

**AN ORDINANCE AMENDING THE ASHLAND MUNICIPAL CODE,
ADDING A NEW CHAPTER 4.36, PROVIDING FOR THE ESTABLISHMENT OF AN
AFFORDABLE HOUSING TRUST FUND**

Annotated to show deletions and **additions** to the code sections being modified.
Deletions are ~~lined through~~ and additions are **in bold**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop 20 Or. App. 293,531 P 2d 730, 734 (1975); and

WHEREAS, the City Council of the City of Ashland has determined that in order to protect the health, safety and welfare of existing and future residents of Ashland who are adversely impacted by the lack of housing available to all income types, specifically very low, low, and moderate income households, it is necessary to establish a fund to support the development, preservation, and rehabilitation, of needed housing types within the City; and

WHEREAS the City of Ashland City Council recognizes that for a healthy community the provision of a range of affordable housing opportunities and funding mechanisms for affordable development is a top priority for the City of Ashland; and

WHEREAS, the City Council of the City of Ashland has determined that neither the private market, nor the public sector, has yet provided the levels of housing affordability necessary to maintain a balanced community, local government must take an active lead to ensure an adequate supply of housing for residents and working people of all income levels;

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. A new Chapter 4.36 [AFFORDABLE HOUSING TRUST FUND] is hereby added to the Ashland Municipal Code to read as follows:

Chapter 4.36 AFFORDABLE HOUSING TRUST FUND

Section 4.36.010 Purpose

Section 4.36.020 Definitions

Section 4.36.030 Dedication of Revenue

Section 4.36.040 Establishment of Policies and Procedures

4.36.010 Purpose

A. The purpose of the Affordable Housing Trust Fund [AHTF] is to support the creation or preservation of housing that is affordable to people with incomes that do not exceed 120% of the area median income, as defined by the Department of Housing and Urban Development for the Medford-Ashland Metropolitan Service Area.

B. AHTF funds will support activities that create, preserve or acquire housing within the Ashland Urban Growth Boundary. AHTF funds may also be used for permanent or transitional housing for homeless families and individuals, and for the modernization, rehabilitation and repair of public housing.

C. The AHTF is not intended to be the sole source of funding for affordable housing and any activity or project eligible for support from the AHTF is expected to develop additional sources of funds.

4.36.20 Definitions.

The following words and phrases whenever used in this chapter shall be construed as defined in this section unless from the context a different meaning is intended.

A. Affordable Housing Trust Fund (AHTF) means a separate account created by the City Finance Department established by this ordinance and used exclusively for AHTF purposes as set forth in this Ordinance and implementing Resolutions of the Council.

B. Administrative Procedures mean the procedures for administration of the AHTF established by Resolution of the City Council, including but not limited to procedures which outline application, evaluation, and all other associated procedures for administration of the AHTF.

C. Affordable Housing means residential housing primarily for households or persons earning less than 120% the area median income where housing costs including principal, interest, taxes, insurance, and homeowners association dues, or rent, do not constitute more than 30% the household income, and as more fully defined per Council Resolution 2006-13.

D. Eligible uses and Activities mean those uses for the AHTF which are set forth in implementing Resolution of the City Council, such uses including but not limited to uses and activities which facilitate the production and preservation of affordable housing within Ashland's Urban Growth Boundary.

E. Affordable Housing Priorities means priorities established from time to time by the City Council by Motion, Order or Resolution, to guide the allocation of funds from the AHTF.

4.36.030 Establishment of Affordable Housing Trust Fund / Use of Funds

A. There is hereby established and created an Affordable Housing Trust Fund, [AHTF], a separate account established by the City of Ashland Finance Department for purposes consistent with this ordinance and to provide a discrete account for earmarked affordable housing funds and dedicated affordable housing funds.

B. The AHTF allows for dedicated funds to be used in support of Affordable Housing Priorities through receipt of donations and dedicated revenue streams, including but not limited to donations, grants, sale of surplus City Property, or any other revenue sources approved by the Ashland City Council or the People of Ashland.

C. Distribution of funds shall be in accordance with the policies and procedures per Resolution 2008-34.

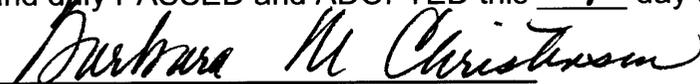
4.36.040 Establishment of Policies and Procedures

The Administrative Procedures associated with the AHTF, including fund administration, determination of eligible applicants, eligible uses and activities, award preferences, eligibility criteria, award process, and selection criteria are initially approved by the City Council per establishment of Resolution 2008-34

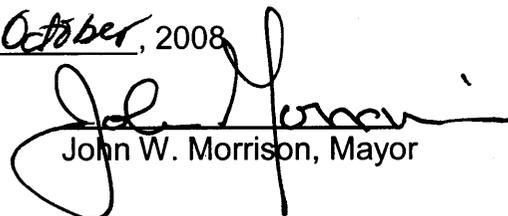
SECTION 2. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

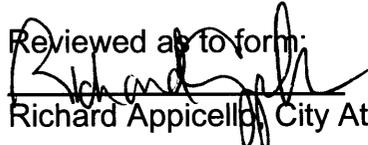
SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-3) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors..

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 16 day of September, 2008, and duly PASSED and ADOPTED this 7 day of October, 2008.


Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 8 day of October, 2008


John W. Morrison, Mayor

Reviewed as to form:

Richard Appicelli, City Attorney