by the board of county commissioners.

Section 4. Section 45.505 of the Washoe County Code is hereby amended to read as follows:

45.505 Funding sources and availability of monies in the Fund.

The board of county commissioners shall determine the source and amount of public funds to put into the Washoe County affordable housing trust fund. In addition to the public funds, bequests and donations from public and private sources, and any other revenues specifically dedicated to the Fund by Washoe County ordinance or the board may also be deposited. All interest earnings from the monies in the Fund shall be reinvested and dedicated to the Fund. All appropriated monies in the Fund shall be available for program expenditures as approved by the board of county commissioners.

On an annual basis, the board of county commissioners shall set a maximum allocation amount for the Fund, either as a dollar amount or a percentage of total monies available.

Section 5. Section 45.510 of the Washoe County Code is hereby amended to read as follows:

45.510 Use and disbursement of monies in the Fund.

1. Use of Fund monies. Monies in the Fund may be disbursed, hypothecated, collateralized, or otherwise employed to facilitate the purposes articulated in section 45.495. Projects receiving monies from the Fund shall facilitate the housing goals of publicly adopted housing plans, strategies, and other guiding documents focused on meeting the regional demand for affordable housing, including, but not limited to, each local jurisdiction's master plan housing element and publicly supported housing analyses and reports.

Recipients may use fund distributions for the following uses, as defined in the Division's standard operating procedures: new construction, rehabilitation, conversion, site improvements, real property acquisition, demolition, related soft costs, operating and maintenance costs, and on-site supportive social services. New construction and rehabilitation shall be prioritized. Fund distributions may also be used to cover reasonable administrative expenses not reimbursed through processing fees.

Eligible applicants that may take advantage of the Fund, include non-profit or for-profit housing developers, public housing agencies, and supportive service providers.

2. Disbursement of Fund monies. The Fund shall allow for monies to be awarded in various forms depending on the needs of the eligible applicant and project. Division staff, in consultation with the fiscal agent, shall determine what forms of award will be provided on a case-by-case basis. Some forms of assistance will require legal instruments for implementation. The following are the intended primary forms of awards which shall be defined in the Division's standard operating procedures:

- (a) Interest or non-interest bearing loans or advance;
- (b) Deferred loans; and
- (c) Grants.

Section 6. Section 45.515 of the Washoe County Code is hereby amended to read as follows:

45.515 Location of units/projects to be assisted with Fund monies.

All projects within Washoe County, including on land within present and future incorporated jurisdictions are eligible for

funding from the Fund. The location of units or projects receiving monies from the Fund shall be consistent with regionally adopted housing plans and strategies and the applicable local jurisdiction's master plan housing elements. The purpose of this provision is to ensure implementation of the housing goals adopted in these plans. Implementation of the location and distribution goals of these plans will provide for the appropriate placement and distribution/concentration of affordable housing units.

Section 7. Section 45.520 of the Washoe County Code is hereby amended to read as follows:

45.520 Annual evaluation.

Commencing one year after the effective date of this section, and annually thereafter the Division shall report to the board of county commissioners on the status of activities undertaken with the Fund. The report shall include a statement of income, expenses, disbursements, and other uses of the Fund. The report shall also state the number of low income and total housing units constructed or assisted during that year and the amount of such assistance. The report shall evaluate the efficiency of sections 45.495 through 45.520 in mitigating the region's shortage of low-income housing. The board shall recommend any changes to the program and activities of the Fund.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the 11 day of October, 2022.

Proposed by Commissioner Hill.

Passed on the 25 day of October, 2022.

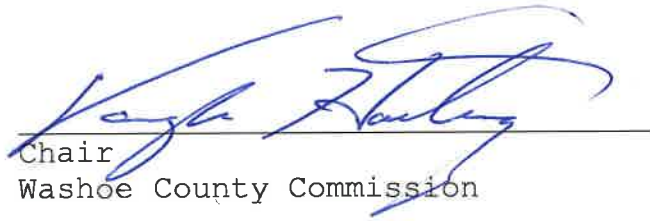
Vote:

Ayes: Hasting, Hill, Wey, Herman

Nays: None

Absent:

Jung


Chair
Washoe County Commission

ATTEST:


Catherine Smith, Chief Deputy
County Clerk

This ordinance shall be in force and effect from and after
November 3, 2022.