



REPORT

DATE ISSUED: March 20, 2014

REPORT NO: HCR14-021

ATTENTION: Chair and Members of the San Diego Housing Commission
For the Agenda of April 11, 2014

SUBJECT: Proposed Fiscal Year 2015 Affordable Housing Fund Annual Plan

COUNCIL DISTRICT: Citywide

REQUESTED ACTION

That the San Diego Housing Commission recommend the San Diego City Council approve the proposed Fiscal Year 2015 Affordable Housing Fund Annual Plan as presented in this report

STAFF RECOMMENDATION

That the San Diego Housing Commission (Housing Commission) recommend that the San Diego City Council (City Council) take the following actions:

- 1) Approve the Proposed Fiscal Year 2015 (FY 2015) Affordable Housing Fund (AHF) Proposed Annual Plan (Annual Plan) Program Activity Allocation of \$32,542,507 in anticipated funds (also included in the FY 2015 Housing Commission Proposed Budget) and the proposed Model Programs.
- 2) Authorize the President & Chief Executive Officer (President & CEO) to reallocate funds among the proposed Model Programs included in the FY 2015 Annual Plan in response to market demands and opportunities.

SUMMARY

On June 3, 2003, the City Council amended San Diego Municipal Code Chapter 9, Article 8, Division 5 (Code) to create an Affordable Housing Fund. It was created to meet, in part, the housing needs of the City of San Diego's (City) very low-, low-, and median-income households and has two permanent, annually renewable funding sources:

1. Inclusionary Housing Fund (IHF), which is funded with fees charged to residential developers; and
2. Housing Trust Fund (HTF), which is funded by Housing Impact Fees charged to commercial developers (also known as Linkage Fees). This fund previously had additional sources of revenue, but is now limited to the Housing Impact Fee. Repayments of loans made with all sources are recycled back into the HTF.

The Code requires the Housing Commission to adopt an Annual Plan for the use of the AHF revenues and prescribes parameters for the distribution of those projected revenues. The Annual Plan is to be presented to City Council for approval by June 30 of each year and must include a description of all

proposed programs to be funded, intended beneficiaries and the allocation of anticipated funds. The specific requirements for the distribution of the HTF dollars are as follows:

- (1) No less than 10 percent for transitional housing;
- (2) No less than 60 percent to provide housing to very low-income households;
- (3) No more than 20 percent to provide housing to low-income households, and
- (4) No more than 10 percent to assist median- and moderate-income first-time homebuyers.

Staff has proposed the FY 2015 allocations in accordance with the provisions of the Code and estimated available resources. Attachment 1 details the FY 2015 projected revenue and fund balances and provides descriptions of HTF revenue sources. Attachment 2 shows the proposed allocation of funds by activity, as well as production estimates, and Attachment 3 shows approved and pending projects using Affordable Housing Funds.

All proposed allocations are estimates. Presentations to the Mayor, City Council and Housing Commission Board may result in changes. Actual allocations will depend on the timing of project applications, funding commitments and expenditure deadlines of other available funding sources.

The proposed Annual Plan (Attachment 4) describes the purpose and intent of the AHF, restrictions on the uses of the two sources of funds, fund allocations and production. It also describes FY 2015 Model Programs. Each year the Model Programs are reviewed and updated in response to community needs and past performance.

Proposed Changes in the Model Programs

Staff is recommending the following changes and clarifications to the Model Programs:

1. Remove the Nonprofit Capacity Building section. This includes Nonprofit Capacity Building for affordable housing developers, emergency loan fund program and nonprofit technical assistance.
2. Remove all inactive programs from the Model Programs list:
 - a. Shared Appreciation Loans
 - b. Resident Ownership: Mobile Home Parks
3. Change Shelter Plus Care (SPC) to Permanent Supportive Housing (PSH).
4. Increase the down payment, Closing Cost Assistance Grant program in response to changes by Fannie Mae. Fannie Mae decreased their loan to value from 97 percent to 95 percent.
5. Change the PSH program to allow capitalized operating reserves.

AFFORDABLE HOUSING IMPACT

Should all anticipated FY 2015 funds be collected and allocated as proposed, the estimated affordable housing production impact would be: 1) Gap financing for approximately 677 rental units created for very low-income households; 2) 19 - 24 low- to median -income homebuyers assisted; 3) 3 - 5 grants to very low-income homeowners for health and safety repairs to mobile homes; and 4) 395 transitional housing beds for very low-income, formerly homeless individuals and families.

FISCAL CONSIDERATIONS

The proposed funding sources and uses approved by this action are included in the proposed FY 2015 Housing Commission budget. Approving this action will not change the FY 2015 Total Budget, but will allocate funding sources among uses as shown in the table below:

Program	Budget	Production
Rental Housing Finance – gap financing Affordable Rental Housing Production	\$18,421,966	677 units
Homeownership Deferred Payment Loans; Closing Cost Assistance Grants	\$1,000,000	19-24 units
Lead Remediation and Healthy Homes Healthy Homes Repair Grants for Mobile Homes	\$26,074	3-5 units
Transitional Housing	\$718,839	395 transitional housing beds
Targets of Opportunity Targets of Opportunity Grants	\$20,000	1 – 2 projects
Reserves	\$160,000	Potential Housing Impact Fee refunds
Administration	\$2,168,492	Personnel, overhead, MOU expense
Administration - Legal	\$210,000	
Fund Balances To be determined.	\$9,817,136	Fund Balances to be allocated in accordance with Municipal Code and appropriate approving authorities to proposed new Model Programs (gap financing for Transit-Oriented Development/Workforce Housing and Housing Commission developments, and Flexible Rehousing Program) and/or above current programs.
TOTAL	\$32,542,507	

PREVIOUS COUNCIL and/or COMMITTEE ACTION

City Council has adopted an Annual Plan each year in accordance with the Code.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS

Housing Commission staff attended community group meetings for Uptown, University City and College communities. Staff gave a brief overview of the AHF and proposed changes to the Model Programs, with instructions on how to provide written comments. The public may submit written comments through April 8, 2014. No written comments have been received as of April 1, 2014.

KEY STAKEHOLDERS and PROJECTED IMPACTS

The beneficiaries of AHF programs are very low-, low- and median--income households in the City. Residential developers, nonprofit housing providers and financial institutions may also be impacted by program changes. In accordance with the Code, a detailed report on FY 2015 AHF projected impacts will be provided to City Council by September 30, 2015. (FY 2014 AHF impacts will be reported by September 30, 2014.)

ENVIRONMENTAL REVIEW

Approval of the FY 2015 Housing Commission budget is not a project as defined by the California Environmental Quality Act (CEQA) Section 21065 and State CEQA Guidelines Section 15378(b)(4), as it is a government fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. The determination that this activity is not subject to CEQA, pursuant to Section 15060(c)(3), is not appealable and a Notice of Right to Appeal the Environmental Determination (NORA) is not required. Approval of the budget is also exempt under the National Environmental Policy Act pursuant to Section 58.34(a)(2) and (3) of Title 24 of the Code of Federal Regulations.

Respectfully submitted,

Tina Kessler

Tina Kessler
Program Analyst
Real Estate Division

Approved by,

Deborah N. Ruane

Deborah N. Ruane
Senior Vice President
Real Estate Division

Attachments:

- 1) Projected Funding Sources FY 2015 Affordable Housing Fund Annual Plan
- 2) Proposed Allocation of FY 2015 AHF – Activity Detail
- 3) Summary of Approved and Pending Project Commitments
- 4) San Diego Affordable Housing Fund Annual Plan Fiscal Year 2015
- 5) San Diego Municipal Code Chapter 9, Article 8, Division 5

Hard copies are available for review during business hours in the main lobby of the San Diego Housing Commission offices at 1122 Broadway, San Diego, CA 92101 and at the Office of the San Diego City Clerk, 202 C Street, San Diego, CA 92101. You may also review complete docket materials on the San Diego Housing Commission website at www.sdhc.org.

Projected Funding Sources
FY 2015 Affordable Housing Fund Annual Plan

The Housing Trust Fund (HTF)

- Commercial Linkage Fee
- Loan Repayments (CDBG HTF, Redevelopment, TOT)
- Affordable Housing Fees (Residential Development)

Fund	Projected Fund Balances	Projected FY15 New Funding	Total FY15 Funds
HTF - Linkage	\$2,454,566	\$890,325	\$3,344,891
HTF - "CDBG" fund (interest, Rehab loan repayments)	\$15,230	\$10,844	\$26,074
HTF - Program Funds (interest, loan repayments)	\$129,496	\$0	\$129,496
Inclusionary Housing Fund - Inclusionary Affordable Housing Fees	\$22,081,912	\$6,960,134	\$29,042,046
TOTAL, ALL FUNDS	\$24,681,204	\$7,861,303	\$32,542,507

Description of HTF Funds:

Linkage Fees: Sole source of new HTF funds; Commercial Impact Fees.

Cal State Housing Trust Fund: Initial source was a State match grant, which has been expended.

Fund balance consists of loan repayments and interest.

CDBG HTF: Repayments of CDBG-funded affordable housing loans were permitted to be allocated to the HTF for Rehab activity. Repayments of loans are recycled into the HTF for Rehab activity.

HTF Program Funds: Rehab loan repayments that were recycled into the HTF.

Redevelopment: The HTF received Redevelopment funds in FY93 and FY95. (See TOT below.)

Repayment of loans are recycled into the HTF for rental housing finance.

TOT: At its 1990 inception the HTF was to receive a portion of future TOT increases.

TOT funding ceased and was replaced with Redevelopment funds in FY93.

Repayments of loans are recycled into the HTF.

Proposed Allocation of FY2015 AHF - Activity Detail

Program/Activity/Funding Source*	Fund Amounts	Estimated Production	Household AMIs served
Rental Housing Finance <i>Affordable Rental Housing Production</i>		Gap financing for 677 Rental Housing units.	Inclusionary-funded units are 65% AMI or lower. AHF-funded units are typically 50% AMI or lower. HTF-funded units are also subject to Section 98.0504 of the Municipal Code.
Inclusionary HTF Linkage	\$17,441,966 \$980,000	Funding commitments have not been made.	
<i>Targets of Opportunity grants</i> HTF Workforce Housing Offset	\$20,000	1-2 Targets projects.	
TOTAL **	\$18,441,966		
Homeownership <i>Deferred Payment loans;</i> <i>Closing Cost Assistance grants</i> Inclusionary	\$1,000,000	19-24 units	Serves AMIs up to 80% and up to 100%, subject to the model programs described in report Attachment 3, and Section 98.0504 of the Municipal Code.
Lead Remediation & Healthy Homes <i>Healthy Homes Repair Grants for Mobile Homes</i> HTF CDBG	\$26,074	3 - 5 units	Serves AMIs up to 60%, subject to the model program described in report Attachment 4, and Section 98.0504 of the Municipal Code.
Housing Innovations <i>Transitional Housing grants</i> HTF Linkage	\$718,839	395 transitional housing beds for Cortez Hill and 7 other programs.	Clients served typically earn well below 50%. HTF-funded units are also subject to Section 98.0504 of the Municipal Code.
Administration Inclusionary HTF Linkage	\$2,004,211 \$164,281 \$2,168,492	Personnel, overhead, & MOU expense	
Administration - Legal Inclusionary HTF Linkage	\$160,000 \$50,000 \$210,000		
Fund Balances Administration - Inclusionary	\$142,343		
Potential Refunds - HTF Linkage	\$160,000		
Program Funds - Inclusionary	\$8,358,275		
Program Funds - HTF Linkage	<u>\$1,316,518</u>	Fund balances to be allocated in accordance with Municipal Code and appropriate approving authorities to proposed new Model Programs and/or above current programs.	
Total Fund Balances	\$9,977,136		
TOTAL	\$32,542,507		

*See Attachment 1 for description of funding sources.

** See summary of Approved and Pending Project Commitments.

Summary of Approved and Pending Project Commitments

Project	FY15 Budget Linkage	FY15 Budget Inclusionary Fees
Mesa Commons	\$ 10,000	\$ 2,159,250
COMM 22 Family	\$ 10,000	\$ 367,072
San Diego Square		\$ 4,400,000
NTC Commitment (2003)	\$ 211,887	
Subtotal	\$ 231,887	\$ 6,926,322
VVSD Phase 5		\$ 10,000
Willie James Jones		\$ 10,000
Subtotal	\$ 0	\$ 20,000
TOTALS	\$ 231,887	\$ 6,966,322

Funds available to commit to Rental Housing projects:

Inclusionary \$10,559,777

Linkage \$ 748,113



SAN DIEGO
HOUSING
COMMISSION

Attachment 4

San Diego Affordable Housing Fund Annual Plan

**Fiscal Year 2015
(July 1, 2014 – June 30, 2015)**

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SAN DIEGO AFFORDABLE HOUSING FUND

Introduction

The San Diego Affordable Housing Fund (AHF) was created by the San Diego City Council (City Council) on June 3, 2003, as a permanent and annually renewable source of revenue to help meet the housing assistance needs of the City of San Diego's (City) very low- to moderate-income households. The City Council expressed the purposes of the AHF in San Diego Municipal Code Chapter 9, Article 8, Division 5 (Code):

- 1) Meet a portion of the need for housing that is affordable to households with very low, low, median and moderate incomes;
- 2) Leverage every \$1 of City funds with \$2 of non-City subsidy capital funds;
- 3) Support the City's Balanced Communities Policy by fostering a mix of family incomes in AHF- assisted projects and dispersing affordable housing projects throughout the City;
- 4) Preserve and maintain affordable rental and ownership housing; and
- 5) Encourage private sector activities that advance these goals.

The AHF Annual Plan (Annual Plan) implements the City Council's intent by adopting an overall strategy for use of the AHF. Development of the Annual Plan is guided by the San Diego Housing Commission's (Housing Commission) annual budget process.

The Annual Plan provides revenue forecasts, a suggested Fiscal Year 2015 (FY 2015) fund allocation, and production estimates. Proposed fund allocation takes into consideration policy parameters set by the Code, availability and requirements of other affordable housing funding sources, and the goals and objectives set forth in the Housing Commission's FY 2015 Budget.

The FY 2015 Annual Plan also includes a description of the Housing Commission's Model Programs.

Use

The AHF is composed of two funds: the Housing Trust Fund (HTF) and the Inclusionary Housing Fund (IHF).

The Housing Trust Fund:

Per Section 98.0504 of the Code, HTF funds may be used in any manner, through loans, grants or indirect assistance for the production and maintenance of assisted units and related facilities. To comply with the Code, HTF monies shall be allocated:

- At least 10 percent to transitional housing;
- At least 60 percent to very low-income households (defined as households with incomes at or below 50 percent of Area Median Income ("AMI"));
- No more than 20 percent to housing for low-income households (defined as households with incomes between 50 percent and 80 percent of AMI); and
- No more than 10 percent to moderate-income first-time homebuyers (for purposes of the HTF, defined as households with incomes between 81 percent and 120 percent of AMI).

Inclusionary Housing Fund:

The expenditure of Inclusionary Housing Funds (IHF) is governed by Section 98.0505 of the Code. Priority is given to the construction of new affordable housing stock. Monies may also be used for other programs if approved by City Council in the Annual Plan. The Housing Commission monitors the revenue collected from each Community Planning Area (CPA) and is responsible for reinvesting the funds.

The Code states in general that spending priority shall be given to the CPA from which the funds were collected. It also allows for funds to be expended on other programs administered by the Housing Commission with City Council approval. Recognizing the significant need for affordable housing and the desire to provide housing opportunities as soon as possible, funds are invested in the CPA of origin when possible, but may also be invested citywide. The Housing Commission will invest the funds as follows:

- Rental Housing Production
 - New construction
 - Acquisition and acquisition with rehabilitation
 - Preservation of existing affordable rental housing

Rental units shall be affordable at or below 65 percent of AMI for a minimum of 55 years. Developers apply for funding via the Housing Commission's Notice of Funding Availability (NOFA).

- Homeownership Opportunities

Either new construction of affordable for-sale housing or financing programs to encourage and increase homeownership opportunities for low- to moderate-income households (at or below 100 percent of AMI). First-time homebuyers apply through participating lenders.
- Homeless Activities

Funds may also be spent on activities to provide housing for homeless individuals, should the Housing Commission receive direction to increase spending in this area, or opportunities arise for which other funds are unavailable.

FY 2015 AHF ANNUAL PLAN

Revenue Forecast

Approximately \$32.54 million is expected to be available in FY 2015, consisting of \$7.86 million in new revenue and loan repayments and \$24.68 million in estimated carryover. New revenue includes HTF Housing Impact Fees (also known as Commercial Linkage Fees) and IHF Fees.

Fund Allocation and Production

Funding recommendations are made in accordance with established Housing Commission policies and require approval of specific projects and activities by the Housing Commission or the Housing Authority of the City of San Diego (Housing Authority) . Some discretionary transfer of funds between eligible activities is permitted, but all funding recommendations must be consistent with the Annual Plan and the Housing Commission's budget process.

The proposed allocation of AHF funds for FY2015 is as follows:

PROGRAM	BUDGET	PRODUCTION
Rental Housing Finance – gap financing Affordable Rental Housing Production	\$18,421,966	677 units
Homeownership Deferred Payment Loans; Closing Cost Assistance Grants	\$1,000,000	19-24 units
Lead Remediation and Healthy Homes Healthy Homes Repair Grants for Mobile Homes	\$26,074	3-5 units
Transitional Housing	\$718,839	395 transitional housing beds
Targets of Opportunity Targets of Opportunity Grants	\$20,000	1 – 2 projects
Reserves	\$160,000	Potential Housing Impact Fee refunds
Administration	\$2,168,492	Personnel, overhead, MOU expense
Administration - Legal	\$210,000	
Fund Balances To be determined.	\$9,817,136	Fund Balances to be allocated in accordance with Municipal Code and appropriate approving authorities to proposed new Model Programs (gap financing for Transit-Oriented Development/Workforce Housing and Housing Commission developments, and Flexible Rehousing Program) and/or above current programs.
TOTAL	\$32,542,507	

The AHF has invested more than \$90 million in San Diego communities, leading to the production of more than 8,000 affordable units and supporting an average of approximately 480 transitional housing beds per year since 1990, when the City’s Housing Trust Fund Ordinance was originally passed.

Housing Commission Model Programs Overview

Funding is allocated on an annual basis among the various activities authorized by the Code. To assure that the City serves its residents in the best possible manner, the Housing Commission continues to solicit ideas for improving the Model Programs to better respond to community needs for affordable housing and quality neighborhoods. Model Programs change from time to time; they are not intended to preclude investment in an opportunity that is not specifically described in the Model Programs section.

The following is a general description of the possible investment activities planned for FY 2015. These activities are described more fully in the attached Model Programs.

Rental Housing Finance

Financing to developers of affordable housing units with below-market rents. Program includes deferred loans, below-market interest rates, and matching funds for State, Federal, and private financing. Housing Commission Policy PO600.301 contains additional information regarding the Housing Commission's financial participation in affordable rental housing development including new construction or acquisition with rehabilitation.

Rental Housing Finance – Transit-Oriented Development (TOD)/Workforce Housing

A program similar to the Rental Housing Finance program. TOD/Workforce Housing and affordable rental housing projects that meet certain geographical requirements will receive funding preference over other affordable rental housing developments.

Rental Housing Finance – Housing Commission Development

Gap financing for Housing Commission developments when other funds are unavailable or local match funds are needed. Developments include new construction, acquisition, acquisition with rehabilitation and preservation of existing affordable rental housing.

Permanent Supportive Rental Housing

Financing to developers of permanent affordable rental housing with related services that serve special resident populations, including those who are at risk of becoming homeless or need services related to physical or mental disabilities, chronic health problems (HIV/AIDS) or are recovering from substance abuse. Program includes deferred loans, below-market interest rates, revocable grants, and matching funds for State, Federal and private financing. Housing Commission Policy PO600.301 contains additional information regarding the Housing Commission's financial participation in housing development, including new construction or acquisition with rehabilitation.

Homeownership

Junior loan/grant programs targeted toward first-time homebuyers with the ultimate goal of neighborhood stabilization and revitalization.

Lead Remediation and Healthy Homes

Programs that provide below-market interest rate, deferred loans for the rehabilitation of deteriorated or functionally obsolete housing units, and grants for lead paint remediation and mobile home repairs. Units must be owner-occupied, single-family to four-plex or mobile home.

Housing Initiatives Programs – Homeless Programs, Permanent Supportive Housing and Transitional Housing

The Housing Commission helps support or operates several programs that serve homeless individuals, ranging from the City's Homeless Emergency Shelters, to operating support grants for transitional housing facilities, to federal Sponsor-Based and Tenant-Based rental assistance programs. The latter are designed to help low-income residents achieve self-sufficiency by providing limited amounts of rental assistance.

Fund Balance and Targets of Opportunity

Fund balance that provides flexibility to transfer resources among eligible activities and to take advantage of low-income housing opportunities that present themselves during the course of the year. The reserve fund also provides for a contingency reserve and allows for reimbursement of Housing Impact Fees when building permits expire without the commencement of work.

Administration

Funds to provide reasonable compensation to the City and the Housing Commission for services related to the administration of the AHF and associated housing programs.

Legal

Expenses to obtain legal services and prepare loan and grant agreements and related documents.

SAN DIEGO HOUSING COMMISSION

MODEL PROGRAMS

Legend: HTF: Housing Trust Fund
 INCL: Inclusionary Housing Fund
 HOME: HOME Investment Partnerships Program (U.S. Department of Housing and
 Urban Development (HUD))

- Represents eligible funding sources for each activity

RENTAL HOUSING PRODUCTION					
Rental Housing Finance – 100% Affordable Projects		HTF	INCL	HOME	OTHER
Scope	Below-market interest rate, deferred-payment junior mortgage loan program to increase the supply of affordable rental units in the City of San Diego (City), to include new construction, acquisition, and acquisition with rehabilitation. Funds may also be used for the preservation of existing affordable units facing expiration of rent restrictions within 0 – 5 years. Loans to developments wherein at least 100 percent of the units are affordable to households at or below 60 percent of Area Median Income (AMI) (manager units excluded). Preference will be given to projects that meet at least one of the following criteria: affordable to households at or below 50 percent AMI; qualified as Transit-Oriented Development/ Workforce Housing; located within ¼ mile of a SANDAG-designated “employment center;” located in a census tract with low-income concentrations of less than 41 percent; located north of Interstate 8; or with at least 15 percent of the units designated as permanent supportive housing (see <i>Permanent Supportive Rental Housing Finance</i> model program below).	●	●	●	●
Target Population	Extremely low-, very low- and low-income households.				
Loan Terms	Maximum term to maturity is 55 years. Repayment of principal and interest is amortized, due and payable as a balloon payment or as residual receipts, due and payable at maturity. Loan may be originated as a construction loan and converted into long-term financing.				
Loan Underwriting	Subject to loan policies of the San Diego Housing Commission (Housing Commission), unless a specific exception is authorized by the Housing Commission.				
Application Method	Funds for program to be made available through Request for Proposals (RFP) or Notice of Funding Availability (NOFA). RFP/NOFA requires applicant to stipulate the rent schedule for the project.				

Transit-Oriented Development (TOD)/Workforce Housing – Mixed-Income Projects		HTF	INCL	HOME	OTHER
Scope	<p>Below-market interest rate, deferred-payment junior mortgage loan program to increase the supply of affordable rental units in the City, to include new construction, acquisition and acquisition with rehabilitation. Loans to developments wherein at least 20 percent of the units are affordable to households at or below 50 percent of AMI (manager units excluded).</p> <p>Projects must meet at least one of the following criteria: qualified as Transit-Oriented Development or Workforce Housing; located within ¼ mile of a San Diego Association of Governments-designated “employment center;” located in a census tract with low-income concentrations of less than 41 percent; or located north of Interstate 8.</p>	●	●	●	●
Target Population	Extremely low-, very low- and low-income households.				S t a t e
Loan Terms	Maximum term to maturity is 55 years. Repayment of principal and interest is amortized, due and payable at maturity. Loan may be originated as a construction loan and converted into long-term financing.				
Loan Underwriting	<p>Subject to loan policies of the Housing Commission, unless a specific exception is authorized by the Housing Commission.</p> <p>Funds for program to be made available through RFP or NOFA. RFP/NOFA requires applicant to stipulate the rent schedule for the project.</p>				
Rental Housing Finance – Housing Commission Development		HTF	INCL	HOME	OTHER
Scope	Funding for Housing Commission affordable rental housing developments when other funds are unavailable or local match funds are needed. Anticipated uses are expenses ineligible for non-AHF funds.	●	●		
Target Population	Extremely low- and very low-income households.				
Grant Terms	Projects would be affordable in perpetuity.				
Permanent Supportive Rental Housing Finance		HTF	INCL	HOME	OTHER
Scope	A loan and grant program for permanent housing with support services for special needs populations, including those at risk of becoming homeless or those in need of special services related to physical or mental disabilities, chronic health problems (HIV/AIDS), or those recovering from substance abuse, that will maximize the ability of those persons to live independently. Loans and grants may be used for the development, acquisition or long-term leasing of housing facilities, improvements to existing facilities, and capitalized operating reserves.	●	●	●	●
Target Population	Very low- and low-income populations identified as needing permanent housing in a service-enhanced environment; selection of populations to be generally compatible with requirements of federal funding sources.				S t a t e

Loan Terms	Maximum term to maturity is 55 years. Payment of loan principal and interest is due and payable as a residual receipts loan or as a balloon payment at maturity, but may be forgiven upon extension of affordability requirements.				
Loan Underwriting	Loan may be originated as a rehabilitation loan and converted into long-term financing. Subject to loan policies of the Housing Commission, unless a specific exception is authorized by the Housing Commission.				
Grant Terms	Grant Terms: Subject to revocation/repayment for nonperformance.				
Application Method	Funds for program to be made available through RFP or NOFA.				
HOMEOWNERSHIP PROGRAMS					
3% Interest, Deferred-Payment Loan Program (Unrestricted Units)		HTF	INCL	HOME	OTHER
Scope	A second trust deed loan program for low and moderate-income first-time homebuyers that bridges the gap between what households can afford and the actual cost of acquiring a home with affordability restrictions. (Second trust deed not to exceed the lesser of 17 percent of the purchase price or appraised value.)	●	●	●	●
Target Population	The loan program is targeted mainly to households earning up to 80 percent of AMI that meet usual bank underwriting criteria for first mortgages. Limited funds are available for buyers earning up to 100 percent of AMI.				S t a t e
Loan Terms	The loans are at 3 percent interest and require no monthly payments of principal. The loan term is 30 years. When a property is sold or transferred, buyer must pay the Housing Commission the principal balance due, plus accrued interest. Approval from institutional lender required.				
Loan Underwriting:	Subject to loan policies of the Housing Commission, unless a specific exception is authorized by the Housing Commission.				
Application Method	Purchasers apply through participating Lenders.				
3% Interest, Deferred-Payment Loan Program (Restricted Units)		HTF	INCL	HOME	OTHER
Scope	A second trust deed loan program for low- and moderate-income first-time homebuyers purchasing affordable-restricted units (e.g., Inclusionary, Density Bonus), that bridges the gap between what households can afford and the actual cost of acquiring a home with affordability restrictions. (Second trust deed not to exceed 25 percent of the affordable purchase price if 80 percent or below of AMI and not to exceed 17 percent for buyer at 81-100 percent of AMI).	●	●	●	
Target Population	Households earning up to 100 percent of AMI that meet usual bank underwriting criteria for first mortgages.				
Loan Terms	The loans are at 3 percent interest and require no monthly payments of principal or interest. The loan term is 30 years or the length of time unit				

Loan Underwriting:	must remain affordable. When a property is sold or transferred or at the end of the loan term, buyer must repay the Housing Commission the principal balance and all deferred interest. Approval from institutional lender required.				
Application Method	Subject to loan policies of the Housing Commission unless a specific exception is authorized by the Housing Commission.				
	Purchasers apply through participating Lenders.				
Down Payment/Closing Cost Assistance Program		HTF	INCL	HOME	OTHER
Scope	A grant program for first-time homebuyers that pays up to 6 percent of the purchase price; not to exceed \$15,000, toward down payment and closing costs. Two percent of the grant can be used for the down payment if needed to achieve a total down payment of 5 percent. The remaining 4 percent can be used for closing cost assistance.	●	●	●	●
Target Population	Households earning up to 100 percent of AMI that meet usual bank underwriting criteria for first mortgages.				C D B G
Grant Terms	This is a grant and the repayment of the funds is forgiven.				
Neighborhood Stabilization Acquisition Loans		HTF	INCL	HOME	OTHER
Scope	A second trust deed loan program for moderate-income first-time homebuyers purchasing a bank-owned property located in targeted areas. Maximum sales price is \$408,500 and maximum loan amount is 17 percent of the purchase price. Purchase price must be at least 1 percent below appraised value.				●
Target Population	Households earning up to 120 percent of AMI that meet usual bank underwriting criteria for first mortgages.				N S P
Loan Terms	The loans are 0 percent interest and require no monthly payments of principal. The loan is due at the end of 30 years or upon resale, transfer or if the property is no longer owner-occupied. Approval from institutional lender required.				F u n d s
Loan Underwriting:	Subject to loan policies of the Housing Commission, unless a specific exception is authorized by the Housing Commission.				
Application Method	Purchasers apply through participating lenders.				
Neighborhood Stabilization Closing Cost Grants		HTF	INCL	HOME	OTHER
Scope	A revocable grant program for first-time homebuyers purchasing a bank-owned property under the Neighborhood Stabilization Program (NSP) guidelines. The grant pays up to 3 percent of the purchase price toward closing costs.				●
Target Population	Households earning up to 120 percent of AMI that meet usual bank underwriting criteria for first mortgages.				N S P
Grant Terms	Repayment of the grant, plus 5 percent interest, is required if the home				F u n

Application Method	is sold or transferred within the first six years of ownership. Purchasers apply through participating Lenders.				d s
Neighborhood Stabilization Rehabilitation Loans		HTF	INCL	HOME	OTHER
Scope	A third trust deed loan program for moderate-income first-time homebuyers purchasing a bank-owned property under the NSP guidelines.				●
Target Population	Households earning up to 120 percent of AMI that meet usual bank underwriting criteria for first mortgages.				N S P
Loan Terms	The loans are 0 percent interest and require no monthly payments of principal. Rehab loans up to \$10,000 are forgiven after 5 years. Rehab loans up to \$30,000 will be forgiven after 10 years, and rehab loans in excess of \$30,000 will be forgiven after 15 years. If property is sold, refinanced, not owner-occupied or the improvements have not been maintained prior to the end of the term, the loan funds must be repaid.				F u n d s
Loan Underwriting:	Subject to NSP guidelines as approved by the Housing Commission.				
Application Method	Purchasers apply through Housing Commission.				
LEAD REMEDIATION AND HEALTHY HOMES PORGRAMS					
Owner-Occupied Healthy Homes Repairs – Citywide Program		HTF	INCL	HOME	OTHER
Scope	Zero percent interest, deferred-payment rehabilitation loans for very low-income homeowners (one unit, owner-occupied) throughout the City.	●		●	
Target Population	Current loan products include: ➤ No-interest, fully deferred loans (maximum amount \$20,000) available to eradicate health and safety hazards for very low income owner-occupied (≤60 percent AMI), one-unit properties. ➤ Lead paint reduction no-interest, fully deferred loans for low income owner-occupied (≤80 percent AMI) properties at \$5,000 per unit, up to \$15,000 per multifamily property. Low- and very low-income borrowers throughout the City.				
Loan Terms and Underwriting	Borrower to have acceptable credit (>640 FICO score), total loans not to exceed 90 percent Loan to Value ratio.				
Application Method	Applications for rehabilitation loans to be accepted by program sponsor on an ongoing basis after an initial NOFA.				
Owner-Occupied Healthy Homes Repairs – Special Target Area Programs		HTF	INCL	HOME	OTHER
Scope	Three percent Deferred-Payment Forgivable Housing Enhancement Loan Program (“HELP”) loans varying from \$20,000 to \$25,000 maximum, depending upon Redevelopment Area indicated below, plus \$5,000 bonus for water- or energy-conserving improvements, except in Southeast San Diego Area, where the bonus is \$10,000, and Linda				● R e d

	Vista, where no bonus is available. Repay 100 percent of principal plus 3 percent interest if sold in years 1-5. Beginning sixth year through 10th year, 20 percent of principal forgiven each year.				e v
Target Population	Redevelopment Area Maximums (exclusive of bonus): \$20,000: College Grove, Crossroads, Grantville, Linda Vista, Southeast San Diego \$25,000: City Heights, North Park, San Ysidro Low- and moderate-income (≤100 percent AMI) owner occupants of 1- and 2-unit properties in City Heights, College Grove, Crossroads, Grantville, Linda Vista, North Park, San Ysidro and Southeast San Diego Redevelopment Areas.				
Application Method	Applications for rehabilitation loans to be accepted by program sponsor on an ongoing basis after an initial NOFA.				
Lead Paint Remediation Grant		HTF	INCL	HOME	OTHER
Scope	Non-repayable grant up to \$10,000 for a single-family residence and up to \$5,000 per unit plus \$5,000 for common areas in multifamily property for the remediation of lead based paint hazards.			●	
Target Population	Low-income (≤80 percent AMI) owner and tenant occupants of residential property citywide, constructed prior to 1979 and occupied or frequently visited by children under 6 years old.				
Application Method	Applications for grants come from County of San Diego Health Department referrals of children under age 6 with high Elevated Blood Lead Level readings; referrals from Code Compliance and from door-to-door marketing and educational meetings from the Environmental Health Coalition in the targeted area.				
Healthy Homes Repair Grants – Mobile Homes		HTF	INCL	HOME	OTHER
Scope	A repair grant program to allow very low-income households permanently residing in mobile homes to address “health and safety” issues.	●			
Target Population	Very low-income (≤60 percent AMI) owner-occupants of mobile homes.				
Grant Terms	A maximum of \$5,500.				
Application Method	Applications for mobile home repair grants to be accepted on an ongoing basis after an initial NOFA until all funds are exhausted.				
HOUSING INITIATIVES					
Homeless Programs, Permanent Supportive Housing, Transitional Housing					
Connections Housing		HTF	INCL	HOME	OTHER
Scope	Connections Housing is a City-sponsored, one-stop homeless center that provides housing and services for 223 homeless individuals. The Housing Commission administers City funding for 134 interim housing beds and federal housing vouchers to support 16 special needs emergency units and 73 permanent supportive housing units. A				●

Target Population	multiagency service “mall” is on the ground floor for all participants to access support services to assist them in achieving housing stability and self-sufficiency. Homeless Individuals.				
Terms	Up to 90 days for interim housing beds. Indefinite term for permanent supportive housing units.				
City Homeless Emergency Winter- Shelter Program		HTF	INCL	HOME	OTHER
Scope	The Housing Commission administers and helps fund the City’s two emergency shelters for homeless individuals from December through April. The downtown shelter accommodates up to 200 homeless men and women per night. The second shelter, located in the Midway District, houses up to 150 military veterans per night. Nonprofit partner agencies provide health care, legal assistance and job referrals.				●
Target Population	Homeless military veterans and homeless adults in the City of San Diego.				
Hotel/Motel Vouchers		HTF	INCL	HOME	OTHER
Scope	When other shelter is not available, homeless families can apply for emergency hotel/motel vouchers. The Housing Commission provides partial funding for this program, which is administered by the County of San Diego.				●
Target Population	Elderly persons 65 or older, families with children, persons with severe disabilities, and pregnant women (on a case-by-case basis).				
Terms	14-28 days.				
Application Method	Administered by the County of San Diego.				
Neil Good Day Center		HTF	INCL	HOME	OTHER
Scope	Homeless Individuals are provided with laundry facilities, showers, mail, case management and referral services. The Neil Good Day Center serves more than 3,000 individuals annually.				●
Target Population	Homeless adults.				
Terms	Daytime, Year-Round				

Regional Continuum of Care Council (RCCC) Support		HTF	INCL	HOME	OTHER
Scope	The Housing Commission is a member of the RCCC, and is co-lead with the County of San Diego. The RCCC has 75 members from a broad spectrum of the community, including providers of services, government agencies and the private sector. It oversees federal homeless assistance funds for the region.				●
Target Population	Programs and services for homeless San Diegans.				
Regional Task Force on the Homeless (RTFH)		HTF	INCL	HOME	OTHER
Scope	The Housing Commission supports the RTFH and helps fund the Homeless Management Information System (HMIS) for the RCCC, allowing the community and service providers to better plan and provide necessary services.				●
Security Deposit Program – Emergency Solutions Grant (ESG)		HTF	INCL	HOME	OTHER
Scope	Program provides one-time security deposits for homeless individuals and families who are entering permanent housing.				●
Application Method	Clients are referred by nonprofits that provide case management.				E S G
Permanent Supportive Housing (PSH) (Previously Shelter Plus Care (SPC))		HTF	INCL	HOME	OTHER
Scope	PSH is a federally funded HUD program that provides rental assistance for organizations providing permanent housing with services for homeless and disabled individuals and families. The Housing Commission is the grantee for the PSH program grants. Funding for new PSH grants is competitive within the Continuum of Care and the Housing Commission participates as part of the San Diego region's annual Continuum of Care NOFA. HUD's goal for permanent housing is that 80 percent remain housed or exit to permanent housing.				●
Target Population	Disabled homeless individuals.				
Terms	Indefinite (Permanent Supportive Housing)				
Application Method	HUD Continuum of Care NOFA.				
Federal Sponsor-Based Housing Voucher Program		HTF	INCL	HOME	OTHER
Scope	A rental assistance program for homeless individuals with diagnosed mental health or drug and alcohol disorders.			●	●
Application Method	Federal Sponsor-Based Housing Vouchers are awarded to service providers via an RFP process.				
Federal Tenant-Based Rental Assistance Program		HTF	INCL	HOME	OTHER
Scope	A small rental assistance program that provides rental assistance for an intermediate term			●	
Target Population	Homeless individuals and families.				
Terms	Up to two years.				
Application Method	To be determined.				

Transitional Housing and PSH Operating Support		HTF	INCL	HOME	OTHER
Scope	A grant and loan program for nonprofit operators of transitional housing or PSH. Grants and loans may be used for the leasing or operation of transitional housing and PSH facilities, as well as improvements to existing leased facilities. No more than 25 percent of grant funds may be used for administration and support services.	●			
Target Population	Very low-income homeless families and individuals who receive supportive services in a transitional housing or permanent supportive housing facility.				
Grant Terms	A maximum grant of \$13 per bed/night for transitional housing and a maximum annual grant of \$100,000 per project for PSH.				
Application Method	Funds for program to be made available through RFPs or NOFA.				
Flexible Rehousing Program (<i>Potential New Program</i>)		HTF	INCL	HOME	OTHER
Scope	A grant program for homeless service and housing providers that provides for a pool of resources available to support short-term rental subsidies and supportive services post-placement in permanent housing for those families and individuals transitioning from homelessness. The program design allows the provider flexibility to determine the appropriate level of resources dedicated to both rental subsidies and supportive services that most appropriately meet the needs of individual clients.	●	●		
Target Population / Beneficiaries	Very low- to low-income homeless families and individuals transitioning into permanent housing. The program would incentivize providers to target a portion of the resources to serve the chronically homeless.				
Term	A pool of funds would be available to several housing and service providers. Successful outcome measurements would include the percentage of those families and individuals who remained housed one year after placement.				
Application Method	Funds would be available through an RFP process.				

MISCELLANEOUS PROGRAMS

Targets of Opportunity Program		HTF	INCL	HOME	OTHER
Scope	A program developed to allow the Housing Commission Board the flexibility to take advantage of opportunities for affordable housing that cannot be funded through other HTF programs.	●			
Target Population/ Beneficiaries	Very low- and low-income households that will reside in housing made available through this program.				
Loan Terms	For acquisition, maximum term to maturity is 55 years. Payment of principal and interest due to be determined.				
Loan underwriting	Subject to loan policies of the Housing Commission, unless a specific exception is authorized by the Housing Commission.				
Application Method	Project selection for this program will be on a case-by-case basis subsequent to an initial NOFA advising that applications will be accepted at any time for projects that do not qualify under other HTF programs or that have time constraints that preclude following the RFP calendar.				

San Diego Housing Commission Income and Rent Calculations

U.S. Department of Housing and Urban Development **2013** SAN DIEGO MEDIAN INCOME:

\$72,300

Note: The table contains income limits for 2013 extremely low, very low and low income, as adjusted for family size and other factors adopted and amended from time to time by the U.S. Department of Housing and Urban Development (HUD). HUD adjusted San Diego Very Low Income limits for a "high housing cost area" factor.

Family Size	Unit Size	Extremely Low Income 30% AMI (Adjusted by HUD)			35% AMI (Adjusted by HUD)			40% AMI (Adjusted by HUD)		
		ANNUAL INCOME ¹	GROSS RENT ²	TCAC ³	ANNUAL INCOME ¹	GROSS RENT ²	TCAC ³	ANNUAL INCOME ¹	GROSS RENT ²	TCAC ³
ONE	STUDIO	\$16,950	\$424	\$423	\$19,750	\$494	\$494	\$22,600	\$565	\$565
TWO	1-BR	\$19,400	\$485	\$453	\$22,550	\$564	\$529	\$25,800	\$645	\$605
THREE	2-BR	\$21,800	\$545	\$544	\$25,400	\$635	\$635	\$29,050	\$726	\$726
FOUR	3-BR	\$24,200	\$605	\$628	\$28,200	\$705	\$733	\$32,250	\$806	\$838
FIVE	4-BR	\$26,150	\$654	\$701	\$30,450	\$761	\$818	\$34,850	\$871	\$935
SIX	5-BR	\$28,100	\$703	\$774	\$32,700	\$818	\$903	\$37,400	\$935	\$1,032
SEVEN	6-BR	\$30,050	\$751		\$34,950	\$874		\$40,000	\$1,000	
EIGHT		\$31,950			\$37,200			\$42,550		

Family Size	Unit Size	Very Low Income 50% AMI (Adjusted by HUD)				60% AMI (Adjusted by HUD)			65% AMI (Adjusted by HUD)		
		ANNUAL INCOME ¹	GROSS RENT ²	TCAC ³	"Low HOME" ³	ANNUAL INCOME ¹	GROSS RENT ²	TCAC ³	ANNUAL INCOME ¹	GROSS RENT ²	"High HOME" ³
ONE	STUDIO	\$28,250	\$706	\$706	\$712	\$33,900	\$848	\$847	\$36,700	\$918	\$910
TWO	1-BR	\$32,250	\$806	\$756	\$764	\$38,700	\$968	\$907	\$41,900	\$1,048	\$977
THREE	2-BR	\$36,300	\$908	\$907	\$918	\$43,560	\$1,089	\$1,089	\$47,150	\$1,179	\$1,177
FOUR	3-BR	\$40,300	\$1,008	\$1,048	\$1,063	\$48,360	\$1,209	\$1,257	\$52,400	\$1,310	\$1,351
FIVE	4-BR	\$43,550	\$1,089	\$1,168	\$1,187	\$52,260	\$1,307	\$1,402	\$56,600	\$1,415	\$1,488
SIX	5-BR	\$46,750	\$1,169	\$1,290	\$1,311	\$56,100	\$1,403	\$1,548	\$60,800	\$1,520	\$1,623
SEVEN	6-BR	\$50,000	\$1,250		\$1,433	\$60,000	\$1,500		\$65,000	\$1,625	\$1,759
EIGHT		\$53,200				\$63,840			\$69,150		

Family Size	Unit Size	70% AMI (Adjusted by HUD)		80% AMI (Adjusted by HUD)		100% Area Median Income (No HUD adjustment)		120% AMI (No HUD adjustment)	
		ANNUAL INCOME ¹	GROSS RENT ²	ANNUAL INCOME ¹	GROSS RENT ²	ANNUAL INCOME ¹	GROSS RENT ²	ANNUAL INCOME ¹	GROSS RENT ²
ONE	STUDIO	\$39,500	\$988	\$45,150	\$1,129	\$50,600	\$1,265	\$60,750	\$1,519
TWO	1-BR	\$45,100	\$1,128	\$51,600	\$1,290	\$57,850	\$1,446	\$69,400	\$1,735
THREE	2-BR	\$50,750	\$1,269	\$58,050	\$1,451	\$65,050	\$1,626	\$78,100	\$1,953
FOUR	3-BR	\$56,400	\$1,410	\$64,500	\$1,613	\$72,300	\$1,808	\$86,750	\$2,169
FIVE	4-BR	\$60,900	\$1,523	\$69,700	\$1,743	\$78,100	\$1,953	\$93,700	\$2,343
SIX	5-BR	\$65,400	\$1,635	\$74,850	\$1,871	\$83,850	\$2,096	\$100,650	\$2,516
SEVEN	6-BR	\$69,950	\$1,749	\$80,000	\$2,000	\$89,650	\$2,241	\$107,550	\$2,689
EIGHT		\$74,450		\$85,150		\$95,450		\$114,500	

* TCAC = Tax Credit Allocation Committee

1. Annual Income = Gross annual income adjusted by family size for Area Median Income (AMI) level. May contain additional adjustments as determined annually by HUD.
2. Gross rent minus utility allowance = maximum cash rent. See the "San Diego Housing Commission Utility Allowance Schedule" to calculate the utility allowance based on the project's actual utility mix.
3. For projects with multiple funding sources, use the lowest rents applicable and/or apply HUDs MTSP "Hold Harmless" policy. "Low HOME" and "High HOME" rents effective June 1, 2013

Note: Due to the Housing and Economic Recovery Act of 2008 the data presented in this chart may not be applicable to projects financed with Section 42 Low Income Housing Tax Credits (LIHTC) or section 142 tax exempt private equity bonds (MTSP). If you believe your affordable housing project is affected by this change and have questions regarding the 2013 Rent & Income limits, please contact Irma Betancourt at irmab@sdhc.org.

This general income and rental rate information is derived from the U.S. Department of Housing and Urban Development very low income figures published December 11, 2012. HOME Rents effective June 1, 2013.

Revised: 05/13/13;ib

Article 8: Housing**Division 5: San Diego Housing Trust Fund**

(“San Diego Housing Trust Fund” added 4-16-1990 by O-17454 N.S.)

§98.0501 Purpose and Intent

- (a) It is the intent of the City Council to create an Affordable Housing Fund as a permanent and annually renewable source of revenue to meet, in part, the housing needs of the City’s *very low*, *low*, and *median income* households. There are households which are income eligible and also possess one or more of the following characteristics; (1) they are burdened by paying more than thirty percent (30%) of their gross income for housing costs; (2) they live in overcrowded conditions; (3) they live in substandard housing units; (4) they are homeless individuals and families; or (5) they consist of individuals and families with special housing needs such as the elderly, the developmentally disabled, the mentally ill, the physically disabled, single parent households and large families.
- (b) The Affordable Housing Fund will serve as a vehicle for addressing very low, low, and median income housing needs through a combination of funds as provided for in these regulations.
- (c) It is the intent of the City Council to address a significant portion of the City’s current and projected very low, low, and median income housing need by leveraging every one dollar of City funds allocated to the Fund with two dollars of non-City subsidy capital funds.
- (d) It is further the intent of the Council to foster a mix of family incomes in projects assisted by the Fund and to disperse affordable housing projects throughout the City, in accordance with its Balanced Communities Policy and its intent to achieve a balance of incomes in all neighborhoods and communities so that no single neighborhood experiences a disproportionate concentration of housing units affordable to very low, low, and median income households.
- (e) It is the purpose and intent of this part to preserve and maintain renter and ownership housing units which are affordable to low, very low, and moderate income households and are located within the City, including federally assisted units and units located in mobile home parks.

- (f) It is the further intent of the City Council to foster and encourage the private sector to join with the public sector and the nonprofit sector to further the goals of this ordinance.

(Amended 6-3-2003 by O-19190 N.S.)

§98.0502 Establishment of the San Diego Affordable Housing Fund

- (a) There is hereby established a fund to be known and denominated as the San Diego Affordable Housing Fund. The Affordable Housing Fund shall consist of funds derived from the commercial development linkage fees paid to the City pursuant to Chapter 9, Division 6, Article 8 of the San Diego Municipal Code; revenues from the Transient Occupancy Tax as provided in Section 35.0128 of the San Diego Municipal Code; funds derived from in lieu fees paid to the City pursuant to Chapter 14, Article 2, Division 13; revenues received from the use of a shared-equity program pursuant to Section 142.1309(e) of the San Diego Municipal Code; and any other appropriations as determined from time to time by legislative action of the City Council. The Affordable Housing Fund shall be administered by the San Diego Housing Commission pursuant to the provisions of this Division, the appropriation ordinances and Council policies applicable thereto.
- (b) There is also hereby established within the Affordable Housing Fund, a San Diego Housing Trust Fund account. Except for funds received from in lieu fees paid to the City pursuant to Chapter 14, Article 2, Division 13 and revenues received from the use of a shared-equity program pursuant to Section 142.1309(e) of the San Diego Municipal Code, all funds received by the Affordable Housing Trust Fund, either from special funds or general fund appropriations, shall be deposited in the Housing Trust Fund account. The administration and use of monies from the San Diego Housing Trust Fund shall be subject to all provisions under this Division related to the Affordable Housing Fund.
- (c) There is also hereby established within the Affordable Housing Fund, an Inclusionary Housing Fund account. Funds received from in lieu fees paid to the City pursuant to Chapter 14, Article 2, Division 13 and revenues received from the use of a shared-equity program pursuant to Section 142.1309(e) of the San Diego Municipal Code shall be deposited in the Inclusionary Housing Fund account. The administration and use of monies from the Inclusionary Housing Fund shall be subject to all provisions under this Division related to the Affordable Housing Fund.

(“Definitions” repealed; “Establishment of the San Diego Housing Trust Fund and Trust Fund Account” renumbered from Sec. 98.0503, retitled and amended 6-3-2003 by O-19190 N.S.)

§98.0503 Purpose and Use of Affordable Housing Fund and Monies

- (a) The Affordable Housing Fund shall be used solely for programs and administrative support approved by the City Council in accordance with Section 98.0507 to meet the housing needs of *very low income*, *low income* and *median income* households. In addition, for homeownership purposes only, these funds may be utilized to meet the housing needs of *moderate income* households where *moderate income* has the same meaning as in San Diego Municipal Code Section 113.0103. These programs shall include those providing assistance through production, acquisition, rehabilitation and preservation.
- (b) Principal and interest from loan repayments, proceeds from grant repayments, forfeitures, reimbursements, and all other income from Affordable Housing Fund activities, shall be deposited into the Affordable Housing Fund. All funds in the account shall earn interest at least at the same rate as pooled investments managed by the Treasurer. All interest earnings from the account shall be reinvested and dedicated to the account. All appropriated funds in the Affordable Housing Fund account shall be available for program expenditures as directed by the Commission and pursuant to Section 98.0507. The City’s Annual Appropriation Ordinance shall provide for the transfer of designated funds to the Affordable Housing Fund. Transfers shall be made quarterly or upon direction of the City Manager. Transferred funds shall accrue interest from the time of transfer.

(“Establishment of the San Diego Housing Trust Fund and Trust Fund Account” renumbered to Sec. 98.0502; “Purpose and Use of Housing Trust Fund and Monies” renumbered from Sec. 98.0504, retitled and amended 6–3–2003 by O–19190 N.S.) (Amended 1-23-2009 by O-19825 N.S; effective 2-22-2009.)

§98.0504 Purpose and Use of San Diego Housing Trust Fund Account

- (a) The San Diego Housing Trust Fund may be used in any manner, through loans, grants, or indirect assistance for the production and maintenance of assisted units and related facilities. The San Diego Housing Trust Fund monies shall be distributed to the target income groups according to the following guidelines:
 - (1) No less than ten percent (10%) of the funds in the San Diego Housing Trust Fund account shall be expended to provide transitional housing for households who lack permanent housing;

- (2) Not less than sixty percent (60%) of the funds in the Trust Fund account shall be expended to provide housing to *very low income* households at *affordable housing costs*.
 - (3) No more than twenty percent (20%) of the funds in the San Diego Housing Trust Fund account shall be expended to provide housing to *low income* households at *affordable housing costs*;
 - (4) No more than ten percent (10%) of the funds in the San Diego Housing Trust Fund account shall be expended to assist *median income* and *moderate income* first-time home buyers purchase a home at an *affordable housing cost* with special consideration given to those proposals (1) involving neighborhoods that are predominately *low income* with substantial incidence of absentee ownership, or (2) which further the goals of providing economically balanced communities. *Affordable housing cost*, as defined for moderate income home buyers, shall also be consistent with California Health and Safety Code section 50052.5 for those households at or exceeding 100 percent (100%) of area median income.
- (b) The San Diego Housing Commission shall ensure that a program to increase the capacity of nonprofit organizations to develop and operate housing for *very low, low, median and moderate income* households be included in the Affordable Housing Fund Annual Plan to be submitted to the City Council in accordance with Section 98.0507. Through such a program, the Housing Trust Fund may fund training programs for non-profit organizations, and provide funds for administrative support. Furthermore, the San Diego Housing Commission shall ensure that technical assistance related to the preparation of project proposals is made available to nonprofit organizations requesting such assistance.
- (c) Funds shall not be used for the operation of supporting services such as child care or social services unless:
- (1) The funds are used in connection with transitional housing or in neighborhoods where the addition of units will create the need for supportive services.
 - (2) The recipient can demonstrate to the Commission that other funds are not available, and
 - (3) No more than twenty-five percent (25%) of the loan, grant or assistance is designated for such services. Whenever such funds are disbursed from the Trust Fund account, the San Diego Housing Commission shall determine the terms and conditions which shall be attached to the grant or loan of those funds.

*(“Purpose and Use of Housing Trust Fund and Monies” renumbered to Sec. 98.0503; “Purpose and Use of San Diego Housing Trust Fund Account” added 6-3-2003 by O-19190 N.S.)
(Amended 1-23-2009 by O-19825 N.S; effective 2-22-2009.)*

§98.0505 Purpose and Use of San Diego Inclusionary Housing Fund Account

- (a) The Inclusionary Housing Trust Fund shall be used solely for programs and administrative support approved by the City Council pursuant to the provisions of Section 98.0507.
- (b) Priority for the expenditure of funds from the Inclusionary Housing Trust Fund shall be given to the construction of new affordable housing stock. The monies may also be allowed to be expended for other programs administered by the San Diego Housing Commission if approved by the City Council in the Affordable Housing Fund Annual Plan, pursuant to the provisions of this Division.
- (c) Priority for the expenditure of funds from the Inclusionary Housing Trust Fund shall be given to the Community Planning Area from which the funds were collected. The funds shall be used to promote and support the City’s goal of providing economically balanced communities.

(“Term of Affordability” renumbered to Sec. 98.0506; “Purpose and Use of San Diego Inclusionary Housing Fund Account” added 6-3-2003 by O-19190 N.S.)

§98.0506 Term of Affordability

- (a) Whenever funds from the Affordable Housing Fund are used for the acquisition, construction or substantial rehabilitation of an affordable rental or cooperative unit, the San Diego Housing Commission shall impose enforceable requirements on the owner of the housing unit that the unit remain affordable for the remaining life of the housing unit, assuming good faith efforts by the owner to maintain the housing unit and rehabilitate it as necessary. The remaining life of the housing unit shall be presumed to be a minimum of fifty-five (55) years.
- (b) Whenever funds from the Affordable Housing Fund are used for the acquisition, construction or substantial rehabilitation of ownership housing, the San Diego Housing Commission shall impose enforceable resale restrictions on the owner to keep the housing unit affordable for the longest feasible time, while maintaining an equitable balance between the interests of the owner and the interests of the San Diego Housing Commission.

- (c) For programs funded with funds from the Affordable Housing Fund which are not described in (a) or (b) above, the Commission shall develop appropriate mechanisms to ensure affordability which shall be described in the San Diego Housing Fund Annual Plan.
- (d) The affordability restriction requirements described in this section shall run with the land and the Commission shall develop appropriate procedures and documentation to enforce these requirements and shall record such documentation in the Official Records of the Recorder of San Diego County.

(“Three Year Program” renumbered to Sec. 98.0507; “Term of Affordability” renumbered from Sec. 98.0505 and amended 6-3-2003 by O-19190 N.S.)

§98.0507 Affordable Housing Fund Annual Plan

Prior to the commencement of the fiscal year and annually thereafter, the San Diego Housing Commission shall adopt an Affordable Housing Fund Annual Plan for the use of the Affordable Housing Fund, including the Housing Trust Fund account and the Inclusionary Housing Fund account, and present it to Council for action. This document shall plan for the following fiscal year or other appropriate time frame to ensure for accurate and effective planning and budgeting of fund revenues. The Affordable Housing Fund Annual Plan shall include:

- (a) A description of all programs to be funded with funds from the Affordable Housing Fund account specifying the intended beneficiaries of the program including the capacity building program for nonprofit organizations;
- (b) The amount of funds budgeted for loans or grants to recipients who agree to participate in Commission approved Programs;
- (c) The amount of funds budgeted for administrative expenses, exclusive of legal fees. All disbursements from the Affordable Housing Fund shall be consistent with the Affordable Housing Fund Annual Plan.

(“Solicitation of Program Suggestions” renumbered to Sec. 98.0508; “Three Year Program Plan” renumbered from Sec. 98.0506, retitled and amended 6-3-2003 by O-19190 N.S.)

§98.0508 Solicitation of Program Suggestions

Each year, the San Diego Housing Commission shall solicit suggestions on the programs to be funded by the Affordable Housing Fund account in the next fiscal year from any person who has indicated such a desire in writing to the Board of Commissioners of the San Diego Housing Commission.

(“Preparation and Funding of Three-Year Program Plan” renumbered to Sec. 98.0509; “Solicitation of Program Suggestions” renumbered from Sec. 98.0507 and amended 6-3-2003 by O-19190 N.S.)

§98.0509 Preparation and Funding of Affordable Housing Fund Annual Plan

Each year, the San Diego Housing Commission shall hold three (3) public hearings to solicit testimony from the general public on programs to be funded by the Affordable Housing Fund account in the next fiscal year. A hearing shall be held in the North, South and Central areas of the City. The San Diego Housing Commission shall consider the suggestions from the neighborhood groups and the testimony from the public hearings, and cause a draft Annual Plan to be prepared for its consideration. The San Diego Housing Commission shall hold a public hearing to obtain public comments on the draft Affordable Housing Fund Annual Plan, make modifications as it deems appropriate and submit it to the Council for action. The City Council shall consider the Affordable Housing Fund Annual Plan as submitted by the San Diego Housing Commission, modify it if it so elects; approve it no later than July 31 of each year; and appropriate to fund the Affordable Housing Fund Annual Plan from the Affordable Housing Fund account or an other funding sources it chooses to consider for this purpose. These procedures and dates may be adjusted as necessary for the preparation of the first Affordable Housing Fund Annual Plan after the enactment of this Division.

(“Project Selection and Disbursement of Funds” renumbered to Sec. 98.0510; “Preparation and Funding of Three-Year Program Plan” renumbered from Sec. 98.0508, retitled and amended 6-3-2003 by O-19190 N.S.)

§98.0510 Project Selection and Disbursement of Funds

- (a) All projects considered for funding will be reviewed prior to Commission action by the local Community Planning Group or, in an area where there is no Planning Group, another community advisory group.
- (b) The San Diego Housing Commission may notify potential recipients that specified funds from the Affordable Housing Fund are available to be distributed as loans or grants through issuing requests for proposals and notices of fund availability.

(“Support of Nonprofit Organizations” repealed; “Project Selection and Disbursement of Funds” renumbered from Sec. 98.0509 and amended 6-3-2003 by O-19190 N.S.)

§98.0511 Regulation of Recipients

Every recipient shall enter into a written agreement with the San Diego Housing Commission which sets forth the terms and conditions of the grant or loan. The agreement shall contain at least the following provisions:

- (a) The amount of funds to be disbursed from the Affordable Housing Fund.
- (b) The manner in which the funds from the Affordable Housing Fund are to be used.
- (c) The terms and conditions of the grant or loan.
- (d) The projected and maximum amount that is allowed to be charged in order for the assisted units to maintain an affordable housing cost.
- (e) A requirement that periodic reports be made to the Commission to assist its monitoring of compliance with the agreement.
- (f) A description of actions that the Commission may take to enforce the agreement.
- (g) Restrictions on the return on equity and developers fee recipients may receive, where applicable.

(“Funding of Supporting Services” repealed; “Regulation of Recipients” renumbered from Sec. 98.0512 and amended 6-3-2003 by O-19190 N.S.)

§98.0512 Publication of Program Documents

The Commission shall publish such administrative rules and guidelines as are necessary and desirable to implement the programs approved by the City Council in the Annual Plan.

(“Regulation of Recipients” renumbered to Sec. 98.0511; “Publication of Program Documents” renumbered from Sec. 98.0522 and amended 6-3-2003 by O-19190 N.S.)

§98.0513 Annual Report

- (a) The Commission shall within ninety (90) days following the close of each fiscal year prepare and submit an annual report to the City Council on the activities undertaken with funds from the Affordable Housing Fund account. The report shall specify the number and types of units assisted, the geographic distribution of units and a summary of statistical data relative to the incomes of assisted households, the monthly rent or carrying charges charged the amount of state, federal and private funds leveraged, and the sales prices of ownership units assisted. The report shall specifically contain a discussion of how well the goals of the previous year’s Annual Plan were met. The report shall also contain the information necessary to support the findings specified in Section 66001 of Chapter 5, Division 1 of Title 7 of the California Government Code.

(“Annual Report” renumbered from Sec. 98.0523 and amended 6-3-2003 by O-19190 N.S.)

§98.0514 Reserve Fund

The Commission may establish and maintain a reserve fund account subject to approval of the City Council, adequate to preserve the ability of the Affordable Housing Fund to take maximum advantage of unforeseen opportunities in assisting housing and to ensure prudently against unforeseen expenses. The amount to be maintained in this reserve fund shall be determined by the San Diego Housing Commission. The San Diego Housing Commission shall establish procedures for maintaining such a fund.

(“Reserve Fund” renumbered from Sec. 98.0524 and amended 6-3-2003 by O-19190 N.S.)

§98.0515 Financial Management

- (a) The City Auditor shall maintain a separate Affordable Housing Fund and any required related subsidiary funds and transfer the balance on deposit from such funds to the San Diego Housing Commission on a quarterly basis upon the direction from the Financial Management Director.
- (b) The San Diego Housing Commission shall maintain and report within their accounts a separate Affordable Housing Fund and the subsidy funds of the Housing Trust Fund, the Inclusionary Housing Fund, and any other required related subsidiary funds for all related financing transferred from the City and any related income. Such funds shall be accounted for and reported separately on the San Diego Housing Commission’s annual audited financial report, and such funds shall be audited for compliance with the Affordable Housing Fund Ordinance, Inclusionary Housing Ordinance, and related policies and regulations.

The Commission shall also prepare any other reports legally mandated for financing sources of the Affordable Housing Fund.

(“Financial Management” renumbered from Sec. 98.0525 and amended 6-3-2003 by O-19190 N.S.)

§98.0516 Equal Opportunity Program

The San Diego Housing Commission shall apply its equal opportunity program to assure that contractors doing business with and/or receiving funds from the Affordable Housing Fund will not discriminate against any employee or applicant for employment because of race, color, religion, sex, handicap, age, or national origin and that equal employment opportunity is provided to all applicants and employees without regard to race, religion, sex, handicap, age, or national origin. The goals of the equal opportunity program are to ensure that all contracts achieve parity in the representation of women, minorities, and the handicapped in each contractor’s work force with the availability of women minorities, and the handicapped in the San Diego County labor market. The program shall apply to all vendors, grantees, lessees, consultants, banks, and independent corporations under contract with the San Diego Housing Commission.

(“Equal Opportunity Program” renumbered from Sec. 98.0526 and amended 6-3-2003 by O-19190 N.S.)

§98.0517 Compliance with Antidiscrimination Laws

Each contractor shall submit certification of compliance with Executive Order 11246, Title VII of the Civil Rights Act of 1964, as amended, the California Fair Employment Practice Act, and other applicable federal and state laws and regulations hereinafter enacted. Such certification shall be on forms to be provided by the Commission and shall be submitted at the time the contractor submits a bid or proposal.

(“Compliance with Antidiscrimination Laws” renumbered from Sec. 98.0527 on 6-3-2003 by O-19190 N.S.)

§98.0518 Commission Powers To Enforce

The San Diego Housing Commission may institute any action or proceeding it deems appropriate, judicial or otherwise, against recipients or other persons to carry out the provisions of this Division, to enforce the terms of any agreement related to the use of funds from the Affordable Housing Fund, or to protect the interest of the City, the San Diego Housing Commission, or intended beneficiaries of programs operated pursuant to this Division. The San Diego Housing Commission may foreclose on property assisted with funds from the Affordable Housing Fund, seek to assume managerial or financial control over property financed with funds from the Affordable Housing Fund, directly or through a receiver, seek monetary damages or seek equitable or declaratory relief.

(“Commission Powers to Enforce” renumbered from Sec. 98.0528 and amended 6-3-2003 by O-19190 N.S.)