

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2009 - 421

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:		11/2/2009		11/10/2009	Introduction
Division Head:				11/24/2009	Finance/Council
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:					

TITLE OF DOCUMENT:

Ord. amend WCC Title 3 to establish WCC 3.46, Affordable Housing Incentive Fund

ATTACHMENTS:

SEPA review required? () Yes () NO	Should Clerk schedule a hearing? () Yes () NO
SEPA review completed? () Yes () NO	Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: *(If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)*

Ordinance amending Whatcom County Code (WCC) Title 3 to establish WCC 3.46, Affordable Housing Incentive Fund.

COMMITTEE ACTION:

11/24/2009: Committee Amended and forwarded to Council for approval

COUNCIL ACTION:

11/10/2009: Introduced
 11/24/2009: Council Adopted Amended version
 5-2 Nelson & Crawford opposed
 Ord. 2009-075

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number: Ord. 2009-075

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

ORDINANCE NO. 2009-075

**AMENDING WHATCOM COUNTY CODE (WCC) TITLE 3 TO
ESTABLISH WCC 3.46, AFFORDABLE HOUSING INCENTIVE FUND**

WHEREAS the Growth Management Act requires County Comprehensive Plans to include provisions allowing for affordable housing funds (*RCW 36.70A.070*); and

WHEREAS, the Whatcom Comprehensive Plan includes a housing chapter which declares that housing is not only a basic human need but also a fundamental building block in the development of a strong County (*Chapter Three, Whatcom County Comprehensive Plan*); and

WHEREAS, the Whatcom County Comprehensive Plan further declares, as a policy and goal, that "every community and neighborhood needs a healthy mix of housing sizes, types and *prices*, affordable at the wages of the jobs nearby" *Id.*; and

WHEREAS, the Countywide Housing Affordability Taskforce, hereinafter (CHAT), was formed in 2007 to assist Whatcom County, and our cities, with implementing the housing needs as expressed in the above mentioned plans; and

WHEREAS, the specific mission of CHAT was to develop and recommend specific action strategies and programs to address the anticipated need for 11,000 additional housing units affordable to households earning 80% or less of the county median income by the year 2022; and

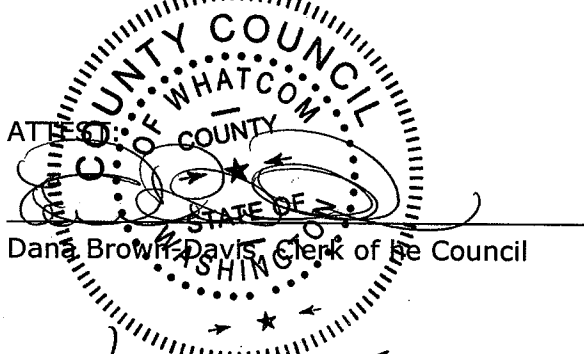
WHEREAS, CHAT was comprised by a diverse collection of stakeholders knowledgeable in different aspects of housing needs who met over 40 times to establish a report with recommendations on how to create affordable housing in our community; and

WHEREAS, creation of a housing trust fund was one of the five major recommendations that came forth from CHAT; and

WHEREAS, establishing a Housing Incentive Trust Fund would be for the purpose of receiving special revenues supporting the development and preservation of affordable housing and to provide segregated accounting and control for expenditure of moneys collected.

1 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that Whatcom
2 County Code 3.46, Affordable Housing Incentive Fund, is hereby established as outlined in Exhibit
3 A to this ordinance.

4
5 **ADOPTED** this 24th day of November, 2009.

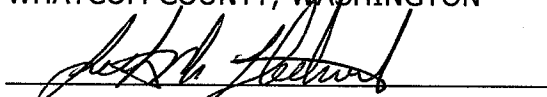


6
7
8
9 ATTORNEY AT LAW
10
11 Dana Brown-Davis, Clerk of the Council

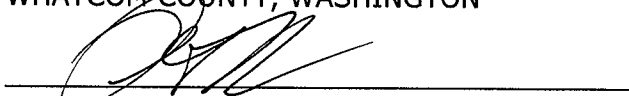
12
13
14 APPROVED AS TO FORM:

15
16
17 
18 Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Seth Fleetwood, Council Chair

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON


Pete Kremen, County Executive

() Approved () Denied

Date Signed: 12.9.09

1 **EXHIBIT A**

2 (Affordable Housing Incentive Fund)

3 **Chapter 3.46**

4 **AFFORDABLE HOUSING INCENTIVE FUND**

5 Sections:

6 **3.46.010** Established.

7 **3.46.015** Subfund.

8 **3.46.020** Accounting.

9 **3.46.030** Definitions.

10 **3.46.040** Functions and disbursements.

11 **3.46.050** Advisory board.

12 **3.46.060** Reporting.

13 **3.46.010 Established.**

14 A special revenue fund to be designated as the "Affordable Housing Incentive Fund" is
15 established to receive special revenues supporting the development and preservation of
16 affordable housing and to provide segregated accounting and control for expenditure of
17 moneys.

18 **3.46.015 Subfund.**

19 A special revenue subfund is established under the affordable housing incentive fund
20 entitled the "low-income affordable housing incentive fund". The low-income affordable
21 housing incentive fund may receive and distribute funds to assist households at or below
22 eighty percent of the area median income, adjusted for household size, as published by
23 U.S. Housing Urban Development Sources of funding for this subfund shall include
24 donations from public and private sources, and any other revenues specifically dedicated
25 to the affordable housing incentive fund by the county council, by cities within the
26 county, from affordable housing loan repayments or from other appropriate sources.

27 **3.46.020 Accounting.**

28 Accounting within the affordable housing trust fund shall segregate revenues and
29 expenditures so that support for persons with incomes higher than eighty percent of the
30 area median income shall be funded solely from private donations. Public funds may only
31 be used to assist households at or below eighty percent of the area median income.

32 **3.46.030 Definitions.**

1 "Housing" means promotion, facilitation, preservation and development of decent and
2 safe dwellings affordable to all economic segments of the community through loans,
3 financial assistance, technical assistance and capacity building to public and private
4 nonprofit agencies providing affordable housing services to the County.

5 **(definition as codified in Whatcom County Code 20.97.221)**

6 "Low-income housing" means housing for which the monthly expenditure by a qualified
7 low-income household purchaser or tenant, including mortgage or rent payment,
8 insurance, taxes, and utilities (water and sewer), does not exceed 38 percent of gross
9 monthly household income at the time of purchase or lease, and where the amount of
10 mortgage or rent does not exceed 30 percent of gross monthly household income, with
11 documented assurance that the housing provided is restricted under a government or
12 nonprofit housing program or agency, and that this will continue over time. A "low-
13 income household" means a single person, family, or unrelated persons living together
14 whose income, at their initial occupancy of the premises, is less than 80 percent of the
15 median family income, adjusted for household size, for Whatcom County, as defined by
16 the U.S. Department of Housing and Urban Development at the time of application. A
17 monthly expenditure higher than the standard above may be allowed for homes or
18 projects that have received state, federal, and/or other affordable housing program
19 funding. (Ord. 2009-006 Exh. 1, 2009).

20 **3.46.040 Functions and disbursements.**

21 1. The affordable housing incentive fund is intended to accept funds from sources that
22 include, but are not limited to, private donations, public allocations and the proceeds
23 from the sale of development rights.

24 2. The affordable housing incentive fund is intended to:

25 A. Support the repair and rehabilitation of housing serving senior, low-income and
26 disabled residents;

27 B. Provide direct financial and technical assistance to qualified housing projects;

28 C. Provide financial assistance to public and private nonprofit organizations supporting
29 housing activities consistent with city or county policy;

30 D. Provide financial assistance to pay for utility connections, impact fees and other public
31 fees for qualified housing activities; and

32 E. Fund approved, eligible operating expenditures related to the provision of assistance
33 covered by this chapter.

34 **3.46.050 Advisory board.**

1 The Whatcom County Housing Advisory Committee will act as an advisory committee
2 recommending to the County Executive and County Council on the use of the affordable
3 housing incentive fund.

4 **3-46.060 Reporting.**

5 A written annual report on the status of activities, programs, and projects funded
6 through the use of the affordable housing incentive fund shall be prepared.

7
8