

Charter Amendment – Affordable Housing Trust Fund

BY proposing to add
Article I – General Provisions
Section 14
Baltimore City Charter

The City Charter is proposed to be amended to read as follows:

Baltimore City Charter

Article I. General Provisions

§ 14. Affordable Housing Trust Fund.

(A) *Fund established; scope.*

There is a continuing, nonlapsing fund to be used to promote fair housing in neighborhoods throughout Baltimore, develop and preserve affordable housing for renters and homeowners, and increase affordable housing opportunities for low-income working families and other persons of low income, including:

- (1) providing assistance, by loan, grant, rental subsidy, or otherwise, for the planning, production, maintenance, or expansion of affordable housing, including inclusionary housing;
- (2) providing predevelopment activities for the acquisition, development, new construction, rehabilitation, and/or restoration of affordable housing;
- (3) providing capital and operating assistance for the creation of community land trusts that will develop, own or operate permanently affordable rental housing and assist low income residents to build a path to homeownership;
- (4) providing affordable and fair housing-related services to low income households to assist them in obtaining housing and remaining stably housed, provided such uses shall not exceed 30% of the funds allocated in a given fiscal year; and
- (5) providing administrative and planning costs for the operation of the Trust Fund provided such uses may not exceed 5% of the funds allocated each fiscal year.

(B) *Revenue sources.* A fund established under this section may comprise:

- 1) money appropriated to the fund in the annual Ordinance of Estimates;
- 2) grants or donations made to the fund;

- 3) mandatory or voluntary payments made pursuant to development policies established by ordinance;
- 4) a portion of the tax increment financing revenue from increased property tax receipts for the development of affordable housing inside the project area and special taxing district, or in other locations as permitted by law; and
- 5) other sources as established by ordinance.

(C) *Continuing nature of fund.*

Notwithstanding any other provision of this Charter, unspent portions of a fund established under this section, repayments of principal and interest on loans provided from the Fund, and interest earned from the deposit or investment of monies from the Fund:

- (1) shall remain in the fund, to be used exclusively for the purposes set forth in section 14(A) of this article;
- (2) do not revert to the general revenues of the City; and
- (3) any appropriations do not lapse.

(D) The Trust Fund shall be administered by Baltimore City Housing and Community Development and overseen by a Commission consisting of 12 members, who shall be appointed, must be confirmed, and shall serve, pursuant to Article IV, Section 6.

- (1) Unless amended by the Mayor and City Council, the Commission shall include:
 - i. a member appointed by the Mayor with experience in the fields of housing, community development, planning, social services, or public health;
 - ii. a member of the lending community with experience in community development and affordable housing finance;
 - iii. the Baltimore City Housing Commissioner or his/her designee;
 - iv. a resident who rents his/her home and who lives in a household that is extremely low income (i.e. no more than 30% of Area Median Income);
 - v. a resident who owns his/her home and who lives in a household that is very low income (i.e. no more than 50% of Area Median Income);
 - vi. a homeowner who received assistance through an affordable homeownership program;
 - vii. a resident who has received rental assistance;
 - viii. a social service provider;
 - ix. a representative of the Homeless Services Board;
 - x. a low-income housing and/or fair housing advocate;
 - xi. a nonprofit affordable housing developer; and
 - xii. a representative of a homebuilders or realtors association of Baltimore.

(2) Notwithstanding any provision to the contrary, the composition of the Commission shall be comprised of at least four residents of Baltimore City whose incomes are reflective of those individuals who will be assisted by the expenditures of this Trust Fund.

(3) President

The Mayor of Baltimore shall designate one member of the Board as its President and may withdraw that designation and so designate another member.

(4) Duties:

The Commission shall:

- (i) make recommendations, advise, and consult with the Department of Housing and Community Development regarding the establishment of essential policies, rules, and regulations relating to the implementation, expenditures, and ongoing operation of the Trust Fund;
- (ii) submit an annual report to the Mayor and City Council on the activities and usage of the funds in the Trust Fund including tenure (rental and home ownership), income level served, unit size (number of bedrooms), and make the report available to the public;
- (iii) if necessary, recommend changes to the Trust Fund to maximize affordability outcomes of the Trust Fund, to the Mayor and City Council; and
- (iv) ensure an audit of the fund every four years by a certified public accounting firm.
- (v) exercise any additional duty related to the Trust Fund as directed by the Mayor and City Council.

(E) *Income Targeting*; All assistance provided by the Trust Fund shall serve very low income households. At least half of the assistance in any three year period must serve extremely low income households.

(F) *Minimum Affordability periods*; All rental housing assisted by the Trust Fund must have a minimum affordability period of at least 30 years. All homeownership housing assisted by the Trust Fund must meet affordability criteria based in part on the amount of Trust Fund monies invested in the unit.