

The Wabasha County Board of Commissioners does hereby ordain:

An Ordinance establishing a Local Housing Trust Fund to address needs for affordable housing within the  
County of Wabasha

07/09/2024

**SEMMCHRA WABASHA COUNTY AFFORDABLE HOUSING TRUST FUND**

1) Purpose and Intent.

- a) There is hereby created and established for the County of Wabasha a fund to be known and denominated as the SEMMCHRA Wabasha County Affordable Housing Trust Fund. This Trust Fund shall be a permanent endowment and continually renewable source of revenue to meet, in part, the housing needs of Moderate, Low Income and Very Low Income households of the County. The Trust Fund is to provide loans and grants to homeowners, and for-profit and non-profit housing developers for the acquisition, rehabilitation, emergency shelter, capital, and soft costs necessary for the creation of new affordable rental and owner-occupied housing. Preference shall also be given to those projects that ensure that the "Assisted Units" remain "Affordable" for the longest period possible. Eligible projects could also include rural rehabilitation housing programs. Projects funded by the Trust Fund shall be disbursed throughout the County, so no single area experiences a disproportionate concentration of housing units for Low Income and Very Low Income households.
- b) Statutory Authority.
  - i) This Ordinance is adopted pursuant to the authorization and policies contain in Minnesota Statues, section 462C.16 and Minnesota Statues 462A.201
- c) Jurisdiction
  - i) This ordinance shall apply to all areas in Wabasha County

2) Definitions.

- a) "Affordable" means a housing unit that has an Affordable Housing Cost.
- b) "Affordable Housing Cost" means an amount satisfied by:
  - i) For owner-occupied housing, a housing payment inclusive of loan principal, loan interest, property taxes, property and mortgage insurance, and homeowners' association dues which allows a Moderate, Low Income or Very Low Income household to purchase a home, while paying no more than thirty (30%) of their gross household income; and,
  - ii) For rental or cooperative housing, a housing payment, inclusive of a reasonable allowance for heating, which allows a Very Low Income household to rent a unit, while paying no more than thirty (30%) of their gross household income.
- c) "Area Median Income" means the median income for the Wabasha County area adjusted for family size, as published by the United States Department of Housing and Urban Development.
- d) "Assisted Unit" means a housing unit that is Affordable because of financial assistance from the Trust Fund.
- e) "Commission" means the SEMMCHRA Board of Commissioners.
- f) "Elderly Housing" means owner-occupied or rental housing units that at least one household member is 55 or older.

- g) "Emergency Shelter" means a short-term accommodation for people who are homeless or in crisis.
  - h) "Low Income" means gross household income adjusted for family size that is at or below eighty percent (80%) of Area Median Income, but more than fifty percent (50%) of Area Median Income.
  - i) "Moderate Income" means gross household income adjusted for family size that is at or below 115 percent (115%) of Area Median Income, but more than Eighty percent (80%) of Area Median Income.
  - j) "Project" means a single-family house or a multifamily apartment complex, either as owner-occupied property or rental property.
  - k) "Recipient" means any homeowner, for-profit or non-profit housing developer that receives funds in the form of a loan or a grant from the Trust Fund Account. A Recipient may be an individual, partnership, joint venture, limited liability company or partnership, association, or corporation.
  - l) "SEMMCHRA" means Southeastern Minnesota Multi-County Housing & Redevelopment Authority (HRA).
  - m) "Tax Incremental Financing Equity Participation Payment" means an equity payment received by the County from a developer pursuant to a TIF Development Agreement in which the tax incremental district has been dissolved.
  - n) "Trust Fund" means the SEMMCHRA Wabasha County Affordable Housing Trust Fund.
  - o) "Very Low Income" means gross household income adjusted for family size that is at or below fifty percent (50%) of Area Median Income.
  - p) "Workforce Housing" shall mean owner-occupied or rental housing units that are provided to households with at least one member per unit who is gainfully employed at the time of entry into the unit.
    - i) Workforce housing may be designed for households that make 50% to 115% of Area Median Income but shall be inclusive of all income levels households who meet the definition of gainful employment and can meet the Affordable Housing Cost as defined in Subpart b (1) and (2).
    - ii) Gainful Employment is defined as an employment situation where the head of household receives consistent work and payment from an employer at 30 hours or more per week.
- 3) Trust Fund Account; Sources of Trust Fund Moneys.
- a) There is also hereby established a SEMMCHRA Wabasha County Affordable Housing Trust Fund Account, to be maintained by the SEMMCHRA (HRA). All funds received by the HRA on behalf of the Trust Fund shall be deposited in the Trust Fund Account. Principal and interest from loan repayments, and all other income from Trust Fund activities, shall be deposited in the Trust Fund Account. All interest earnings from the Trust Fund Account shall be reinvested and dedicated to the Trust Fund Account.
  - b) The Trust Fund shall consist of funds derived from the following, but not limited to:
    - i) Private cash contributions designated for the Trust Fund; or
    - ii) Payments in lieu of participation in current or future affordable housing programs; or
    - iii) Matching funds from a federal affordable housing trust fund; or

- iv) Principal and interest from Trust Fund loan repayments and all other income from Trust Fund activities; or
  - v) Budgeted payments made by the HRA Tax Levy fund as approved by County Board; or
  - vi) Matching funds from a State affordable housing trust fund or a State program designated to fund an Affordable Housing Trust Fund; or
  - vii) Employer based funds and matches.
- c) The Trust Fund may also consist of funds derived from any other source, including but not limited to the following, subject to approval by the County Board, upon notification from the Finance Director that funds are available.
- i) Amounts from the Operating Budget equivalent to County fees collected from dedicated uses related to housing, such as reinspection fees; or
  - ii) Tax Incremental Financing Equity Participation Payments; or
  - iii) Any other appropriations as determined from time to time by action of the County Board.
- 4) Oversight, Advisory and Trust Fund Distributions.
- a) The Wabasha County Board may establish an advisory committee to provide general oversight of the housing trust fund. The advisory committee would provide recommendations to the County board regarding general provisions of the housing trust fund. The advisory committee would meet one time per year, minimally. Annually, the advisory committee would recommend the housing trust fund priorities and establish an allocation to programs of the funding sources. The members of the advisory committee may include elected officials, administrator entity staff, HRA staff, or residents with lived or housing experience.
  - b) Trust Funds, prior to the establishment of an advisory committee and forgoing recommendations, will be allocated into the following categories and reviewed annually by the advisory board:
    - i) Low Income Assisted Housing New Unit Creation Fund (25%)
    - ii) Rehabilitation Project Fund (50%)
    - iii) Flexible Project Fund (25%)
  - c) The Trust Fund is to function as an endowment fund to fund loans and grants in accordance with this Section. No disbursements may be made from the Trust Fund Account if the project amount is greater or equal to \$20,000 or has no structured repayment included without the prior recommendation of the Commission and authorization by the County Board. All requests for project (RFP) proposals will be recommended by the Commission and authorized by the County Board.
  - d) As the Trust Fund Administrator, SEMMCHRA may utilize established programs of SEMMCHRA, Three Rivers Community Action Group, Two Rivers Habitat for Humanity or Wabasha County, to distribute the funds in a cost-effective manner to minimize administrative costs and simplify the access to funds for Recipients. Those disbursements will follow the approval and authorization process of such established programs.
  - e) Disbursements from the Trust Fund Account shall be made as loans or grants to assist Recipients with Assisted Units. Recipients may use the funds to pay for: capital costs, including but not limited to the actual costs of rehabilitating or constructing Assisted Units; preserving affordable units; demolishing or converting existing non-residential buildings to create new Assisted Units; real property acquisition costs; and professional service costs, including but not limited to, those

costs incurred for architectural, engineering, planning and legal services which are attributable to the creation of Assisted Units.

- f) Funding for Rental Assisted Units shall be available only to households whose gross income, adjusted for family size, is at or below eighty percent (80%) of Area Median Income at time of entry into the unit.
- g) Owner-occupied Assisted Units shall be available to households who are Moderate, Low Income or Very Low Income.
- h) The HRA shall periodically review the terms of assistance, and structure these terms to encourage the longest period of affordability possible.
- i) Loans or grants from the Trust Fund shall be used to develop Assisted Units within a project. The Trust Fund may assist up to one hundred percent (100%) of the units within a building or development of one (1) to nine (9) total units, up to fifty percent (50%) of the units within a building or development of ten (10) to fifteen (15) units, and up to twenty-five percent (25%) of the units within a building or development of sixteen (16) or more units.
- j) Assisted Units shall be distributed throughout the building or development so as to avoid a disproportionate concentration in any one area.
- k) The HRA shall give preference to projects not located in any Tax Incremental District whose project expenditure period has not expired.
- l) Rural rehabilitation funding can also be included to increase rural homeownership, rehabilitate existing housing stock, provide affordable rental housing and supportive housing options, build farmworker housing, among other housing-related uses.
- m) Notwithstanding the stated purpose in subsection (1) herein to create the Fund as a continually renewable source of revenue, the Commission may, in its discretion, recommend that disbursements from the Trust Fund's Flexible Fund Account may be made as grants at any time that the Trust Fund's Flexible Fund Account balance exceeds \$100,000. The Commission will revisit this amount from time to time to ensure that the objectives of the AHTF are being met and the amount is set at the proper level to achieve the objectives.

5) Term of Affordability.

- a) The minimum term of affordability for any Assisted Unit shall be fifteen (15) years. The Commission shall give preference to those projects that ensure that the Assisted Units remain Affordable for the longest period possible.
- b) Assisted Units shall be deed restricted to ensure long-term affordability.
- c) The HRA will utilize loan agreements with the recipients of the Trust Fund. The loan agreement will clearly state the conditions and requirements for the recipient's use of Trust Fund monies, including the term of compliance, transfer or sale requirements and other requirements as specified.
- d) In those cases where an Assisted Unit is sold or transferred, or where an Assisted Unit is no longer Affordable, the initial Recipient of assistance from the Trust Fund shall be obligated to repay to the Trust Fund the original loan amount, plus a pro-rated percentage of the appreciated value of the Assisted Unit as determined by the HRA.
- e) The HRA Staff shall enforce all debt and lien instruments to the fullest extent of the law. The HRA may recommend to the County, debt settlement offers if it is determined to be in the best interest of the County.

- 6) HRA Powers and Responsibilities.
  - a) SEMMCHRA shall administer the SEMMCHRA Wabasha County Affordable Housing Trust Fund on behalf of Wabasha County and have the following powers and duties as regards to the Trust Fund:
    - i) Recommend policies, goals, and objectives for the Trust Fund program to the Administrator and County Board; and
    - ii) Review project funding requests and reports to the Administrator and County Board all disbursements from the Trust Fund annually; and
    - iii) Investigate and recommend to the Administrator and County Board additional sources of money for deposit to the Trust Fund Account; and
    - iv) Publish and distribute requests for proposals and notices of funding availability; and
    - v) Take no more than ten percent (10%) fee for project administration annually.
  - b) All projects considered for funding will be reviewed prior to HRA action by the HRA staff, and the Executive Director shall submit to the Commission for comments and recommendations.
  - c) The HRA shall, within thirty (30) days following the close of each fiscal year, prepare and submit an annual report to the County Board on the activities undertaken with funds from the Trust Fund. The report will illustrate the impact on the community's housing needs, characterize the nature of the housing projects and programs supported by the housing trust fund, and note accomplishments in terms of household served.
  - d) The County must post the annual report on its public website.
  
- 7) Exception Authority.
  - a) The County Board may make exceptions to any part of this ordinance if it is determined to be in the best interest of the County and does not violate Minnesota Statute 462C.16