

RESOLUTION NO. URA 2024-02

A RESOLUTION OF THE CITY OF SISTERS URBAN RENEWAL AGENCY CITY OF SISTERS ADOPTING A WORKFORCE HOUSING PROGRAM FOR PURPOSES OF CREATING AND PRESERVING WORKFORCE HOUSING IN CITY.

WHEREAS, the Sisters Urban Renewal Agency ("Agency") is an urban renewal agency formed under ORS Chapter 457; and

WHEREAS, Agency has determined that City lacks sufficient workforce housing inside City's Urban Renewal Area ("URA"); and

WHEREAS, Agency desires to collaborate with agencies and private developers to provide permanent, new workforce housing opportunities within URA, including, without limitation, providing support for agencies and private developers who provide safe, comfortable, and affordable housing; and

WHEREAS, by adoption of this Resolution 2024-02 (this "Resolution"), the Sisters Urban Renewal Agency Board ("Board") desires to establish a program and guidelines to subsidize costs of constructing workforce housing in the Urban Renewal Area.

NOW, THEREFORE, BE IT RESOLVED that Urban Renewal Agency resolves as follows:

1. Findings. The above-stated findings are hereby adopted.
2. Affordable Housing Program Established. Council hereby establishes the City of Sisters Workforce Housing Program (the "Program"). The Program will be implemented and administered in accordance with the Program terms and conditions attached hereto as Exhibit A.
3. Miscellaneous. All pronouns contained in this Resolution and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular, or plural, as the identity of the parties may require. The singular includes the plural, and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. The provisions of this Resolution are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Resolution is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Resolution. This Resolution may be corrected by order of the Council to cure editorial and/or clerical errors.

ADOPTED by the Urban Renewal Agency Board and signed by the board chair this 24th day of January 2024.


Michael Preedin, Board Chair

ATTEST:


Kerry Prosser, Board Recorder

Exhibit A

URA of Sisters Workforce Housing Program

1. Purpose. The purpose of this resolution is to establish the administrative framework pursuant to which URA may grant or loan funds for qualified affordable housing projects located in the URA boundary that provide workforce housing units.

2. Program Established. URA establishes this workforce housing program to offer eligible agencies and private developers grant and/or loan funds for purposes of constructing and offering workforce housing units in the URA boundary.

3. Definitions. For purposes of this ordinance, the following terms and phrases have the meanings assigned to them below:

“Affordability period” means the period commencing on the date which a qualified project receives a certificate of occupancy or final inspection, whichever is later, and ending twenty years from such date; provided, however, URA may increase or shorten the affordability period for a project if (a) circumstances necessitate a longer or shorter affordability period, as determined by URA in URA’s sole discretion, and/or (b) applicable law, including, without limitation, the 2003 Sisters Charter, requires a longer affordability period.

“Administrator” means the URA manager, or such other individual designated by council from time to time to administer the program.

“AMI” means area median income.

“Applicant(s)” means the person applying for program funds.

c

“City” means City of Sisters, Oregon

“URA” means URA of Sisters, Oregon.

“URA” or “board” means URA’s then elected legislative body.

“URA manager” means URA’s then appointed URA manager or his or her designee(s).

“Code” or “SMC” means the Sisters Municipal Code.

“Grant, loan, and/or program document(s)” means URA’s program documents in form and content acceptable to URA and such other restrictive covenants, trust deeds, security agreements, assignments, UCC financing statements, subordination agreements, guarantees, documents, and/or instruments URA may require to effectuate any program grant and/or loan, including, without limitation, those program documents identified under Section 9.2 and/or Section 9.3.

“Housing needs analysis” means City’s then existing housing plan and/or housing needs analysis adopted by the City, as amended from time to time.

“HUD” means United States Department of Housing and Urban Development or HUD’s successor.

“Income-qualified person(s)” means as applied to owner-occupied, lease-to-purchase housing or rental housing, a person or group of persons whose household income is not less than eighty percent (80%) of AMI for Deschutes County but does not exceed one-hundred fifty percent (150%) of AMI for Deschutes County as calculated and adjusted for household size from time to time by HUD.

“Person” means any natural person, corporation, limited liability company, partnership, limited liability partnership, joint venture, firm, association, trust, incorporated organization, and/or any other entity, whether acting in an individual, fiduciary, or other capacity.

“Program” means the URA of Sisters Workforce Housing Program described in this ordinance.

“Program funds or funds” means grant and/or loan funds provided by URA under the program.

“Project” means the proposed development for which an applicant requests program funds which may include, without limitation, multi-family housing, single-family residence(s), and/or other dwelling unit(s); provided, however, the term “project” does not include rehabilitation projects.

“Qualified expense(s)” means land use fees, building permit fees, material and supply costs and expenses, and such other fees, costs, and expenses arising out of the development and construction of a qualified project; “qualified expense(s)” may include, without limitation, costs and expenses for the acquisition of real property on which a qualified project will be constructed.

“Qualified project(s)” means a project located in URA’s incorporated limits that is owner-occupied, lease-to-purchase housing or rental housing for income qualified persons.

“SDC” means the Sisters Development Code.

“Transfer” means any transfer, including, without limitation, any sale, conveyance, exchange, gift, lease (excepting a tenant lease in the ordinary course), encumbrance, and/or foreclosure of an encumbrance, regardless of whether the transfer occurs voluntarily or involuntarily, by operation of law, or because of any act or occurrence.

“Workforce housing unit” means housing reserved for occupancy by eligible households and affordable to households whose annual income is at or above eighty percent (80%) of area median income for Deschutes County and does not exceed 150 percent of area median income, adjusted for household size, and no more than 30 percent of the monthly household income is paid for monthly housing expenses. (Housing expenses for ownership housing include mortgage and mortgage insurance, property taxes, property insurance, and homeowner dues. Housing expenses for rental housing include rent and appropriate utility allowance.)

4. Program Administrator. The administrator has the authority to implement, administer, and manage the program, including, without limitation, the authority to interpret the program and this ordinance. Notwithstanding this broad authority, the administrator will act reasonably, in compliance with applicable federal, state, and local laws, regulations, and ordinances, and in a manner the

administrator reasonably believes is in URA's best interests. The decision of the administrator on any given matter will not set any precedent nor bind future decisions of the administrator.

5. Appropriation. Available program funds will be determined and subject to appropriation each fiscal year by resolution of the URA. The amount of financial assistance may be increased or decreased at any time by URA resolution. URA may limit or elect not to provide funding for the program in any fiscal year. URA will attempt to provide notice of available program funding (if any) each fiscal year; provided, however, URA will attempt to provide additional notice of any program funds available after April 1. If program fund requests exceed funding provided by the URA, URA will determine program participation based upon what the URA determines is in URA's best interests. At all times, URA's financial assistance under the program will be based on availability of funds in URA's program budget at the time of application and, if applicable, any subsequent fiscal year(s). Notwithstanding anything contained in this ordinance to the contrary, URA will not be obligated to provide any program funding if sufficient funding is not then available.

6. Funding. Subject to the provisions of this ordinance, URA may, in URA's sole discretion, grant and/or loan program funds to an applicant satisfying all program requirements in an amount not to exceed the amount requested in the applicant's application. Program funds provided to an applicant may consist of grant funds, loan funds, and/or a combination of grant and loan funds. Notwithstanding anything contained in this ordinance to the contrary, grant and/or loan funds provided under the program will be used for qualified expenses and for no other purposes.

7. Minimum Eligibility Requirements. In addition to any eligibility requirements and/or conditions that the administrator may impose, to be eligible for program funds, an applicant must demonstrate compliance with all eligibility requirements and conditions imposed under this ordinance, including, without limitation, the following minimum requirements: (a) the applicant must be (i) a housing authority, (ii) a qualified non-profit organization that constructs affordable housing, or (iii) a for-profit developer of affordable housing of workforce housing units; (b) the project for which program funds are sought must be an eligible qualified project as defined in this ordinance; and (c) the applicant must timely apply for program funds on URA's then current program application and in such manner as the administrator may prescribe.

8. Application Review.

8.1 Applications. Application forms for program funds will be available at the Sisters City Hall. Each application must be filed with the administrator no later than April 1 immediately preceding the fiscal year in which the applicant desires to obtain program funds. Notwithstanding the immediately preceding sentence, if the URA has not awarded all program funds appropriated for the fiscal year, an application may be filed with the administrator after April 1 subject to the provisions of this ordinance. Each application must contain all information and documentation URA may require, including, without limitation, the following:

(a) The date of the application and the applicant's name, address, contact information, and the signature of the applicant's authorized representative.

(b) A description of the proposed project, including, without limitation, the type of housing, the proposed project location (i.e., identification of the real property of which the proposed project concerns), a timeline for project completion, and such additional information URA

deems necessary or appropriate to demonstrate that the proposed project will satisfy the eligibility requirements of a qualified project.

(c) The amount of program funds requested and the purposes for which the program funds will be used (including, without limitation, identification of all eligible qualified expenses).

(d) The project pro forma, including, without limitation, identification of funding sources to be used in connection with the proposed project. Applications must include evidence that all other funding commitments (e.g., conventional construction and permanent loans, subsidies and loans, and/or low-income housing tax credits) have been, or are anticipated will be, obtained. If applications to other funding programs are due after submission of the program application, the applicant will submit documentation that the proposed financing structure is expected to meet other source requirements and the timeline for applying and receiving award notification from other funders. If requested by the administrator, the applicant will provide a copy of the application to be submitted to other funding sources.

(e) Certification that that the applicant is current on all URA accounts. The applicant may not be delinquent on any URA accounts (e.g., utility accounts) and all property taxes for the property(ies) identified in the application must be paid at the time of application.

(f) All other information that the administrator deems necessary and/or appropriate to enable URA to review the application and determine eligibility for the program funds.

8.2 Preliminary Review. Each application will be reviewed and processed by the administrator in order of receipt. The administrator will perform a preliminary review of each application and conduct whatever investigation the administrator deems necessary or appropriate to determine whether the application is complete, the statements made therein are true and accurate, and whether the application complies with this ordinance. URA reserves the right to request additional documentation and information as needed. If, after a preliminary review, the administrator determines that the application does not include all required materials and/or information, the administrator will return the application and notify the applicant, in writing, of the deficiencies. If, after a preliminary review, the administrator determines the application is complete, the administrator will forward the application to council for review and evaluation along with the administrator's recommendations.

8.3 Evaluation; Criteria. Applications will be evaluated by the URA to determine whether to approve the application and award program funds (or any portion of program funds requested) or deny the application. The URA may request additional documentation and/or information to render a decision on an application. The URA may approve, approve with conditions, or deny an application. Applications (and the amount of funds provided) will be evaluated on criteria, including, without limitation, the following:

(a) Qualified Expenses. Applications will list specific qualified expenses for which the program funds are sought. URA may give priority to certain types of expenses, including, without limitation, requests for program funds to assist with land use fees, building permit fees, material and supply costs and expenses, and other fees, costs, and expenses arising out of the construction of a new qualified project. Preference may be given to projects where other public funders have made their maximum award.

(b) Type of Housing; Needs. URA may consider factors relating to the type of housing to be constructed, including, without limitation, whether URA is experiencing a shortage of certain types of housing (e.g., multi-family housing), the percentage of units in a project that will be offered as workforce housing units, and/or whether the project addresses city's housing needs as identified in city's housing needs analysis and/or city's then current housing goals.

(c) Applicant History. URA may evaluate whether the applicant has previously received funding under the program and the applicant's compliance with the provisions of this ordinance. URA may consider the applicant's history of constructing and offering workforce housing in URA and/or the region.

The URA may establish the relative weight (value) of any criteria for purposes of evaluating applications. The administrator will provide the applicant written notice of the URA's decision on an application. The URA's decision will be final and binding on the date the decision is mailed to the applicant. The decision of the URA on any application or given matter will not set any precedent nor bind future URA decisions.

9. Program Participation Requirements.

9.1 Affordability Period. As a condition to receiving funds under the program, during the affordability period a project must continue to satisfy the eligibility requirements contained in this ordinance, including, without limitation, continuing to be a qualified project. Subject to the provisions of this ordinance, URA will record documentation, in form and content satisfactory to URA, of the program grant and/or loan (and affordability requirements) with the Deschutes County Clerk's office upon commencement of the affordability period.

9.2 Documentation. The applicant must enter into and sign all then-applicable program documents as a condition to receiving funds under the program. The program documents will contain terms and conditions acceptable to URA, including, without limitation, (a) disbursement procedures, (b) conditions to disbursement of program funds, (c) the timeframe within which funds must be used, and (d) such restrictive covenants, deed restrictions, and/or related instruments to ensure the continued affordability of the qualified project in accordance with this ordinance. Notwithstanding anything contained in this ordinance to the contrary, program documents will contain such terms and conditions reasonably requested by the URA manager and/or URA attorney and will be subject to the review and approval of the URA manager and URA attorney.

9.3 Security. A recipient must perform all recipient obligations contained under this resolution and all program documents. To this end, a recipient's obligations to URA under this resolution and the program documents may, as determined by URA in URA's sole discretion, be secured and/or evidenced by a deed restriction and/or perfected security interest in the following real and/or personal property (collectively, the "collateral"): (a) the subject project property and all improvements, fixtures, equipment, and other articles of personal property located on and used in connection with the subject project property; (b) all present and future leases, rents, accounts, deposit accounts, general intangibles, and income and revenues of any nature relating to the subject project property; and (c) all products and proceeds of the foregoing. URA's security interest in the collateral may, as determine by URA in URA's sole discretion, be evidenced by, and each recipient will execute and deliver to URA (and/or cause any other person to execute and deliver to URA), such deed restrictions, trust deeds, security agreements, assignments, Uniform Commercial Code financing statements, certificates of title, subordination agreements, guarantees, and all other documents and/or instruments URA may request

from time to time (each in form and substance acceptable to URA) to evidence, secure, grant, preserve, protect, perfect, and continue the validity and priority of URA's security interest in the collateral. The URA may, from time to time, prescribe the type of documentation and/or instrument required for purposes of evidencing URA's security interest in the collateral. URA may distinguish documentation and/or instrument requirements on the basis of award amount and/or award type.

9.4 Affordability Certification. During the affordability period, the recipient will maintain such documentation and information necessary to demonstrate that the project is occupied by income-qualified person(s) and continues to meet the eligibility requirements of this ordinance. For each owner-occupied single-family residence, the recipient will certify to URA, in form and content satisfactory to URA, that the project meets the eligibility requirements upon any transfer of the project occurring during the affordability period; for all other projects, the recipient will certify to URA, in form and content satisfactory to URA, that the project meets the eligibility requirements upon any transfer of the project and on or before January 1 of each year during the affordability period.

10. Disqualification. If, during the affordability period, a project ceases to qualify as a qualified project, the recipient will repay all program funds to URA immediately upon URA's demand, plus interest at the statutory rate for interest on a judgement from the date of the document recording described in Section 9.1.

11. Denial; Suspension; Repayment.

11.1 Grounds for Denial. URA may deny an application for the following: (a) the application is incomplete and/or fails to meet the requirements under this ordinance; (b) fraud, misrepresentation, and/or false statement(s) contained in the application and/or willful withholding of information or incomplete disclosure concerning any matter required to be furnished in connection with any such application; (c) failure to satisfy the eligibility requirements under this ordinance, including, without limitation, disqualification under Section 10; and/or (d) failure to comply with any applicable federal, state, and/or local law, regulation, and/or ordinance, and/or any agreement with URA.

11.2 Remedies. In addition to any other remedy available to URA, URA reserves the right to demand immediate repayment of program funds (or any portion thereof) if a recipient violates the provisions of this ordinance. The remedies provided in this Section 11.2 are not exclusive and will not prevent URA from exercising any other rights and/or remedies available under law. URA will be entitled to collect from any recipient violating or otherwise failing to comply with this ordinance URA's reasonable attorney fees and all other fees, costs, and expenses incurred by URA to enforce this ordinance.