

# **CITY of ALBUQUERQUE**

## **TWENTY FIFTH COUNCIL**

**COUNCIL BILL NO. R-23-106 ENACTMENT NO. \_\_\_\_\_**

**SPONSORED BY: Isaac Benton, Pat Davis, Trudy Jones**

**1 RESOLUTION**

**2 DECLARING THE CITY'S INTENT TO COLLABORATE WITH BERNALILLO**  
**3 COUNTY IN THE ACQUISITION, CONSTRUCTION, REHABILITATION, AND**  
**4 PROVISION OF AFFORDABLE HOUSING FOR THE GREATER BENEFIT OF ALL**  
**5 RESIDENTS OF THE CITY OF ALBUQUERQUE AND BERNALILLO COUNTY;**  
**6 AND EXPLORING THE VIABILITY OF COMBINING THE CITY'S HOUSING**  
**7 AUTHORITY AND PROGRAMS WITH THE BERNALLILO COUNTY HOUSING**  
**8 DEPARTMENT; AND ADJUSTING FISCAL YEAR 2023 OPERATING**  
**9 APPROPRIATIONS.**

**10 WHEREAS, shelter is a basic necessity and human right;**

**11 WHEREAS, adequate housing is necessary for the safety and prosperity of**  
**12 Albuquerque families;**

**13 WHEREAS, housing is integral to the City's equity, public safety, workforce,**  
**14 and economic development strategies;**

**15 WHEREAS, working families having safe, decent and affordably priced**  
**16 housing in stable neighborhoods is advantageous for personal success in**  
**17 school and work and is therefore a prerequisite for the economic success of our**  
**18 community;**

**19 WHEREAS, nearly half of Albuquerque renters are housing cost burdened,**  
**20 meaning they spend more than 30% of their income on housing, placing**  
**21 significant stress on middle-income households and creating real risk for lower-**  
**22 income households;**

**23 WHEREAS, on any given night in Albuquerque, at least 1,200 people are**  
**24 sleeping outside or in shelters, including families with children, veterans and**  
**25 people with disabilities, and their path to independent living depends upon**  
**26 permanent, affordable housing;**

1 WHEREAS, the City is committed to using any and all tools at its disposal to  
2 mitigate the effects of the housing crisis;

3 WHEREAS, the City Council has appropriated \$20 million as part of a Gross  
4 Receipts Tax Bond to build more affordable housing;

5 WHEREAS, the City Council has appropriated \$15 million in the last budget  
6 cycle for housing vouchers for low-income persons in need of affordable  
7 housing;

8 WHEREAS, the City seeks to create an additional 5,000 dwelling units above  
9 and beyond what the private housing market would otherwise create;

10 WHEREAS, the City intends to repurpose existing properties into more long-  
11 term housing, in addition to the support of new development in order to create  
12 an additional 1,000 units by the year 2025;

13 WHEREAS, the City has enacted an ordinance prohibiting discrimination  
14 based on source of income, including the use of vouchers;

15 WHEREAS, the City and the County recognize and appreciate that  
16 approximately 80% of the population of Bernalillo County resides within the City  
17 limits of Albuquerque;

18 WHEREAS, the City and the County intend to request \$50 million from the  
19 State in order to fund new housing construction within the City and/or County  
20 for low- and middle-income residents;

21 WHEREAS, the City of Albuquerque and the County of Bernalillo each have  
22 their own affordable housing agencies, and both political subdivisions  
23 recognize that collaboration between the City and the County would result in a  
24 more efficient use of housing resources and greater leverage from combining  
25 assets of the existing affordable housing agencies;

26 WHEREAS, the City and the County agree that the focus of this collaborative  
27 effort shall be long-range planning for development and re-development of  
28 property for the purpose of planning, creating, and preserving affordable  
29 housing; and

30 WHEREAS, the City and the County are determined to prioritize the  
31 development and renovation of affordable housing assets in this collaborative  
32 effort while leaving the respective housing authorities to continue leasing  
33 dwelling units and conducting all Section 8 voucher-related administration;

1 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
2 ALBUQUERQUE:

3 SECTION 1. INTENT TO COLLABORATE WITH BERNALILLO COUNTY TO  
4 PROVIDE AFFORDABLE HOUSING.

5 As more specifically described by this resolution, the City will collaborate  
6 with Bernalillo County to advance mutual interests in the provision of safe,  
7 sustainable, and affordable housing within the incorporated and  
8 unincorporated areas of Bernalillo County, including but not limited to through  
9 the funding, development, acquisition, construction, rehabilitation and delivery  
10 of affordable housing to qualified individuals and families, and will diligently  
11 pursue all necessary actions in furtherance of these objectives.

12 SECTION 2. STRUCTURE, GOVERNANCE, AND ASSETS OF  
13 COLLABORATION TO BE DETERMINED.

14 A. Upon agreement of the City and the County, the City and the County  
15 shall execute a Joint Powers Agreement, pursuant to 1978 NMSA § 11-1-3; or  
16 shall enact a subsequent, binding joint resolution, pursuant to NMSA 1978 § 3-  
17 45-4(B). Either legally enforceable document may be advanced to resolve the  
18 foregoing issues, but whichever method is pursued, such document shall be  
19 executed or enacted within a period of six (6) months.

20 B. Name of Collaborative Effort. The collaborative effort called for in this  
21 resolution will be known as the, "Middle Rio Grande Housing Collaborative" and  
22 will be established as a legal entity to be supported by but governed separately  
23 from either the City or the County, with all rights, powers, and authorities  
24 reasonably necessary to further its purpose;

25 C. The Middle Rio Grande Housing Collaborative will be governed by a  
26 board of five (5) commissioners.

27 1. The Mayor shall, with the advice and consent of City Council,  
28 appoint two (2) commissioners;

29 2. The Board of Bernalillo County Commissioners shall appoint  
30 two (2) commissioners;

1           3. The fifth commissioner will be a resident of an affordable  
2 housing dwelling unit located within Bernalillo County. The fifth commissioner  
3 will be known as the resident commissioner. The first resident commissioner  
4 will be appointed by the County. The second resident commissioner will be  
5 appointed by the City. The County and the City shall alternate appointment of  
6 the resident commissioner thereafter.

7           4. The commissioners who are first appointed will be designated  
8 to serve staggered terms of one to five years from the date of their appointment,  
9 consistent with 1978 NMSA § 3-45-5(B)(2). Thereafter, commissioners will be  
10 appointed for a term of office of five years, except that all vacancies will be filled  
11 for the unexpired term. A commissioner shall hold office until a successor has  
12 been appointed and has qualified, unless sooner removed according to law. A  
13 commissioner may serve two or more successive terms of office. A certificate  
14 of the appointment or reappointment of any commissioner shall be filed with  
15 the clerk of the appointing entity, and the certificate shall be conclusive  
16 evidence of the due and proper appointment of the commissioner. A  
17 commissioner shall receive no compensation for services for the authority in  
18 any capacity, but shall be entitled to the necessary expenses, including  
19 traveling expenses, incurred in the discharge of duties.

20           5. In the event that any commissioner resigns prior to the  
21 expiration of their term of service, or is otherwise unable to complete their term,  
22 the body that first appointed the resigning commissioner shall appoint a  
23 successor to complete the unexpired term of office.

24           D. Consultation and Coordination with Housing Partners. Upon  
25 enactment of this resolution, but prior to enactment of a binding, joint resolution  
26 or Joint Powers Agreement, the City and County shall consult with other local,  
27 state, and federal housing agencies operating in Bernalillo County, and other  
28 stakeholders, in order to promote continuity and an orderly transition of any  
29 services. During the course of these consultations, the City and the County  
30 shall explore the possibility and viability of combining their existing housing  
31 authorities, as described in 1978 NMSA § 3-45-4(C).

**SECTION 3. PURPOSE AND POWERS OF COLLABORATIVE HOUSING INITIATIVE**

**A. The intent of the housing collaborative is to form an entity that will have all of the powers and obligations of the collaborating housing authorities, and any other powers authorized by law.**

**1. These powers shall be the same as those provided for in R-10-97, and as such shall include:**

**a. The power, within its area of operation, to prepare, develop, carry out, acquire, purchase, lease, construct, reconstruct, improve, alter, extend or repair any housing project or any part of a housing project and operate and maintain the housing project;**

**b. The power to issue bonds to fund the acquisition, purchase, lease, construction, reconstruction, improvement, alteration, extension, expansion or repair of any housing project or any part of a housing project and operate and maintain the housing project;**

**c. The power to lease or rent any dwellings, accommodations, lands, buildings, structures or facilities embraced in any housing project and, subject to the limitations contained in the Municipal Housing Law, establish and revise the rents therefore;**

**d. The power to own, hold, lease, obtain options upon, acquire any real or personal property or any interest in real or personal property;**

**e. The power to enter on any lands, buildings, or property for the purpose of making surveys, sounds and examinations in connection with the planning or construction, or both, of any housing project;**

**f. The power to insure or provide for the insurance of any housing project of the city against such risks as the city may deem advisable;**

**g. The power to arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works or**

1 facilities for or in connection with a housing project or the occupants of a  
2 housing project; and

3 h. The power within its area of operation to:  
4 investigate the living, dwelling and housing conditions and the means and  
5 methods of improving the conditions; determine where slum areas exist or  
6 where there is a shortage of decent, safe and sanitary dwelling  
7 accommodations for persons of low and moderate income; to make studies and  
8 recommendations relating to the problem of clearing, re-planning and  
9 reconstructing slum areas and the problem of providing dwelling  
10 accommodations for persons of low and moderate income, and to cooperate  
11 with the state and any political subdivision of the state in action taken in  
12 connection with the problems; and engage in research, studies, and  
13 experimentation on the subject of housing and affordable housing programs.

14 B. The Collaborative will also be charged with studying and reporting on  
15 the following initiatives:

16 1. Planning and surveying where affordable housing  
17 currently exists and where gaps in service exist;

18 2. Land banking to acquire vacant land for future  
19 development;

20 3. Renovation of existing properties to preserve affordable  
21 housing;

22 4. Using economic development tools and public  
23 infrastructure investments to spur private development of affordable housing;

24 5. An “All quadrants approach” to affordable housing, so  
25 that affordable housing is available throughout the City and County; no one area  
26 is the focus of development;

27 6. Balancing the need for an “All quadrants approach” with  
28 the prioritization of new housing in and near existing main street and public  
29 transit corridors, as well as developing new dwelling units with a mind toward  
30 walkability and proximity to bicycle lanes;

1                   7.       Development of sustainable communities that couple  
2 market-rate housing with affordable housing;

3                   8.       Creative financing, including but not limited to the  
4 leveraging of local and state money for federal grants and philanthropic  
5 sponsorship;

6                   9.       Prioritization of equity-building investments, including  
7 but not limited to apartment co-operatives, down-payment assistance, and  
8 mortgage assistance;

9                   10.      Building relationships with large-scale developers and  
10 micro developers to make housing affordability a whole-of-community  
11 approach;

12                  11.      Outreach to and education of landlords, developers, and  
13 residents about existing programs and how to participate; and

14                  12.      The long-term benefits and viability of merging some or  
15 all of the assets, liabilities, and services of the Albuquerque Housing Authority  
16 and the Bernalillo County Housing Department into a single entity;

17                  13.      Exploring and developing innovative models and  
18 approaches to the development and construction of quality affordable housing;

19                  14.      Coordination with the City and County on their respective  
20 zoning ordinances, building permit review and inspection systems, and  
21 consulting on methods that may be employed to help streamline the housing  
22 permitting process.

23       SECTION 4. That the following amounts are hereby adjusted to the following  
24 programs and funds for operating the City government in Fiscal Year 2023:

25       GENERAL FUND – 110

26       Family and Community Services

27       Affordable Housing

28       \$500,000 of the amount previously appropriated in this program for Housing  
29 Vouchers is hereby designated for operations of the Middle Rio Grande Housing  
30 Collaborative in accordance with Sections 2 and 3 of this Resolution.

31       SECTION 5. FURTHER ACTIONS.

1       Upon enactment the City shall transmit to the AHA Board of Commissioners  
2 notice of the City's enactment. After transmission of this notice, it is the  
3 intention of the City and the County that the County enact a companion  
4 resolution mirroring the provisions of this one, if it has not already done so.  
5 Within six (6) months of enactment, it is the intent of the City and the County  
6 that a joint, binding resolution or Joint Powers Agreement be negotiated and  
7 enacted or executed in order to create the new entity for the provision of  
8 affordable housing. Within six (6) months of the enactment of the binding  
9 resolution or joint powers agreement, the Middle Rio Grande Housing  
10 Collaborative shall report to the City and the County on its findings relating to  
11 the merger of the Albuquerque Housing Authority and the Bernalillo County  
12 Housing Department, as described in § 3(B)(12) of this resolution.

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