

RICHLAND COUNTY
COUNTY COUNCIL AGENDA



Tuesday, JUNE 15, 2021

6:00 PM

ZOOM MEETING

RICHLAND COUNTY COUNCIL 2021



Bill Malinowski
District 1
2018-2022



Derrek Pugh
District 2
2020-2024



Yvonne McBride
District 3
2020-2024



Paul Livingston
District 4
2018-2022



Allison Terracio
District 5
2018-2022



Joe Walker III
District 6
2018-2022



Gretchen Barron
District 7
2020-2024



Overture Walker
District 8
2020-2024



Jessica Mackey
District 9
2020-2024



Cheryl English
District 10
2020-2024



Chakisse Newton
District 11
2018-2022





Richland County Council

Regular Session
June 15, 2021 - 6:00 PM
2020 Hampton Street, Columbia, SC 29204

ZOOM MEETING

- | | |
|---|---|
| <p>1. <u>CALL TO ORDER</u></p> <p style="padding-left: 40px;">a. ROLL CALL</p> <p>2. <u>INVOCATION</u></p> <p>3. <u>PLEDGE OF ALLEGIANCE</u></p> <p>4. <u>APPROVAL OF MINUTES</u></p> <p style="padding-left: 40px;">a. Special Called Meeting: June 8, 2021 [PAGES 8-17]</p> <p>5. <u>ADOPTION OF AGENDA</u></p> <p>6. <u>REPORT OF THE ACTING COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS</u></p> | <p>The Honorable Paul Livingston,
Chair Richland County Council</p> <p>The Honorable Bill Malinowski</p> <p>The Honorable Bill Malinowski</p> <p>The Honorable Paul Livingston</p> <p>The Honorable Paul Livingston</p> <p>Elizabeth McLean,
Acting County Attorney</p> |
|---|---|

After Council returns to open session, Council may take action on any item, including any subsection of any section, listed on an executive session agenda or discussed in an executive session during a properly noticed meeting.

- a. Personnel Matter: Clerk to Council Office: Pursuant to Sec 30-4-70(a)(1) and (a)(2)
- b. 911 Call Center Proposal Update: Legal advice; discussion of contractual matters; and discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area

served by the public body. Pursuant to Sections 30-4-70(a)(2) and (a)(5).

- d. SCDOR Proposed Settlement
- e. Contractual Matter/Receipt of Legal Advice: Review of Richland County Recreation Commission MOU

7. CITIZEN'S INPUT

The Honorable Paul Livingston

- a. For Items on the Agenda Not Requiring a Public Hearing

8. CITIZEN'S INPUT

The Honorable Paul Livingston

- a. Must Pertain to Richland County Matters Not on the Agenda (Items for which a public hearing is required or a public hearing has been scheduled cannot be addressed at time.)

9. REPORT OF THE COUNTY ADMINISTRATOR

Leonardo Brown,
County Administrator

- a. Coronavirus Update [PAGES 18-21]

10. REPORT OF THE CLERK OF COUNCIL

Andrea Mathis,
Clerk to Council

11. REPORT OF THE CHAIR

The Honorable Paul Livingston

- a. Personnel Matter: Clerk to Council Office

12. APPROVAL OF CONSENT ITEMS

The Honorable Paul Livingston

- a. 21-002 MA
John Swistak
PDD to RM-HD (2.6 Acres)
S/E Rice Meadow Way
TMS# R20310-07-02 & 03 [THIRD READING] [PAGES 22-23]
- b. 21-005 MA
James Charles Hester
RU to NC (2.12 Acres)
1220 Dutch Fork Road
TMS# R03303-01-01 [THIRD READING] [PAGES 24-25]
- c. 21-012MA
Wyman Shull
RU to RS-MD (0.144 Acres)
1111 A J Amick Road
TMS# R02414-02-32 (portion of) [THIRD READING] [PAGES 26-27]

- d. 21-013MA
Ryan Maltba
RDD to GC
4561 Hardscrabble Rd
TMS# R20300-04-15 [THIRD READING] [PAGES 28-29]
- e. Amending the “2015 Richland County Comprehensive Plan – Putting the Pieces in Place”, by incorporating and adopting the “Rediscover Sandhills” Neighborhood Master Plan into the Plan [THIRD READING] [PAGES 30-31]

13. SECOND READING ITEMS

The Honorable Paul Livingston

- a. An Ordinance Authorizing deed to the City of Columbia for certain parcels on the Three Rivers Greenway/Saluda Riverwalk; Richland County TMS # 0720-03-01 and TMS # 07208-03-02 [PAGES 32-33]

14. REPORT OF DEVELOPMENT & SERVICES COMMITTEE

The Honorable Allison Terracio

- a. I move to evaluate affordable housing options to include the option of establishing an Affordable Housing Trust Fund for Richland County as a benefit to the public. Housing is considered to be “affordable” when 30% or less of one’s income is spent on housing and utilities. In Richland County, nearly half of renters pay more than a third of their income on rent and utilities [TERRACIO]{Presentation by Affordable Housing Task Force} [PAGES 34-134]

15. REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

The Honorable Yvonne McBride

- a. Committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and Project Mo; identifying the project; and other matters related thereto [PAGES 135-136]
- b. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and [Project Mo] to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters [FIRST READING] [PAGES 137-170]
- c. Approval of a contract with Coogler Construction for clearing, grubbing and grading activities on Parcel 29 at the Blythewood Business Park [PAGES 171-175]
- d. Economic Development Annual Accountability Report

16. REPORT OF RULES & APPOINTMENTS COMMITTEE

The Honorable Bill Malinowski

a. NOTIFICATION OF APPOINTMENTS

1. Hospitality Tax - 5
 - a. Terry Davis [PAGES 176-179]
 - b. Kitwanda Cyrus [PAGES 180-181]
2. Board of Assessment Appeals - 1
 - a. Delores Barber [PAGES 182-183]
3. Board of Zoning Appeals- 1
 1. Tammy LaMountain [PAGES 184-185]
 2. Robert T. Reese [PAGES 186-187]

17. OTHER ITEMS

- a. FY21 - District 4 Hospitality Tax Allocations [PAGES 188-189]

18. EXECUTIVE SESSION

Elizabeth McLean,
Acting County Attorney

After Council returns to open session, Council may take action on any item, including any subsection of any section, listed on an executive session agenda or discussed in an executive session during a properly noticed meeting.

19. ADJOURNMENT



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.



Richland County Council
Special Called
June 8, 2021 – 6:00 PM
Zoom Meeting

COUNCIL MEMBERS PRESENT: Paul Livingston Chair, Yvonne McBride, Vice-Chair, Bill Malinowski, Derrek Pugh, Allison Terracio, Joe Walker, Gretchen Barron, Overture Walker, Jesica Mackey, Cheryl English and Chakisse Newton

OTHERS PRESENT: Leonardo Brown, Tamar Black, Angela Weathersby, Lori Thomas, Bill Davis, Dwight Hanna, Judy Cater, Michael Niermeier, Randy Pruitt, Kyle Holsclaw, Sandra Haynes, Stacey Hamm, Michael Byrd, Ronaldo Myers, Jeff Ruble, Brittney Hoyle-Terry and Andrea Mathis, Dale Welch, Dante Roberts, Elizabeth McLean, John Ansell, Mike King, Michael Maloney, Quinton Epps, Sierra Flynn, Stephen Staley, Syndi Castelluccio, Synithia Williams, James Hayes and Jennifer Wladischkin

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00 PM.
2. **INVOCATION** – The Invocation was led by the Honorable Overture Walker
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Overture Walker

APPROVAL OF MINUTES

4.
 - a. **Regular Session: May 18, 2021** – Ms. Barron moved, seconded by Ms. McBride, to approve the minutes as distributed.

Mr. Malinowski noted the language in the proclamations presented at the May 18th contained language that is typically used in resolutions. He requested the language be amended to remove “Richland County Council” at the end of the proclamations.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous to approve the minutes as corrected.

- b. **Zoning Public Hearing: May 25, 2021** – Ms. Barron moved, seconded by Ms. McBride, to approve the minutes as distributed.

Ms. Newton noted, for the record, Item #6 (Case # 21-010MA), was to be deferred until the July Zoning Public Meeting.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

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June 8, 2021**

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The vote in favor was unanimous to approve the minutes as amended.

- c. Special Called Meeting: May 25, 2021 – Ms. McBride moved, seconded by Ms. Newton, to approve the minutes as distributed.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

- 5. **ADOPTION OF AGENDA** – Mr. Brown requested to move Item 18(b): Mask Ordinance/Safety Plan to Item 9(a).

Ms. McBride moved, seconded by Ms. Barron, to adopt the agenda as amended.

In Favor: Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Opposed: Malinowski and J. Walker

The vote was in favor.

REPORT OF THE ACTING COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

- 6.
 - a. Personnel Matter: Clerk to Council Office
 - b. Contractual Matter/Legal Advice: 911 Center Proposal

Ms. McBride moved, seconded by Ms. Barron, to go into Executive Session.

In Favor: Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Opposed: Malinowski and J. Walker

The vote was in favor.

Council went into Executive Session at approximately 6:20 PM and came out at approximately 7:57 PM

Mr. J. Walker moved, seconded by Ms. Terracio, to come out of Executive Session.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

Contractual Matter/Legal Advice:911 Center Proposal – Mr. J. Walker moved, Ms. McBride, to authorize the Administrator and the Acting County Attorney to move forward with negotiations, as discussed in Executive Session, and return an update to Council by the next regularly scheduled Council meeting.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey,

English and Newton

The vote in favor was unanimous.

7. **CITIZEN'S INPUT**

- a. For Items on the Agenda Not Requiring a Public – No comments were received for this item.

8. **CITIZEN'S INPUT**

- a. Must Pertain to Richland County Matters Not on the Agenda (Items for which a public hearing is required or a public hearing has been scheduled cannot be addressed at time.) – No comments were received for this item.

9. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Coronavirus Update – Mr. Brown reported the County's incident level is currently low. The percent positive remains below 5%. At the time of the report, over \$3.5M has been approved in the Emergency Rental Assistance Program funding.
- b. Mask Ordinance/Safety Plan – Mr. Brown stated the County's mask ordinance expired on June 5th. What is in effect now is an encouragement to follow CDC guidelines concerning vaccinated and unvaccinated persons. As it relates to the Detention Center and homeless shelters, the CDC recommends the continued wearing of face coverings.

10. **REPORT OF THE CLERK OF COUNCIL** – Ms. Mathis provided Council the dates of upcoming meetings.

11. **REPORT OF THE CHAIR**

- a. Personnel Matter: Clerk to Council Office – This item was taken up in Executive Session.
- b. SC Association of Counties Scholarship Recognition: Ridha Fatima, Spring Valley High School – Mr. Livingston recognized Ms. Fatima on receiving a scholarship from the SC Association of Counties.

12. **OPEN / CLOSE PUBLIC HEARINGS**

- a. Providing for the issuance of refunding revenue bonds in one or more series, tax-exempt or taxable, in an amount not to exceed \$18,000,000 to refund the County's outstanding Village at Sandhill Improvement District Assessment Revenue Bonds, Series 2004, and other matters relating thereto – No comments were received for this item.
- b. Providing for the issuance of General Obligation bonds in one or more series, tax-exempt or taxable, in an amount not to exceed \$13,000,000 to refund a portion of the County's outstanding General Obligation bonds; and other related matters – No comments were received for this item.
- c. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and Intertape Polymer Corp. to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters—No comments were received for this item.

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13. **APPROVAL OF CONSENT ITEMS**

- a. A1-002MA, John Swistak, PDD to RM-HD (2.6 Acres), S/E Rice Meadow Way, TMS # R20310-07-02 & 03 [SECOND READING]
- b. 21-005MA, James Charles Hester, RU to NC (2.12 Acres), 1220 Dutch Fork Road, TMS # R03303-01-01 [SECOND READING]
- c. 21-012MA, Wyman Shull, RU to RS-MD (0.144 Acres), 1111 A J Amick Road, TMS # R02414-02-32 (portion of) [SECOND READING]
- d. 21-031MA, Ryan Maltba, PDD to GC, 4561 Hardscrabble Rd., TMS # R20300-04-15 [SECOND READING]
- e. Amending the “2015 Richland County Comprehensive Plan – Putting the Pieces in Place”, by incorporating and adopting the “Rediscover Sandhills” Neighborhood Master Plan into the Plan [SECOND READING]
- f. FY2022 Dirt Road Paving Project List
- g. Operational Services – Award of Township Auditorium Boiler Project
- h. Operational Services – Award of Township Auditorium Lightning Upfit
- i. Financial Audit Services
- j. Department of Public Works – Award of 80,000 lb. Excavator
- k. Department of Public Works – County Line Trail
- l. Department of Public Works- Danbury Drainage Improvements

Ms. McBride moved, seconded by Ms. Terracio, to approve the consent items.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Present but Not Voting: J. Walker (due to technical difficulties)

Ms. McBride moved, seconded by Ms. Terracio, to reconsider Item 13(i).

Mr. J. Walker made a substitute motion, seconded by Ms. Barron, to reconsider Items 13(f) – 13(l).

Opposed: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The motion for reconsideration failed.

14. **THIRD READING ITEMS**

- a. Providing for the issuance of refunding revenue bonds in one or more series, tax-exempt or taxable, in an amount not to exceed \$18,000,000 to refund the County's outstanding Village at Sandhill Improvement District Assessment Revenue Bonds, Series 2004, and other matters relating thereto – Ms. Terracio moved, seconded by Ms. Mackey, to approve this item.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Present but Not Voting: J. Walker (due to technical difficulties)

The vote in favor was unanimous.

- b. Providing for the issuance of General Obligation bonds in one or more series, tax-exempt or taxable, in an amount not to exceed \$13,000,000 to refund a portion of the County's outstanding General Obligation bonds; and other related matters – Ms. McBride moved, seconded by Ms. Barron, to approve this item.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Present but Not Voting: J. Walker (due to technical difficulties)

The vote in favor was unanimous.

- c. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and Intertape Polymer Corp to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits and other related matters – Ms. McBride moved, seconded by Ms. Barron, to approve this item.

Mr. Malinowski inquired what project name this item was given for First/Second Reading.

Mr. Ruble responded this was previously Project Curb.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Present but Not Voting: J. Walker (due to technical difficulties)

The vote in favor was unanimous.

15. **REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE**

- a. I move to evaluate affordable housing options to include the option of establishing an Affordable Housing Trust Fund for Richland County as a benefit to the public. Housing is considered to be "affordable" when 30% or less of one's income is spent on housing and utilities. In Richland County, nearly half of renters pay more than a third of their income on rent and utilities [TERRACIO] – Ms. Terracio stated the committee recommended inviting a representative from the Affordable Housing Task Force to present at the next Council meeting. She noted she had not coordinated the

presentation for tonight's meeting, and requested to defer this item until the June 15th Council meeting.

Ms. Newton requested an updated briefing document that address the information to be provided by the Affordable Housing Task Force.

Mr. Livingston noted this should be a report from the Affordable Housing Task Force instead of a presentation.

16. **REPORT OF ADMINISTRATION AND FINANCE COMMITTEE**

- a. Conservation Commission – Award of Bridge & Dirt Road Improvement Project – Mr. Malinowski stated, a part of, the committee's recommendation was to have the Administrator to determine the policy to ensure we are not in violation with this approval.

Mr. Brown responded staff has not determined if there is a violation because the Conservation Commission was paying for work that is normally conducted by Public Works.

Ms. McLean responded she does not believe it matters what fund the work is paid out of as long as Council appropriated the funding.

Mr. Malinowski inquired if there was a contract Legal would have to review.

Ms. McLean responded she has not reviewed the contract, but if we sign a contract with a vendor, the contract would come to Legal for review.

Ms. Terracio moved, seconded by Ms. Barron, to approve this item.

In Favor: Pugh, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

Opposed: Malinowski and McBride

The vote was in favor.

17. **REPORT OF RULES & APPOINTMENTS COMMITTEE**

I. NOTIFICATION OF APPOINTMENTS

- a. Central Midlands Council of Governments – Five (5) Vacancies – Mr. Malinowski stated the committee recommended appointing Ms. Stephanie O'Cain, Mr. Wayne Gilbert, Mr. William Simon and Mr. Charles Appleby and re-advertising for the remaining vacancy.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Present but Not Voting: J. Walker (due to technical difficulties)

The vote in favor was unanimous.

- b. East Richland Public Service Commission – Two (2) Vacancies – Mr. Malinowski stated the

committee recommended appointing Mr. John Kososki and Ms. Catherine Cook.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Present but Not Voting: J. Walker (due to technical difficulties)

The vote in favor was unanimous.

- c. Transportation Penny Advisory Committee – 5 – Mr. Malinowski stated the committee recommending re-advertising for the vacancies.

Ms. Newton inquired when the vacancies will be re-advertised.

Ms. Mathis responded she was not sure when the next ad would be placed, so she will have to follow-up with Ms. Newton.

Ms. Barron noted the committee discussed advertising the vacancies immediately.

Ms. McBride inquired if the committee was looking for a particular criteria or requirements.

Mr. Malinowski responded there was a recommendation that individuals serving on this committee have some knowledge of the purpose behind the overall Penny Tax.

Mr. Malinowski responded we do not just advertise 1 – 2 vacancies due to the costs. There is a schedule staff follows in advertising.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Present but Not Voting: J. Walker (due to technical difficulties)

The vote in favor was unanimous.

18. **REPORT OF THE TRANSPORTATION AD HOC COMMITTEE**

- a. Three Rivers Greenway Boozer Property Conveyance [FIRST READING] – Mr. O. Walker stated this property, which is known as the Boozer Property, is located near Candi Lane and owned by the County. Said property was used to construct the Three Rivers Greenway and Saluda Riverwalk Greenway Projects in 2020. The City requested annexation of the property, which Council approved on November 10, 2020. The next step is to deed the property to the City via ordinance.

Ms. Newton inquired if it was always a part of the plan to deed the property to the City.

Mr. Niermeier responded it was a part of the plan.

In Favor: Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Opposed: Malinowski

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Present but Not Voting: J .Walker (due to technical difficulties)

The vote was in favor

19. **REPORT OF THE CORONAVIRUS AD HOC COMMITTEE** –

- a. COVID-19 Memorial – Ms. Barron stated the committee recommended allowing staff and herself to move forward with planning the COVID-19 Memorial.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Present but Not Voting: J. Walker (due to technical difficulties)

The vote in favor was unanimous.

20. **OTHER ITEMS**

- a. A Resolution to appoint and commission Chappell Antonie Green as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County
- b. A Resolution to appoint and commission Marcus Martell Haggwood, Sr. as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County
- c. FY20 – District 11 Hospitality Tax Allocations
- d. FY20 – District 7 Hospitality Tax Allocations

Ms. McBride moved, seconded by Mr. Malinowski, to approve Items 19(a) – 19(d).

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Present but Not Voting: J .Walker (due to technical difficulties)

The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Ms. McBride, to reconsider Items 18(a) and 19(a) – 19(d).

Opposed: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Present but Not Voting: J .Walker (due to technical difficulties)

The motion for reconsideration failed.

21. **EXECUTIVE SESSION**

- a. Personnel Matter: Clerk to Council Office

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Ms. McBride moved, seconded by Ms. Mackey, to go into Executive Session.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O Walker, Mackey, English and Newton

Present but Not Voting: J. Walker (due to technical difficulties)

Council went into Executive Session at approximately 8:41 PM and came out at approximately 10:05 PM

Ms. McBride moved, seconded by Mr. Malinowski, to come out of Executive Session.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

Personnel Matter: Clerk to Council Office – Mr. Malinowski noted no action was taken in Executive Session. There were four (4) items discussed. Each Council member should vote for one of the four options. Once the vote has been completed, the Clerk will inform Council which, if any, of the four (4) items have a majority.

Mr. Malinowski moved, seconded Ms. English, to direct the Clerk to call the vote for #s 1, 2, 3, and 4.

#1: Terracio and J. Walker

#2:

#3: Malinowski, Pugh, O. Walker, Mackey and English

#4: McBride, Livingston, Barron and Newton

Ms. Mathis stated #3 received the majority vote.

Ms. Newton inquired how many votes were received for #3.

Ms. English responded five (5).

Mr. Malinowski inquired, because we do not have a Council majority of six (6) votes, do we need to vote again on the top two (2) items, or take the top vote.

Ms. McLean responded, her recollection was, the motion stated the majority would be the winner. She believes that will be enough to allow you to vote and leave this, as is.

Mr. Malinowski stated this item needs to be added to the June 15th agenda for further discussion and clarification.

Ms. McBride stated we have a vote of five (5) for and six (6) against, so she does not see that as a majority.

Ms. English responded the vote was five (5), four (4) and two (2).

Mr. Livingston stated, before the next Council meeting, we need to see whether we would need to have a clear majority of Council.

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Mr. J. Walker moved, seconded by Ms. Terracio, to reconsider the previous vote.

Mr. Malinowski requested a substitute motion.

POINT OF ORDER: Mr. J. Walker inquired if a substitute motion can be made on a motion for reconsideration.

Mr. Malinowski noted a Council member on the prevailing side would have to make the motion for reconsideration.

POINT OF ORDER: Mr. J. Walker stated he thinks it would be hard to establish a prevailing side in a "Round Robin" vote.

Mr. Malinowski noted, the fact his motion stated the majority vote would be the one accepted, we do have a majority vote. He did not say a majority of Council members.

Mr. Malinowski moved, seconded by Mr. J. Walker, to have the Clerk to review the minutes to determine the original motion was and, based upon the motion, to proceed accordingly at the June 15th Council meeting.

In Favor: Pugh, McBride, Livingston, Terracio, J. Walker, Barron and Newton

Opposed: Malinowski, O. Walker, Mackey and English

The vote was in favor.

22. **MOTION PERIOD**

- a. I move to name June as Pride Month in Richland County [TERRACIO] – This item was referred to the D&S Committee.

23. **ADJOURNMENT** – The meeting adjourned at approximately 10:21 PM.



Report of the County Administrator

Regular Session Meeting – June 15, 2021

CORONAVIRUS UPDATE:

1. COVID 19 Statistical Data

The information in the corresponding attachments is specific to Richland County and provides an overview of the prevalence of COVID 19 in Richland County. The source of this information is the South Carolina Department of Health and Environmental Control (SCDHEC).

*Level of Incidence for current reporting period is at 49.3 per 100,000 keeping Richland County in the Low Tier, for confirmed cases

*Percent Positive remains below 5% for current reporting period

2. Emergency Rental Assistance Program Statistics

Approved Payments:

Richland County ERAP – RC SCP Approved Payments To Date as of 06/10/2021 AM		
LANDLORD/UTILITIES		
Rental Arrears	Future Rent	Utility Arrears
\$2,017,204.16	\$1,432,366.86	\$404,910.19
TENANTS		
Rental Arrears	Future Rent	Utility Arrears
\$138,630.52	\$117,511.12	\$0.00
Applications Approved by SCP To Date: 701		
Total Funds Approved To Date:		
\$4,110,622.85		

ATTACHMENTS:

1. COVID-19 Statistical Data
2. Emergency Rental Assistance (ERA) Application Report

Number of Tests

16,856

Select Date Range
to Filter Page Values

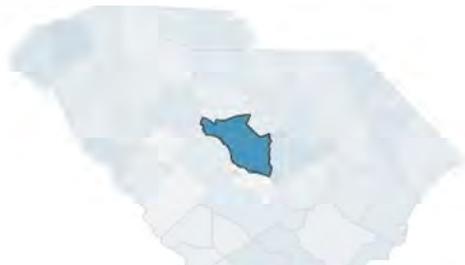
5/26/2021

6/8/2021

Percent Positive

2.1% [Attachment 1](#)

Rate of COVID-19 Tests Performed per 10,000 population, by County



Type of COVID-19 Tests Being Performed

	Negative	Positive	Grand Total
Antibody (Serology)	131	54	185
Antigen	3,275	100	3,375
Viral (Molecular)	13,023	273	13,296
Grand Total	16,429	427	16,856

4.3% of all COVID-19 diagnostic testing has occurred at the Public Health Laboratory

Note: This table represents volume of tests received and not distinct individuals tested. Individuals may have multiple tests.

*Unknown Test Types refer to tests with an unrecognized test type. As we continue to investigate unknown test types they will be reassigned as more information becomes available.



Moving 7 Day Average Percent Positive of COVID-19 Tests

- Total Viral (Molecular) Tests
- Count of Positive Viral Tests
- 7d Moving Average Percent Positive

Note: Tooltips Display Percent Positive for the current day and moving 7 day average. Percent Positive is calculated using the Test/Test method.



COVID-19 in South Carolina

As of 11:59 PM on 6/8/2021

Tests	Cases	Hospitalizations	Deaths
752,765	47,308	1,426	574

Two Week Cumulative Incidence Rate

The Two-Week Cumulative Incidence Rate includes new (confirmed) cases reported in the past two weeks (5/26/2021 - 6/8/2021) per 100,000 people. The rate describes recent incidence of COVID-19 infection to capture the potential burden of currently ill people who may be infectious and/or accessing healthcare.

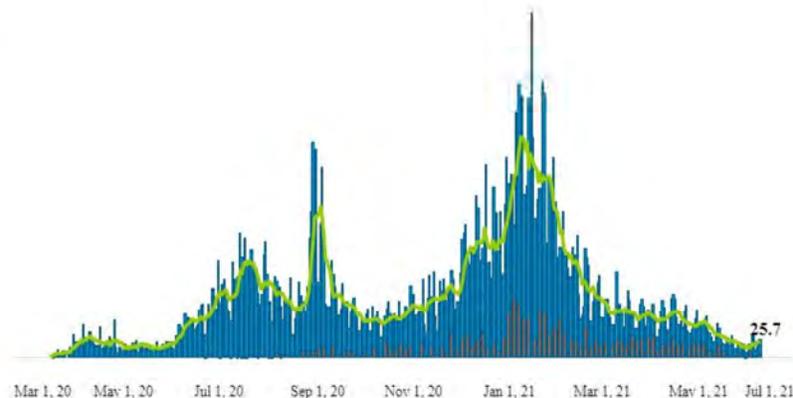
Select a **county** to display county-specific information
Click the county again to return to the full state map



COVID-19 Cases per Day

County Displayed: Richland

- Count of Confirmed Cases
- Count of Probable Cases
- Moving Average 7 day



7-Day Moving Average of reported COVID-19 Cases, by Public Health Region

Midlands



Low: 0-50

Moderate: 51-200

High: >200

Recovery Estimate South Carolina

94.7%

Richland County Cases Breakdown by Category

Current Date	6/7/2021
Project Start Date	4/5/2021
Total Case Count	2756

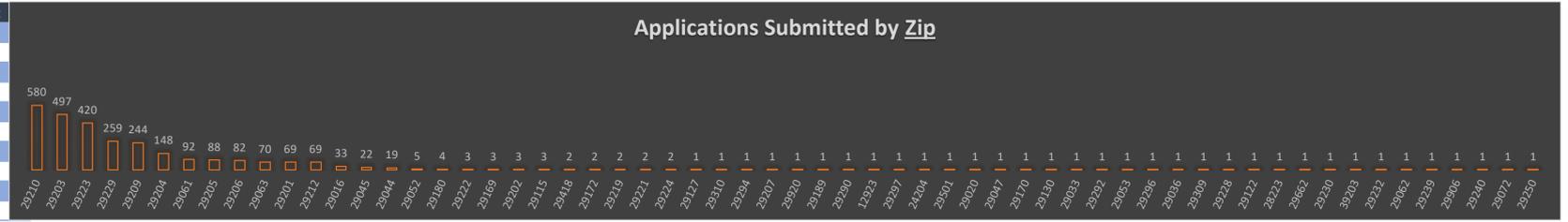
Attachment 2



Prepared by

Applications Breakdown by Zip

Top 10 Zips	Count
29210	580
29203	497
29223	420
29229	259
29209	244
29204	148
29061	92
29205	88
29206	82
29063	70

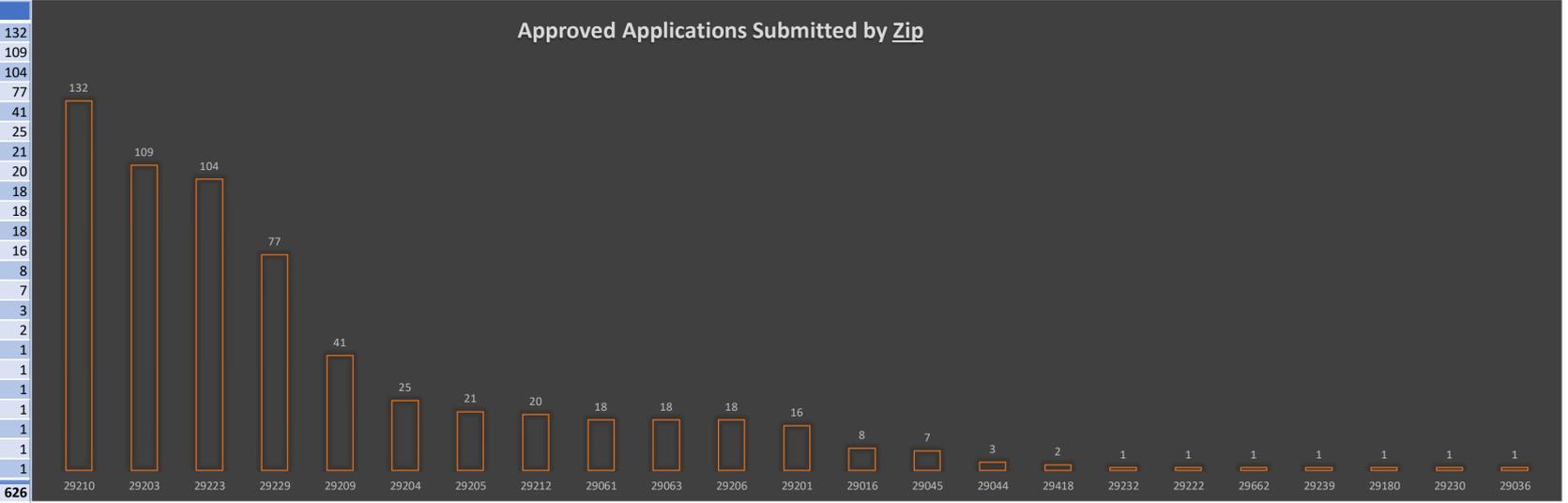


**Cases coming from 54 zip codes in total. 30 Zips only have 1 case

**Zip record not in the right format/digits/blank considered "Invalid Zip", Zip in 9 digits take first 5 digits as Zip record

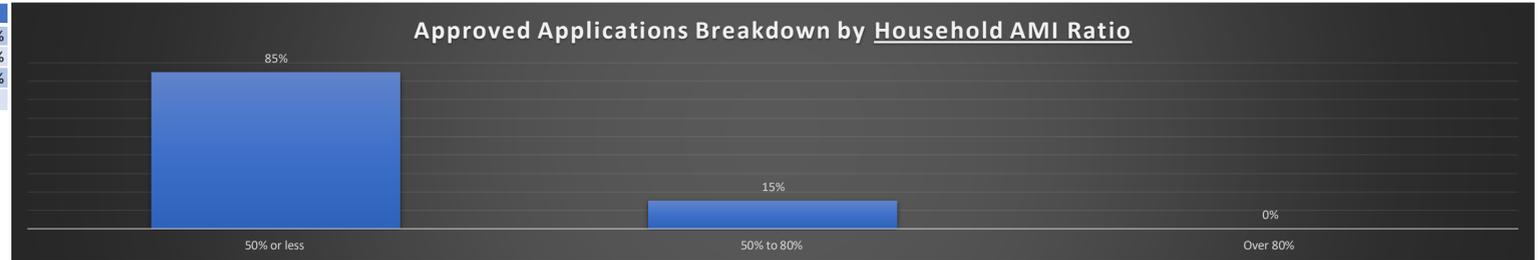
Approved Applications Breakdown by Zip

Approved Applications Zip	Count
29210	132
29203	109
29223	104
29229	77
29209	41
29204	25
29205	21
29212	20
29061	18
29063	18
29206	18
29201	16
29016	8
29045	7
29044	3
29418	2
29232	1
29222	1
29662	1
29239	1
29180	1
29230	1
29036	1
Total	626



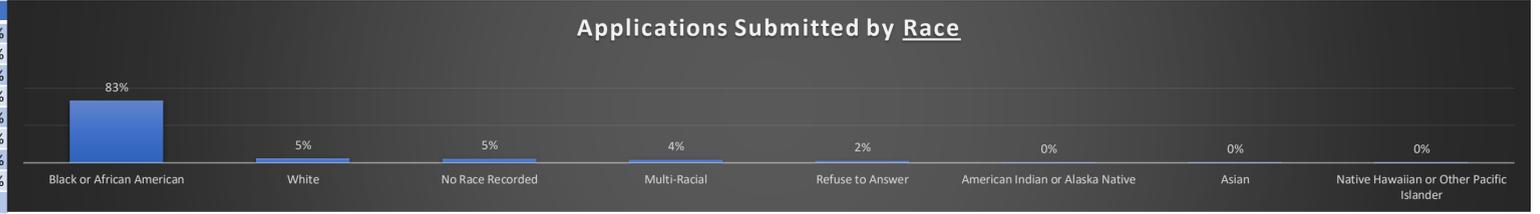
Approved Applications Breakdown by Household AMI Ratio

Household AMI level	Count	%
50% or less	531	85%
50% to 80%	95	15%
Over 80%	0	0%
Grand Total	626	



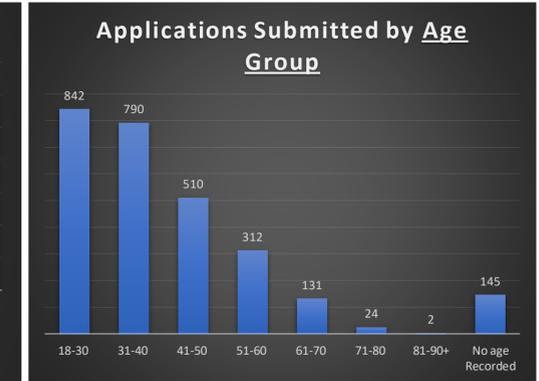
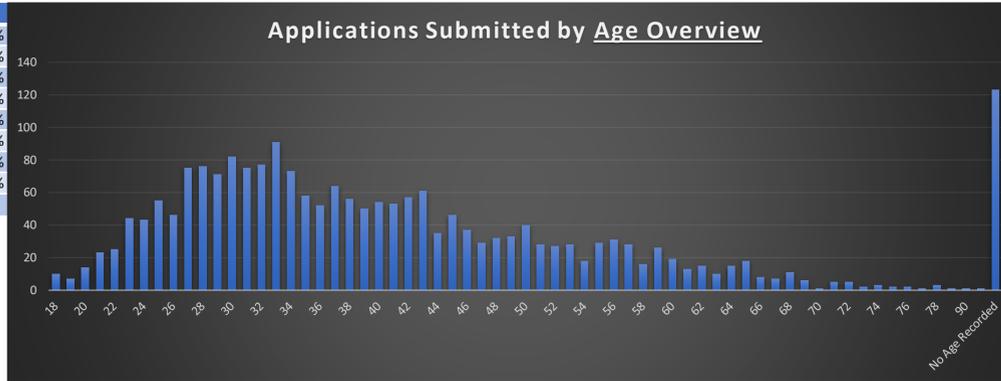
Applications Breakdown by Race

Race	Count	%
Black or African American	2281	83%
White	150	5%
No Race Recorded	138	5%
Multi-Racial	106	4%
Refuse to Answer	65	2%
American Indian or Alaska Native	10	0%
Asian	5	0%
Native Hawaiian or Other Pacific Islander	1	0%
Total Case Count	2756	



Applications Breakdown by Age

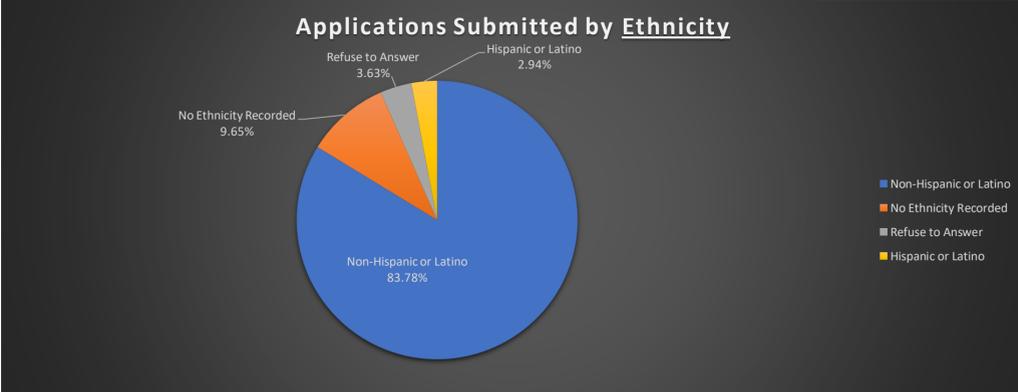
Age Group	Count	%
18-30	842	31%
31-40	790	29%
41-50	510	19%
51-60	312	11%
61-70	131	5%
71-80	24	1%
81-90+	2	0%
No age Recorded	145	5%
Total Case Count	2756	



**All ages under 18 years old considered "No Age Recorded"

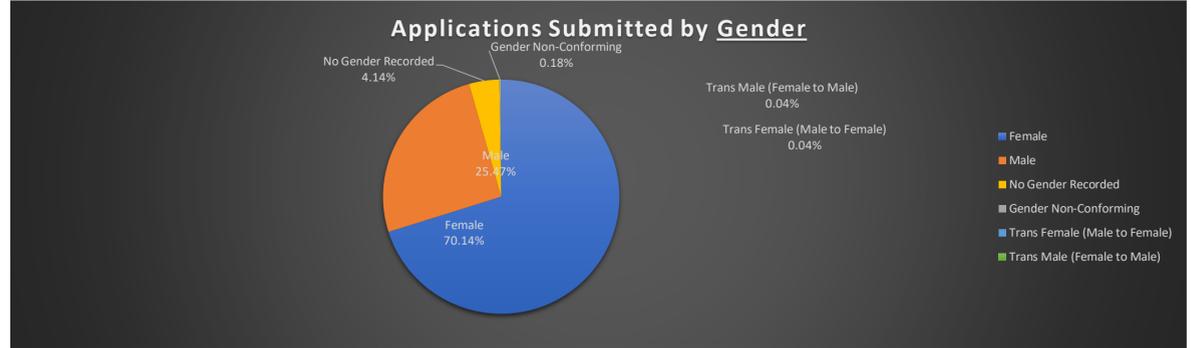
Applications Breakdown by Ethnicity

Ethnicity	Count	%
Non-Hispanic or Latino	2309	83.8%
No Ethnicity Recorded	266	9.7%
Refuse to Answer	100	3.6%
Hispanic or Latino	81	2.9%
Total	2756	



Applications Breakdown by Gender

Gender	Count	%
Female	1933	70.1%
Male	702	25.5%
No Gender Recorded	114	4.1%
Gender Non-Conforming	5	0.2%
Trans Female (Male to Female)	1	0.0%
Trans Male (Female to Male)	1	0.0%
Total	2756	100.0%



Please note - data presented in this report has been exported directly from Neighborly for all submitted cases. Some cases have not yet been reviewed

Richland County Council Request for Action

Subject:

21-002 MA
John Swistak
PDD to RM-HD (2.6 Acres)
S/E Rice Meadow Way
TMS# R20310-07-02 & 03

Notes:

First Reading: May 25, 2021
Second Reading: June 8, 2021
Third Reading: June 15, 2021 {Tentative}
Public Hearing: May 25, 2021

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-21HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 20310-07-02 and 03 FROM PLANNED DEVELOPMENT DISTRICT (PDD) TO RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT (RM-HD); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 20310-07-02 and 03 from Planned Development District (PDD) to Residential Multi-Family High Density District (RM-HD).

Section II. Severability. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional, or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section IV. Effective Date. This ordinance shall be effective from and after _____, 2021.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2021.

Andrea M. Mathis
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only.
No Opinion Rendered As To Content.

Public Hearing: May 25, 2021
First Reading: May 25, 2021
Second Reading: June 8, 2021
Third Reading: June 15, 2021

Richland County Council Request for Action

Subject:

21-005 MA
James Charles Hester
RU to NC (2.12 Acres)
1220 Dutch Fork Road
TMS# R03303-01-01

Notes:

First Reading: May 25 2021
Second Reading: June 8, 2021
Third Reading: June 15, 2021 {Tentative}
Public Hearing: May 25, 2021

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-21HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 03303-01-01 FROM RURAL DISTRICT (RU) TO NEIGHBORHOOD COMMERCIAL DISTRICT (NC); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 03303-0-1-01 from Rural District (RU) to Neighborhood Commercial District (NC).

Section II. Severability. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional, or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section IV. Effective Date. This ordinance shall be effective from and after _____, 2021.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2021.

Andrea M. Mathis
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only.
No Opinion Rendered As To Content.

Public Hearing: May 25, 2021
First Reading: May 25, 2021
Second Reading: June 8, 2021
Third Reading: June 15, 2021

Richland County Council Request for Action

Subject:

21-012MA
Wyman Shull
RU to RS-MD (0.144 Acres)
1111 A J Amick Road
TMS# R02414-02-32 (portion of)

Notes:

First Reading: May 25, 2021
Second Reading: June 8, 2021
Third Reading: June 15, 2021 {Tentative}
Public Hearing: May 25, 2021

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-21HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 02414-02-32 (PORTION OF) FROM RURAL DISTRICT (RU) TO RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT (RS-MD); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 02414-02-32 (portion of) from Rural District (RU) to Residential Single-Family Medium Density District (RS-MD).

Section II. Severability. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional, or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section IV. Effective Date. This ordinance shall be effective from and after _____, 2021.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2021.

Andrea M. Mathis
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only.
No Opinion Rendered As To Content.

Public Hearing: May 25, 2021
First Reading: May 25, 2021
Second Reading: June 8, 2021
Third Reading: June 15, 2021

Richland County Council Request for Action

Subject:

21-013MA
Ryan Maltba
RDD to GC
4561 Hardscrabble Rd
TMS# R20300-04-15

Notes:

First Reading: May 25, 2021
Second Reading: June 8, 2021
Third Reading: June 15, 2021 {Tentative}
Public Hearing: May 25, 2021

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-21HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 20300-04-15 FROM PLANNED DEVELOPMENT DISTRICT (PDD) TO GENERAL COMMERCIAL DISTRICT (GC); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 20300-04-15 from Planned Development District (PDD) to General Commercial District (GC).

Section II. Severability. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional, or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section IV. Effective Date. This ordinance shall be effective from and after _____, 2021.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2021.

Andrea M. Mathis
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only.
No Opinion Rendered As To Content.

Public Hearing: May 25, 2021
First Reading: May 25, 2021
Second Reading: June 8, 2021
Third Reading: June 15, 2021

Richland County Council Request for Action

Subject:

Amending the “2015 Richland County Comprehensive Plan – Putting the Pieces in Place”, by incorporating and adopting the “Rediscover Sandhills” Neighborhood Master Plan into the Plan

Notes:

First Reading: May 25, 2021

Second Reading: June 8, 2021

Third Reading: June 15, 2021 {Tentative}

Public Hearing: May 25, 2021

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. -17HR

AN ORDINANCE AMENDING THE “2015 RICHLAND COUNTY COMPREHENSIVE PLAN – PUTTING THE PIECES IN PLACE”, ADOPTED ON March 17, 2015, BY INCORPORATING THE “REDISCOVER SANDHILLS” NEIGHBORHOOD MASTER PLAN INTO THE PLAN.

WHEREAS, on March 17, 2015, Richland County Council adopted the “2015 Richland County Comprehensive Plan – Putting the Pieces in Place” pursuant to S.C. Code Section 6-29-310, et al. (Ordinance No. 008-15HR); and

WHEREAS, Section 6-29-520 (B) of the South Carolina Code of Ordinances 1976, as amended (South Carolina Local Government Comprehensive Planning and Enabling Act of 1994, as amended), requires that recommendations for amendments to the Comprehensive Plan must be by Resolution of the Planning Commission; and

WHEREAS, the Richland County Planning Commission has unanimously approved a Resolution recommending that County Council adopt “ReDiscover Sandhills”, dated April 2021; and

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, be it enacted by the County Council for Richland County as follows:

SECTION I. The “2015 Richland County Comprehensive Plan – Putting the Pieces in Place” is hereby amended by the incorporation of “ReDiscover Sandhills”, dated April 2021, and which is on file in the Community Planning and Development Department, into the Plan.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and after June 15, 2021.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY
OF _____, 2021.

Andrea Mathis
Clerk of Council

Public Hearing: May 25, 2021
First Reading: May 25, 2021
Second Reading: June 8, 2021
Third Reading: June 15, 2021

Richland County Council Request for Action

Subject:

An Ordinance Authorizing deed to the City of Columbia for certain parcels on the Three Rivers Greenway/Saluda Riverwalk; Richland County TMS # 0720-03-01 and TMS # 07208-03-02

Notes:

First Reading: June 8, 2021

Second Reading: June 15, 2021 {Tentative}

Third Reading: July 13, 2011 {Tentative}

Public Hearing: July 13, 2021 {Tentative}

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-21HR

AN ORDINANCE AUTHORIZING DEED TO THE CITY OF COLUMBIA
FOR CERTAIN PARCELS ON THE THREE RIVERS GREENWAY/SALUDA
RIVERWALK; RICHLAND COUNTY TMS #07208-03-01 AND TMS #07208-
03-02.

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a deed to The City of Columbia for parcels on the Three Rivers Greenway/Saluda Riverwalk; TMS #07208-03-01 AND TMS #07208-03-02; as specifically described in the attached Title To Real Estate.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2021.

Andrea Mathis
Clerk of Council

First Reading:
Second Reading:
Public Hearing:
Third Reading:

Richland County Council Request for Action

Subject:

I move to evaluate affordable housing options to include the option of establishing an Affordable Housing Trust Fund for Richland County as a benefit to the public. Housing is considered to be “affordable” when 30% or less of one’s income is spent on housing and utilities. In Richland County, nearly half of renters pay more than a third of their income on rent and utilities [TERRACIO]

Notes:

May 25, 2021 – The D&S Committee recommended inviting a representative from the Affordable Housing Task Force to present at the next Council meeting.



ISSUES BRIEFING – AFFORDABLE HOUSING

This issues briefing serves to provide information related to affordable housing within Richland County. Included below is background on affordable housing needs, along with current policies, programs, and related efforts to address the issue. Further, this issues briefing explores potential barriers for affordable housing specific to Richland County and identifies actions the County can undertake to address affordable housing needs.

BACKGROUND

Housing affordability differs based upon a variety of factors, i.e., household income, location of housing, and household size, composition, and characteristics. The standard approach for measuring housing affordability utilizes a ratio of housing costs to household income, or the thirty percent [30%] income rule. Housing is affordable when a household spends less than a thirty percent [30%] share of their gross income on housing needs. When a household spends more than this amount, housing is unaffordable and the household is “cost burdened”. Households experience a severe cost burden when housing costs equal a fifty percent [50%] share or greater of the household income. Table 1 below provides information on the number of households that are cost burdened within Richland County.

Table 1. Richland County Housing Affordability Percentage of Household Income for Monthly Housing Costs, 2018						
Indicator	Households	Percent	Owners	Percent	Renters	Percent
Total	152,227	100.00%	88,369	100.00%	63,858	100.00%
Below 30%	95,665	62.84%	67,635	76.54%	28,030	43.89%
30% or Above	53,020	34.83%	20,307	22.98%	32,713	51.23%
Less than \$10,000:	11,523	7.57%	3,500	3.96%	8,023	12.56%
Below 30%	226	1.96%	90	2.57%	136	1.70%
30% or Above	11,297	98.04%	3,410	97.43%	7,887	98.30%
\$10,000 to \$19,999:	12,642	8.30%	5,394	6.10%	7,248	11.35%
Below 30%	1,643	13.00%	1,044	19.35%	599	8.26%
30% or Above	10,999	87.00%	4,350	80.65%	6,649	91.74%
\$20,000 to \$34,999:	23,023	15.12%	9,670	10.94%	13,353	20.91%
Below 30%	6,628	28.79%	4,911	50.79%	1,717	12.86%
30% or Above	16,395	71.21%	4,759	49.21%	11,636	87.14%
\$35,000 to \$49,999:	21,983	14.44%	11,799	13.35%	10,184	15.95%
Below 30%	14,025	63.80%	8,189	69.40%	5,836	57.31%
30% or Above	7,958	36.20%	3,610	30.60%	4,348	42.69%
\$50,000 to \$74,999:	30,295	19.90%	16,979	19.21%	13,316	20.85%
Below 30%	25,196	83.17%	14,034	82.66%	11,162	83.82%
30% or Above	5,099	16.83%	2,945	17.34%	2,154	16.18%
\$75,000 to \$99,999:	18,151	11.92%	13,617	15.41%	4,534	7.10%
Below 30%	17,313	95.38%	12,818	94.13%	4,495	99.14%
30% or Above	838	4.62%	799	5.87%	39	0.86%
\$100,000 or more:	31,068	20.41%	26,983	30.53%	4,085	6.40%
Below 30%	30,634	98.60%	26,549	98.39%	4,085	100.00%
30% or Above	434	1.40%	434	1.61%	0	0.00%
Not computed	3,542	5.55%	427	0.48%	3,115	4.88%

Source: U.S. Census Bureau, 2018 American Community Survey 1-Year Estimates; B25095; Universe: Owner-occupied Housing Units; B25074; Universe: Renter-occupied Housing Units

As shown in Table 1, Richland County has around 53,020 households, about 35%, that are cost burdened. Over half, around 51%, of all renter households experience a cost burden for housing, while only around 23% of homeowners in the County experience the same. As presented in the chart above, as incomes increase, the cost burden decreases significantly, especially for households with incomes at and above the \$50,000 to \$74,999 range.

An important take away corresponds to a connection to the median household income [MHI] for the County. Per the most recent Census data, Richland County has an MHI of approximately \$52,159. A significant portion of cost burdened households fall within income ranges below this value. When compared to the total percent of households that experience a cost burden, lower income brackets have shares that are 1 to 63 percent points higher, showing there is a greater cost burden for lower income households than for higher income households. Additionally, renters see a greater share of unaffordability at lower incomes than owners at incomes below the MHI.

When identifying the level of affordability or the number of affordable units, income segments or thresholds become the basis for determining how much a household or family can afford, along with the cost burden method. The US Department of Housing and Urban Development [HUD] publishes income limits yearly for the certain income segments, which centers upon the ratio of family household income to the area family median income [AFMI]. These income limits, shown in Table 2 below, are based upon households and a threshold of maximum household family income, generally at eighty percent [80%], fifty percent [50%], and thirty percent [30%] of the AFMI.

Indicator	Household Income	Monthly Income	Housing Affordability	Purchase Price
100% AFMI	\$72,600	\$6,050	\$1,815	\$391,911
Moderate Income or more: 80% or more	\$58,100 or more	\$4,842 or more	\$1,453 or more	\$313,637 or more
Low Income: 50% to 80%	\$36,300 to \$58,100	\$3,025 to \$4,842	\$908 to \$1,453	\$195,955 to \$313,637
Very Low Income: 30% to 50%	\$26,200 to \$36,300	\$2,183 to \$3,025	\$655 to \$908	\$141,433 to \$195,955
Extremely Low Income: 30% or less	\$26,200 or less	\$2,183 or less	\$655 or less	\$141,433 or less

Notes: Income segments utilize the area median income [AMI] of a family of four per HUD guidelines. The "Purchase Price" assumes a 30-year mortgage with an interest rate of 3.85% and a maximum monthly expense of 30% for that segment. Any higher segment household could afford a unit within the segments below it. The "Moderate Income or more" includes Middle and Upper Income segments.

The above segments detail the level of affordability households (based upon a family of four) can assume for their housing costs. The affordability segments and the affordability breakdowns take into consideration the thirty percent [30%] housing expense for each household. Important to note here are the median home value and median gross rent. The median home value [MHV] in Richland County is approximately \$163,600. Likewise, the median gross rent [MGR] is \$982. These two cost values are important reference points in thinking about housing affordability as the median value is directly in the middle, where half is above and half is below. So just by that, one can assume there are many more units with higher rents than homes of larger values. Table 3 below details the share of units in each income segment, as delineated in Table 2, where the share of affordable units is the number of units that would be affordable to a household within that income segment.

Table 3. Richland County Housing Affordability Percent Share of Affordable Units for Income Segments						
Indicator	Units	Percent	Owned Units	Percent	Rental Units	Percent
Moderate Income or more: 80% or more	26,066	17.12%	16,563	18.74%	9,503	14.88%
Low Income: 50% to 80%	46,893	30.80%	18,758	21.23%	28,135	44.06%
Very Low Income: 30% to 50%	33,432	21.96%	17,628	19.95%	15,804	24.75%
Extremely Low Income: 30% or less	44,667	29.34%	35,420	40.08%	9,247	14.48%
No Cost/No Rent	1,169	1.83%	0	0.00%	1,169	1.83%

Source: U.S. Census Bureau, 2018 American Community Survey 1-Year Estimates; B25063, Universe: Renter-occupied Housing Units; B25075, Universe: Owner-occupied Housing Units

Table 3 provides for the share of occupied housing units within each income segment directly. However, renters or homebuyers in other income segments can reach downward in order to find affordable units; in essence, the full share of units is the summation of all units that would fall below that segment’s maximum affordability price point. As such, the share of affordable units will increase for higher-level income segments as percent of the AFMI increases due to the lower-level segments being affordable to those of higher income. For example, while the Low Income segment only has around a 31% share of affordable units available within its range, the segment has access to around an 82% total share.

For the Extremely Low Income segment (30% or less than the AFMI), there is a total share of around 29% of units affordable to those households. There is a much greater share of owned units versus rental units, with shares of around 40% (highest overall for owned units) and 14.5%, respectively. The Very Low Income segment (30% to 50% of the AFMI) sees a share of around 22% of affordable units. The Low Income segment has the highest share of around 31%. Additionally, the Low Income segment has the highest share of rental units at 44%.

While, there are units that would be affordable to households of lower income segments, these units are not always available to households. Looking back to Table 2 and the income limits, it is evident this will not always be the case when considering the actual price point paid and the price point a household can pay without being cost-burdened. The basic gap analysis helps in determining whether the supply of housing units priced affordably for different income levels is sufficient for the number of households with incomes at those levels. The gap generally represents the amount of households who cannot find housing within their price range and are paying more than they can reasonably afford.

Table 4. Richland County Housing Affordability Affordable Housing Gap			
Indicator	Households	Affordable Units	Gap
Median Income: 100% or less	99,973	65,058	(34,915)
Low Income: 80% or less	82,323	50,443	(31,880)
Very Low Income: 50% or less	52,081	29,470	(22,611)
Extremely Low Income: 30% or less	35,988	4,609	(31,379)
Not Computed	-	3,542	-



Source: U.S. Census Bureau, 2018 American Community Survey 1-Year Estimates; B19001, Universe: Households; B25095; Universe: Owner-occupied Housing Units; B25074; Universe: Renter-occupied Housing Units

Notes: The housing gap is an approximation based upon the availability of data. The census tables utilized do not detail incomes based upon household size, which is one of the key factors for determining affordability. The level of available units also does not include vacant units that may be for rent or for sale. Only units that would otherwise be on the market and occupied are noted.

Important to consider for housing needs is the aggregate units that are not affordable. Looking at the Low Income and below, the gross number equates to the number of affordable units needed for those specific households. In terms of percent, this would mean a gap of about 20% between the total number of units and the needed number of affordable units for the Extremely Low Income segment. The total gap for affordable housing units varies slightly for each income segment, but remains relatively stable ranging from about 15% to 23% of total units. Here, the gap percentage becomes an important factor for moving forward with policy consideration. Specifically, it provides a general baseline that around 20% of future housing should be affordable for households at these income ranges to address the unaffordability of housing in the County.

COUNTY EFFORTS RELATED TO AFFORDABLE HOUSING

Richland County has various policies and programs related to affordable housing. Primarily, the Community Development Division implements the County’s efforts for affordable housing programs. These programs include the Richland County Housing Assistance Program [RCHAP], Richland Rebuilds, Operation One Touch, and like programs, funded through HUD designated funds in the form of Community Development Block Grants [CDBG] and Home Investment Partnership [HOME] funds. In addition to these programs, Richland County provides direct funds, through CDBG and HOME allocations to local non-profits and Community Housing Development Organizations [CHDO]. Through these various mechanisms, Richland County provides access and supply of affordable units to its citizens. Since 2006, the RCHAP homeowner assistance program has provided 312 families with down payment assistance in order to purchase their new home. Similarly, Richland County along with its CHDOs and Partners have helped multiple families since becoming a HUD grantee. Richland County offers in-house programs such as Operation One Touch and Richland Rebuilds that offer direct assistance to homeowners. Such programs offered assistance to 23 families in FY19-20. Tables 5 and 6 below provide a spending breakdown of CDBG and HOME funds allocated toward affordable housing initiatives going back to 2015 for external partners and internal programs.

Year	Organization Program	Funding
2015	Columbia Housing Authority Partnership (New Construction)	\$200,000.00
2016	SC Uplift (Acquisition & Rehab)	\$75,141.53
2018	SC Uplift (New Construction)	\$137,145.00
2018	Richland Rebuilds	\$132,657.41
2018	Santee Lynches CDC (Acquisition & Rehab)	\$76,239.15
2019	Community Assistance Provider (New Construction)	\$495,135.00



Table 6. Richland County Housing Affordability CDBG & HOME Allocations – Internal Programs (RCHAP – REHAB - RICHLAND REBUILDS)		
Year	Organization Program	Funding
2015	Community Development Division	\$428,235
2016	Community Development Division	\$560,649
2017	Community Development Division	\$355,000
2018	Community Development Division	\$367,245
2019	Community Development Division	\$328,956

Notes: Federal fiscal year 2019 is still on going and the funding amount listed is the amount allocated for affordable housing programs in the annual action plan.

As part of receiving CDBG and HOME funds from HUD, recipients must create a Consolidated Plan that identifies various community development and housing needs, goals, and strategies related to them. As part of this, recipients must develop a housing needs assessment within the plan. A housing needs assessment is an inventory and analysis of existing housing needs and needs anticipated because of future growth. The assessment evaluates the extent to which the current and future housing market can provide housing at various costs. The needs assessment is a critical component of working to address housing needs and issues. It takes into consideration both quantitative and qualitative measures of housing, utilizing both data types for a holistic perspective. The Community Development Division will be updating the Consolidated Plan, and performing a new needs assessment, in the coming year.

In addition to the initiatives coordinated through the Community Development Division, County Council has also made direct contributions to organizations and groups working to advance affordable housing. Specifically, Council has made General Fund allocations to various organizations going back the past several years. For Fiscal Year [FY] 16, FY17, and FY18, Council allocated to the Midlands Housing Trust Fund in the amount of \$100,000, \$100,000, and \$55,000, respectively. Council allocated \$20,000 to SC Uplift in FY 16. In FY 18, Council allocated \$200,000 to the Midlands Community Development Corporation. Likewise, Council has awarded discretionary grants and other grants to like groups for affordable housing purposes, i.e., the Central South Carolina Habitat for Humanity.

County Council put forth an economic development policy related to affordable housing in July of 2018. At the July 24, 2018 County Council meeting, the Council approved, unanimously, a resolution related to economic development incentives for affordable low-income rental housing developments. The economic development policy expresses that County Council will consider property tax incentives for the development of safe and affordable rental housing for private and governmental developers. The resolution states that the Economic Development Committee should consider certain factors in providing those incentives. These various factors include but are not limited to elements of location and ability to reduce blight, number of affordable units created, financial assistance, accessibility or inclusion of mixed uses, and restrictions on affordability for a 20-year period.

Other policy elements that County Council has adopted include goals and objectives set forth within the 2015 Comprehensive Plan. Within the Population Element, Goal #4 specifically addresses affordable housing with a strategy (4.4) to include affordable housing in Planned Development District rezoning applications. Additionally, Housing Goal #3, under the Housing Element of the Plan, looks “to create housing choices for all household types, sizes, and incomes; to allow employees the opportunity to live and work in the same area, including personal costs and societal costs”. The Plan sets forth three strategies under Housing Goal #3 for advancing affordable housing:

- 3.1: Community land trust
 - Create a community land trust program, providing a mechanism to mitigate the increasing cost of land and its impact on the cost of affordable housing.
- 3.2: Joint development of affordable housing
 - Develop affordable housing on appropriate County-owned land by seeking joint development opportunities with the private sector
- 3.3: Other incentives
 - Provide incentives to developers for including affordable housing in subdivision design

Additionally, the Plan has other goals and strategies that seek to expand housing choice and quality for County residents within the Population, Housing, and Land Use Elements.

Likewise, the Comprehensive Plan establishes various Priority Investment Areas [PIAs] throughout the county. The Priority Investment Act, included under Title 6, Chapter 29 of the SC Code of Laws, allows local governments to develop market-based incentives and to reduce unnecessary housing regulations to encourage affordable housing within PIAs.

BARRIERS TO AFFORDABLE HOUSING

Various barriers exist related to the development of affordable housing. These barriers range in their existence from regulatory barriers to financial barriers to societal barriers associated with affordable housing development. Each one poses a differing level of resistance for expanding housing choice within Richland County. These barriers in some form or fashion impede the supply of affordable housing.

REGULATORY BARRIERS

Regulatory barriers are policies, laws, regulations, or other processes implemented by governments that hinder the ability to develop housing.

Exclusionary Zoning

Exclusionary zoning is the practice by which zoning codes inadvertently limit certain types of development for a locale, excluding the type and extent of development. Zoning is inherently exclusionary, as the primary purpose is to regulate the use, dimension, and character of development. When this occurs, certain types of development become more pervasive while others are restricted, i.e., single-family housing versus multi-family housing or small lot sizes versus larger lot sizes. The Richland County Land Development Code currently limits the number of non-single-family land uses throughout zoning districts. Duplex, triplex, and quadruplex units are limited, as well as the mapping of multi-family districts. Likewise, the ability to provide these types of housing and only certain sizes becomes a limitation for development. Excluding certain types of development places a preference on one use over others within a community. This exclusionary zoning pattern limits the ability to develop affordable housing due to limitations on the uses, size, and other elements regulated by code.

Housing Vouchers & Waitlists

Another regulatory barrier for affordable housing in Richland County is the limitation of housing vouchers and reliance upon waitlists. The Columbia Housing Authority [CHA] is the area public housing authority. It is responsible for administering HUD housing vouchers and helping to provide and secure housing for low-income households and individuals. One of the ways CHA accomplishes this is through housing choice vouchers. The vouchers function as a

coupon-like funding method through HUD for providing rental assistance to low-income households in private units. One issue with vouchers is there are a limited amount available. Likewise, when residents need vouchers, they must join an available waitlist that can last several years, where waitlists are generally closed or already full. Additionally, a lottery process determines who will be recipients of the vouchers or will join a waitlist to receive them. Similarly, the private unit property owner must be willing to accept vouchers, which may not always be the case.

Other Regulatory Barriers

Another regulatory barrier for affordable housing development in Richland County is the statutory authority for development regulations, policies, and incentives to address affordable housing needs or barriers. South Carolina is a limited home rule state, where enabling legislation or other specification in the state code must exist before Counties can enact certain policies. Not having the innate ability to develop laws and regulations it needs to address locale-specific issues can be a hindrance. The limited statutory authority for methods to address affordable housing poses a problem that County must navigate carefully at times.

An additional barrier that can occur includes jurisdictional inconsistencies and inefficacy in operational processes and procedures. Conflicts can arise with how staff applies certain regulations or operational policies and is understood by the public, developer, or otherwise resident. Requirements, processes, and procedures can become hurdles themselves with how affordable housing is developed. Similarly, the process in one jurisdiction to the next or between levels of government creates difficulties for developers and residents for creating affordable housing.

FINANCIAL BARRIERS

Development Costs

Development costs include the costs of land, infrastructure, building materials, labor, and other associated construction expenses. These costs have continued to increase over the last several years. Material and labor costs for construction have seen larger increases compared to land costs, which are generally lower in Richland County due to an availability of land in most cases. Similarly, costs for affordable housing are often greater since expenses would be the same for otherwise normal housing, except for a lower return on investment due to decreased income from the sale or renting of units. Similarly, the cost of water and sewer fees can pose a hindrance for smaller-scale development and for developments outside the Columbia municipal limits.

Limited Incentives

There are a limited number of incentives available related to affordable housing development. The most common types are Low-Income Housing Tax Credits [LIHTC] and New Market Tax Credits [NMTC]. However, these tax credits have a limited availability and supply for projects. The County does not generally offer incentives to developers for affordable housing development, with the exception to certain economic development projects as referenced by the policy earlier in this brief. Additionally, HOME and CDBG funds go towards affordable housing projects and programs, among others. Those funds are limited each year and go toward a variety of different projects besides affordable housing creation.

In addition to limited incentives is the tax burden imposed within the County for how far those incentives can go. Ultimately, a developer will be looking at their bottom-line for how feasible a project is. The incentives available and offered, as well as the taxes applied, directly influence the financial structure and elements going into a developer's decision-making process. Spreading out a tax burden, as most local economic incentive packages do, still imposes the same tax level on a property, it just spreads out an overall return-on-investment over time. So in cases where a short



return is wanted or required based upon the financial set-up of a property, the tax burden and associated property tax incentives may not be enough to meet the necessary return-on-investment.

Other Financial Barriers

Other financial barriers to affordable housing include market dynamics associated with the Columbia rental market. The Columbia housing market has a large percentage of renters. Large portions of these renters are college-aged students. As a result, most of the new rental housing cater toward the college lifestyle. This affects the overall type of housing available and the pricing associated with it, i.e., having near- or at-market rent rates and leases by the room versus whole unit. Similarly, new rental housing sees a relatively high absorption rate as new units come on the market either as a created unit or as release of a pre-existing one.

Another financial barrier for affordable housing includes the personal or household incomes of Richland County citizens. While the cost of living and other prices have risen, wages and incomes have been relatively stable. Because of this, the choice for housing is limited, as noted earlier in the background section. Due to limited financial situations, households have less money to save. This lack of ability to save disenables persons and households to save for a down payment on a future home. This serves as a barrier for homeownership, which is more available with affordable options within the County. Likewise, the need for a serviceable credit history also poses a barrier to affordable housing ownership for many individuals of lower income due to a use of payday or predatory lending practices in order to have the necessary funds for everyday expenses.

SOCIETAL BARRIERS

NIMBY-ism

NIMBY-ism, an acronym for “Not In My Back Yard”, is the process of residents voicing opposition against a proposed or potential development activity within their local area. NIMBY sentiments most often relate to growth-based changes, e.g., up-zoning, or specific land uses being developed, e.g., multi-family housing. NIMBY actions by residents often pose a barrier toward affordable housing development due to the associated land uses needed, i.e., more dense housing or multi-family buildings, or other perceived land use impacts that would be beneficial to the community as a whole but viewed as a detriment because of that location decision nearby the residents. This often corresponds to development either not occurring within the intended location due to the objections posed by local residents or being located elsewhere that may not be as suitable.

Stigmatization of Affordable Housing

Affordable housing is often stigmatized as being less than and carries a negative connotation. From terms like Section 8 Housing to Low-income Housing to public/government housing, generally, public perceptions regard these as being different, other, or of lower quality. Often this stigma around affordable housing – primarily against the persons associated with it or the seeming value or quality of housing and its effects – brings about opposition to its development or expansion. The negative narrative that persists on affordable housing presents and obstacle for how, where, and why units are created.

Socio-cultural Disparities

Various socio-cultural disparities exist in Richland County that serve as barriers to County residents for affordable housing. These include literacy, language, and educational barriers related to housing, e.g., rental assistance programs, homebuyer



courses, and like programs. These socio-cultural differences become a challenge to affordable housing for residents on knowing what to look for, where to look for it, who to contact, and similar circumstances. These various barriers serve as informational barriers to many individuals who lack access to the knowledge or resource needed for addressing housing needs.

Additionally, another social disparity that poses a barrier to affordable housing is the geographic mismatch of housing, jobs, and reliable transit. Jobs and housing are often located separate from each other increasing transportation costs for households. Likewise, the County does not have a reliable transit network that reaches housing locations beyond the urban areas. This can limit access and housing choice where households must make a trade-off between costs to housing, transportation, or other expenses.

AFFORDABLE HOUSING ACTIONS

Staff believes that no single action, strategy, policy, or program will serve as a panacea in addressing the affordable housing needs within Richland County. While each tool, either currently in place or recommended for exploring, is a step in tackling the issue, each one alone will not effectively address and overcome the wide-ranging need and far-reaching barriers. As such, staff believes the various tools merit development in tandem for a comprehensive, holistic approach for expanding affordable housing to County citizens. The following explores various actions that staff believes are viable options in tackling affordable housing. Staff has begun identifying certain facets related to the application of the proposed tools by the County.

EXPANDING CURRENT EFFORTS

One recommendation by staff is to continue strengthening current efforts already underway by the County. The Community Development Division and outside partners' efforts and their programs need bolstering. The actions and outcomes performed and accomplished by the various programs need continued support and further advancement to build and grow for affordable housing. The County has the ability to provide certain incentives already, as enumerated by the economic development policy, while those incentives should expand for developers undertaking affordable housing development. Through these incentives and HOME and CDBG funds, which constitute more grassroots public-private partnerships, the County can build upon the current work to expand and retain affordable housing for County residents.

Likewise, staff recommends setting specific policy goals toward affordable housing. There is evident need for affordable housing, where developing specific policy goals and objectives is another step forward to bring accountability to the issue. One measure staff recommends in conjunction to this is establishing metrics for tracking and gauging affordable housing progress. Each goal/objective needs to be measurable whether quantitatively or qualitatively ensuring progress is trackable. Likewise, setting a specific enumerated goal for affordable units or reduction in cost-burdened households provides a direct outcome for the County to work at achieving.

In addition, staff plans to evaluate more innovative ways to provide affordable housing while maximizing funds available from HUD. Some examples include operating a Tenant Based Rental Assistance Program either in partnership with Columbia Housing Authority or through a private third-party management services entity and using a non-profit or private third-party management services entity to operate rehabilitations and rebuilds with access to private funds or other grant funds to support those projects.



LAND DEVELOPMENT CODE REWRITE

The Land Development Code [LDC] Rewrite is the process of developing and overhauling the current LDC, adopted in 2005, with a new rewritten code intended to be in line with the policy goals and objectives of the 2015 Comprehensive Plan, be more user friendly, have modernized use and development standards, and encourage green development practices. The new, proposed LDC includes more flexible land uses and removes certain size limitations on lots for overall densities. The proposed uses allow for greater flexibility in middle-type housing options, such as duplexes, triplexes, and quadruplexes as by right development within districts. As such, it proposes less exclusionary uses as noted above in the barriers.

AFFORDABLE HOUSING ADVISORY COMMITTEE

Staff recommends establishing a regularly convening Affordable Housing Advisory Committee. If pursued, the Committee will function as a recommending body to Council on affordable housing related issues. Its purpose will include identifying barriers and obstacles to affordable housing, providing solutions to address them, and regular review of policies and programs related to affordable housing for any adjustments. Likewise, the Committee can serve to establish policy goals and metrics as noted above. Staff believes this Committee should function in a similar capacity as the Blue Ribbon or Penny Advisory Committees, where the Affordable Housing Advisory Committee will be comprised of Councilpersons, staff, board and commission members, housing advocacy and development groups or organizations, and community residents with interest and knowledge regarding affordable housing.

Viability for Implementation:

- High

Implementation Timeframe:

- Short-term (Less than 6 months)

Associated Costs/Fiscal Impact:

- There are limited fiscal impacts associated with this item. Only minor administrative costs are likely to occur.

Critical Personnel:

- Lead(s): Community Planning & Development [Community Development Division, Planning Services Division] and Government & Community Services
- Support: Public Information Office, Clerk of Council, Legal

Potential Partnerships:

- Columbia Affordable Housing Taskforce, Community Relations Council, BIA of Central South Carolina, United Way of the Midlands, Central South Carolina Habitat for Humanity, MORE Justice

Multi-jurisdictional Application:

- Yes - the Affordable Housing Committee has the ability for members of other local governments to participate via memberships or appointees, depending on the final structure of the Committee. The Committee could address concerns regionally and making concerted efforts for addressing affordable at the marco-scale. Likewise,



if the Committee were to be a guide for how various initiatives develop, the group would help ensure that jurisdictional concerns were included directly.

Opportunities:

- Serve as an advisory board for affordable housing related issues
 - Recommend changes to certain policies or programs
 - Identify barriers for affordable housing
- Incorporate knowledge from local organizations, residents, and staff for varied perspectives

Issues:

- Potential to become politicized around single issues, jurisdictions, or in favor of specific interests

Best Practice Model(s):

- Town of Bluffton Affordable Housing Committee
- City of Columbia Affordable Housing Taskforce

Actions Needed:

- Determine Committee framework for operation and set-up
- Determine relevant stakeholders for membership
- Determine policy direction related to the Committee
 - Form goals/objectives for the function of the Committee
- Incorporate Committee elements into Code of Ordinances or Council Rules, as applicable
- Convene the Committee

BAILEY BILL PROVISION

The portion of SC Code of Laws known as the Bailey Bill (§4-9-195) grants the ability of local governments to provide special tax assessments for rehabilitated properties. Primarily, local governments have only included the provisions within this section for historic properties, which Richland County has adopted. However, the Bailey Bill also allows for special tax assessments for affordable rental housing, which only one local government in South Carolina has adopted as so far. The affordable housing provisions within the Bailey Bill could serve as an incentive policy for affordable housing retention and development as it has with historic properties. Staff recommends adding an affordable housing provision to County code. The enabling legislation gives relatively broad authority for local governments in determining certain aspects of the provision that caters to the specific needs and issues of the locale for greatest impact.

Viability for Implementation:

- High

Implementation Timeframe:

- Short-term (Less than 6 months)



Associated Costs/Fiscal Impact:

- There will be limited short-term fiscal impacts from the implementation of a Bailey Bill provision. By nature, properties that the provision would apply to will continue to produce the same level of tax revenue as historically observed. In the longer-term, the provision would allow for a windfall gain in revenue as properties experience redevelopment and the special assessment expires after the max allowable 20-year period. Additionally, the possibility of application fees exists as a potential revenue source for operating the program or other affordable housing efforts, e.g., housing trust fund or CLT.
- The Bailey Bill could have potential impacts on the tax burden for non-residential owner-occupied properties. The passage of Section 12-37-210(A)(47)(a) gives all owner-occupied residential property owners (legal residence classification - 4% ratio) credit on all of the school operating taxes, meaning that you are not paying any of the school district's operating taxes, only the school bonds. In most cases, taxpayers will see a reduction in their notices, which depends upon the taxable value and tax district. *This credit does not apply to the tax bills of business or personal property, or 6% property owners (land, second homeowners).* With the above tax reform, all properties at the 6% rate, personal and business property are carrying the tax burden of the School Operating tax. The School Operating fund accounts for 48.33% to 57.26% of the total millage depending on which tax district the property is located in. In theory when a property is granted relief under the Bailey Bill a pre-determined value (lower than the current taxable value) is locked in for a pre-determined amount of time. As such, this increases the tax burden on the remaining 6% properties, all personal and business property, that do not have a the special assessment.

Critical Personnel:

- Lead(s): Community Planning & Development [Assessor Division, Building Inspections Division] and Auditor's Office
- Support: Community Planning & Development [Planning Services Division, Zoning & Development Services, Community Development], Economic Development, Government & Community Services, Public Information Office, Legal

Potential Partnerships:

- Columbia Housing and Development Authority, SC Housing, BIA of Central South Carolina, Affordable Housing Committee, City of Columbia Affordable Housing Taskforce

Multi-jurisdictional Application:

- Yes – the provision could address concerns regionally and making concerted efforts for addressing affordable housing at the macro-scale. Additionally, it would be beneficial for local municipalities to adopt mirroring language into their respective codes to reduce process errors and confusion both for the recipient and staff.

Opportunities:

- Retention and expansion of existing affordable housing units
- Redevelopment of vacant/abandoned structures
- Location based-application for targeting areas specifically, broad application, or case by case
- Flexibility in eligibility criteria for standards and application of the special assessment



Issues:

- Need for clarity on state statute language and any language incorporated in the ordinance so it fits the enabling legislation
- Need to develop a defined, clear process for internal operations and for applicants
- Section 8 eligibility under state statute
- Potential need to pilot and test to understand potential repercussions from the ordinance
- School tax revenue
- Adjusting tax bills via the Auditor’s Office versus keeping FMV/Assessment value records in CAMA

Best Practice Model(s):

- City of Greenville Special Tax Assessment for Low and Moderate Income Rental Property

Actions Needed:

- Develop policy goals and objectives in applying the provision
- Develop level of specificity required for application, e.g., blanket versus targeted
- Outreach and coordination with local municipalities
- Develop ordinance language for amending §23-6 to include affordable housing
 - Determine eligibility criteria
 - Determine standards for rehabilitation
 - Define process for certification
 - Define process for decertification (maturation, actions, etc.)
- Develop operational policy for certification, value-capture, and future assessment notices

AFFORDABLE HOUSING TRUST FUND

Housing trust funds are distinct funds established by local government that receive ongoing dedicated sources of public funding to support the preservation and production of affordable housing and increase opportunities for families and individuals to access affordable homes. Housing trust funds systemically shift affordable housing funding from annual budget allocations to the commitment of dedicated public revenue. While housing trust funds can also be a repository for private donations, they are not public/private partnerships, nor are they endowed funds operating from interest and other earnings. Housing trust funds stand to serve the most critical housing needs in each community – from establishing long-term affordable rental housing for families with the lowest incomes to supporting homeownership, funding new construction as well as rehabilitation that can revitalize neighborhoods, and addressing the needs of special populations.

At the May 21, 2020 Development & Services Committee, the Committee discussed the opportunity to explore an affordable housing trust fund. MORE Justice presented information making the argument for establishing an affordable housing trust fund, along with examples, enabling legislation, and a draft ordinance and referendum language. However, the Committee moved to hold the item for more information, principally, for how funding allocation could occur to the fund without a new tax. The enabling legislation for housing trust funds are found in §31-22-10, et seq. State code allows for the creation of housing trust funds in various ways with select restrictions and specific requirements of operation. One point, as noted in the Committee document by Legal, is the need for a specific dedicated funding source. Council would need to decide on a dedicated source, e.g., a general fund allocation, a special revenue fund, or local option sales tax (what staff understands as MORE Justice’s recommendation), although the fund could be supplemented with allowable



allocations as specified in the enabling legislation. Staff recommends exploration of this tool further as a viable mechanism for affordable housing development. However, in consideration of additional supplemental funds, CDBG and HOME funds may supplement a housing trust fund but would take away funds from other programming. Similarly, the need to develop a new non-profit overseeing the fund may not be necessary with the existence of the Midlands Housing Trust Fund, which Council has funded in the past.

Viability for Implementation:

- High

Implementation Timeframe:

- Medium-term (6 to 24 months)

Associated Costs/Fiscal Impact:

- Per the enabling legislation, a housing trust fund must have a dedicated funding source separate from and exclusively for the purposes of the trust. Other types of funds such as bonds, grants, and other sources can supplement it. Depending on the allocation of funding, a moderate to substantial fiscal impact is likely to occur. In addition to any dedicated revenue source, other proposed tools, i.e., the Bailey Bill and inclusionary zoning, could potentially supplement the fund.

Critical Personnel:

- Lead(s): Community Planning & Development [Community Development], Budget & Grants Management, Finance
- Support: Community Planning & Development [Planning Services Division], Government & Community Services, Public Information Office, Legal

Potential Partnerships:

- Midlands Housing Trust, Columbia Housing and Development Authority, SC Housing, BIA of Central South Carolina, Columbia Development Corporation, United Way of the Midlands, MORE Justice, SC Uplift, Central South Carolina Habitat for Humanity, Family Promise of the Midlands

Multi-jurisdictional Application:

- Yes – the provision could address concerns regionally and making concerted efforts for addressing affordable housing at the macro-scale and between jurisdictions.

Opportunities:

- Dedicated funding source for affordable housing creation and retention
- Ability to utilize public and private funding

Issues:

- Current housing trust fund exists locally (Midland Housing Trust) that would be in competition for funding and other resources

- Need to determine dedicated source of revenue

Best Practice Model(s):

- Midlands Housing Trust Fund
- Greenville Housing Trust Fund [Greenville, SC]

Actions Needed:

- Determine dedicated revenue source(s)
- Determine whether to create a new trust or modify for existing trust
- Determine operation/oversight of trust, if not modifying

INCLUSIONARY ZONING

Inclusionary zoning is a law or regulation for creating affordable housing that either mandates, or highly incentivizes, new housing developments set aside a certain percentage of units as affordable. Inclusionary Zoning is a tool for creating affordable housing opportunities that requires developers to rent or sell a percentage of their new housing units at below-market prices to families and individuals with qualifying incomes. In exchange, developers receive incentives to help offset the cost of these units, e.g., density or height bonuses, lot requirement reductions, fee reductions, expedited permitting, and tax abatements. Staff recommends exploring inclusionary zoning for the County as fully as is practicable. One issue persists in that the state has no enabling legislation that specifically addresses inclusionary zoning, making it a bit of gray area. Local governments currently have limited ability to enact inclusionary zoning, primarily through “market-based incentives for affordable housing development”. Otherwise, per an Attorney General opinion from January 14, 2019, local governments are restricted to undertake certain inclusionary zoning measures. However, Senate Bill 488 would provide direct enabling legislation for local governments to enact inclusionary zoning. This bill is currently in the Senate Committee on Judiciary. It has a companion bill, House Bill 3091, which currently resides in the House Committee on Labor, Commerce and Industry. If passed, either of these bills would provide explicit authority for local government to enact these measures to increase affordable housing.

Viability for Implementation:

- High

Implementation Timeframe:

- Medium-term (6 to 18 months)

Associated Costs/Fiscal Impact:

- There are limited fiscal impacts associated with this item. Only minor administrative costs are likely to occur unless permit or tap fees waivers are included as incentives.

Critical Personnel:

- Lead(s): Community Planning & Development [Zoning & Development Services Division, Planning Services Division]
- Support: Public Information Office, Legal, Clarion & Associates or other outside consultant as necessary

Potential Partnerships:

- BIA of Central South Carolina, SC Housing, SC Finance and Development Authority, Columbia Housing and Development Authority, SC Agency on Aging, local CHDOs and private developers

Multi-jurisdictional Application:

- Limited – the inclusionary zoning policy as ideated here would be included within the zoning ordinance either within the general development standards or as an overlay or similar district. However, other jurisdictions could create like incentives and mirror them within their own zoning codes.

Opportunities:

- Ability to create market-based incentives for affordable housing development
- Help create a supply of affordable units through private development
- Potential revenue source from fee-in-lieu options

Issues:

- Potential fiscal impacts if fee waivers are included for incentives
- Possible push back from citizens from affordable housing stigma
- Lack of limited explicit authority from enabling legislation for “inclusionary zoning” beyond “market-based incentives”

Best Practice Model(s):

- City of Charleston Workforce Housing District (Incentive Based Zoning for Affordable Housing)

Actions Needed:

- Determine best method for implementing any incentives, e.g., via overlay district, floating zone, or within general development standards
- Determine market-based incentives for affordable housing development
- Obtain feedback from local stakeholders
- Determine associated costs for a fee-in-lieu
 - Establish dedicated fee-in-lieu fund or account for fees
- Development operational policy and process for incentives and mechanisms for enforcement

COMMUNITY LAND TRUST

Community land trusts [CLT] are nonprofit, community-based organizations designed to ensure long-term housing affordability. In order to accomplish this a CLT acquires land and maintains ownership of it permanently. Homebuyers then enter into either a ground lease, long-term rental lease, or an affordability covenant for the structure. When the homeowner sells, the seller earns only a portion of the increased property value while the CLT keeps the remainder, preserving the affordability for future low- to moderate-income families. Essentially, a CLT separates the cost of land from the building or home in order to keep prices affordable for buyers. The South Carolina Community Land Trust Act of 2012 (§31-23-10, et seq., SC Code of Laws) is the enabling and statutory legislation for CLTs in the state. The Act provides for



the formation, funding, and operation of CLTs including the lease/sell structure and mechanisms for ensuring affordability. CDBG and HOME funds could supplement any future CLTs with help funding acquisition and development costs.

Viability for Implementation:

- Medium

Implementation Timeframe:

- Medium-term (12 to 24 months)

Associated Costs/Fiscal Impact:

- There are several potential costs and fiscal impacts related to this tool if implemented. Primarily, these related directly to start-up costs for the development of the CLT itself. Generally, the start-up of the CLT would include core group organization, which would have limited if any costs, community organizing, which would have minimal costs for conduction a public education campaign, and resource organization, which would have moderate to substantial costs related to securing commitment funds or lands for building. Additional, longer-term costs will depend on the financing structure for the CLT and how the County decided to invest initially and over-time. The CLT could potentially utilize fees and funds from other tools explored, i.e., the Bailey Bill, housing trust fund, and inclusionary zoning.

Critical Personnel:

- Lead(s): Community Planning & Development [Community Development Division]
- Support: Community Planning & Development [Planning Services Division, Assessor Division, Register of Deeds], Economic Development, Government & Community Services, Public Information Office, Legal

Potential Partnerships:

- Columbia Housing and Development Authority, Columbia Development Corporation, BIA of Central South Carolina, and local CHDOs, CDFIs, banks, credit unions, non-profits, and neighborhood associations

Multi-jurisdictional Application:

- Yes - the Community Land Trust has the ability for members of other local governments to participate via membership to the CLT's Board of Directors, depending on the structure of the CLT. The CLT could address concerns regionally and making concerted efforts for addressing affordable housing at the macro-scale.

Opportunities:

- Community-based, community-focused effort
- Community control of land with long-term renewable lease that can be inherited by future generations
- Removal of housing from the speculative market to retain price appreciation and maintain affordability for owner- and renter-based housing
- Preserves public and private subsidies by managing price appreciation, retaining community value, and recycling the subsidy, land, and unit
- Resale of units is capped by a formulate to ensure affordability for new owner while allowing a profit for seller

- Allows for large-scale developments through joint-ventures and public-private partnerships or smaller-scale developments by a single developer

Issues:

- CLTs are strictly defined by the SC Code of Laws (§31-23-10), where it must be a specific 501(c)(3) as either a wholly-owned or local community member-based housing development non-profit

Best Practice Model(s):

- Palmetto Community Land Trust [Charleston, SC]

Actions Needed:

- Determine organization to establish a CLT
 - Conduct campaign for a local CLT
 - Recruit organizations for serving on the CLT
 - Decide CLT structure for operation and board
 - Adopt bylaws
- Determine service area
- Determine necessary funds for CLT start-up and seeding
 - Decide upon potential funding source for start-up costs for organizing and developing the CLT
 - Decide upon longer-term seed funding for the operation of the CLT
 - Solicit outside funds
- Determine mechanism for the CLT ground-lease
- Determine initial project(s)

PRIORITY STEPS

As noted in the above, while each action can stand on its own to address affordable housing, developing and applying each in tandem is the recommended approach to address the affordable housing needs of the County. Staff proposes continuing exploring each of these tools, with the priority of steps below:

1. Establish an Affordable Housing Committee to evaluate the various initiatives and develop policy goals and objectives for moving forward.
2. Amend §23-6 of the Richland County Code of Ordinances to include provisions for the special assessment of low-income rental housing.
3. Dedicate a specific funding source for an affordable housing trust fund and work with the established Midlands Trust on a best path forward.
4. Develop market-based incentives for affordable housing units within the Land Development Code.
5. Explore the opportunity to establish a Community Land Trust in partnership with local community organizations.





ISSUES BRIEFING – AFFORDABLE HOUSING ADVISORY COUNCIL

This issues briefing serves to provide follow-up information related to an affordable housing advisory committee. Included below is background on the item, such as where the item derives, questions and comments pertaining to it, and provided direction, along with a recommended course on moving the item forward.

BACKGROUND

At the May 21, 2020 Development & Services [D&S] Committee meeting, the Legal Department submitted an item regarding a request for establishing an affordable housing trust fund. The Committee decided to hold the item in D&S in order to explore the request further. At the next D&S Committee meeting on June 23, 2020, under items pending analysis, and now sponsored by Councilperson Terracio, the Committee discussed the motion further. Staff provided information on the item, specifically, that Administration was convening an internal workgroup to address the item in a comprehensive manner related to affordable housing.

The internal workgroup developed an issues briefing related to affordable housing in the County and presented it at the July 28, 2020, D&S Committee meeting. This issues briefing included background on affordable housing needs, along with current policies, programs, and related efforts underway by the County. It also explored potential barriers for affordable housing specific to Richland County and identified actions the County could undertake to address affordable housing needs. Included in that issues briefing was the potential action for developing an affordable housing advisory committee among other recommended actions. The internal workgroup recommended to the Committee that staff continue exploring tools and actions with the affordable housing committee being the first priority.

The D&S Committee accepted this as a top priority with the following comments and questions related to such:

- What is the role or purpose of the group? There needs to be a clearly defined purpose from the beginning to avoid issues that have developed with other advisory groups.
- Would staff be looking to provide the Committee with a recommended structure and/or charter for the group? What would the group being proposed look like?
- Who all would be participating? The group needs to be sure to include advisors and not solely decision-makers, to avoid veering from a purpose.
- What would be the goals or objective of the group? There needs to be some preliminary goals around, and relating back to, the purpose of the group in terms of focus and direction.

The internal workgroup took these questions and comments as the direction for its work since the July 28 meeting. The workgroup synthesized this feedback into general tasks:

- Develop a clear purpose for the committee that lends to development of specific outcomes
- Develop a proposed structure for how the committee could function and operate, including potential make-up of the body
- Parameterize and define elements related to potential goals, objectives, data points, and work products



RESPONSES FOR COMMITTEE CONSIDERATION

Purpose:

The Affordable Housing Advisory Council [AHAC] will serve as an advocate for affordable housing development by identifying, investigating, and making recommendations to the County related to strategy, policy, programming, and services that may help reduce barriers to decent, safe, accessible, and affordable housing choices for County citizens while regularly reviewing the County's policies and procedures related to affordable housing solutions.

The AHAC will accomplish this by:

- Assessing the current and future landscape of affordable housing in Richland County by evaluating current and future programs; and
- Making recommendations to the County Council and Administrator on how to improve and enact policy, programs, standards, and regulations to preserve and develop quality affordable housing in the County.

AHAC Structure:

- The AHAC should function as a formal advisory council per Article VII, Chapter 2 of the Richland County Code of Ordinances. The AHAC should function in a manner similar to that of the Ad Hoc Blue Ribbon Committee, where it is comprised of both Councilpersons, staff, citizenry, and others in a hybrid format. Unlike the BRC, which operates to expend funding related to disaster recovery and is a staff-driven effort, the AHAC would meet regularly to discuss items per its purpose and duties as led by the AHAC itself. The AHAC would likely need to meet monthly in the start-up and beginning phases as more in depth work launches, such as creating bylaws, committees, and reports, and could move to less frequent (quarterly) meetings as it performs work on a more issue-based schedule related to proposed initiatives. As currently proposed, the AHAC would not need a dedicated funding source.
- Duties and responsibilities to be determined utilizing recommended parameters below.
- Membership:
 - Designated Councilpersons
 - Designated staff members
 - Appointed citizenry
 - Representatives from various organizations engaged in affordable housing development**
 - Midlands Housing Trust Fund
 - Central SC Habitat for Humanity
 - Columbia Housing Authority
 - Homeless No More
 - United Way of the Midlands
 - MORE Justice



- HomeWorks
- SC Appleseed Justice
- Community Relations Council of the Midlands
- The COMET
- Mutual Aid of the Midlands

*** The above is not an exhaustive list of organizations and entities but serves to provide a preliminary look at some of the various groups Council may wish to include.*

Recommended Parameters for the AHAC:

1. Affordable housing:

- Housing that is affordable to a household earning between 80% and 30% of the County's (not MSA) median income and spends no more than 30% of their gross income on housing costs.
 - Includes income limits and spending thresholds that would be consistent with HUD guidelines.
 - Housing units that are cost-restricted or market-based housing, not solely cost-restricted or subsidized
- Price points for units between \$650-\$1,350 based upon target demographic and products
- Decent, safe, and accessible
 - Decent housing meets standards for appropriate number and type of rooms, facilities, appliances, equipment, and other elements within or accompanying a unit related to habitability
 - Safe housing is free from lead, asbestos and other environmental hazards and meets County building standards
 - Accessible housing meets ADA standards and is conducive for multiple modes of transportation

2. The target demographic:

- Between 80% and 30% of the county median income per HUD income limits
 - Dictates maximum ability to pay
 - Determination of market product
 - Other programs would address households below the 30%, such as CHA and non-profit partners
- Renters and Owners
 - Addressing long-term needs as the County grows
 - Preserving existing units and producing new ones
 - Setting target based upon future needs
- 60/40 split with larger assistance focus on fixed-income individuals towards the lower end of the income range



- Does not include persons in transitional or homeless housing, as those needs are uniquely different than those solely of affordable housing and often must be addressed separately through policy and other efforts

3. The target product:

- Price points between \$650-\$1,350
- Multi-family and single-family
 - Footprint or unit-based housing is often more affordable
- Preservation of existing units and production of new ones
- Amount of square footage or number of rooms is undeterminable and would be based upon the built product and/or tools utilized and needs consideration moving forward

4. The target location or geographic area of impact:

- Need is county-wide
 - Includes primary focus upon unincorporated Richland County, with limited focus through partnerships and collaborations with municipalities
 - AH cannot feasibly be placed anywhere within the County
 - Locations would need to be accessible via and to supporting services
 - Adjacency of public transit, grocery stores, sidewalks, etc.
- Locations needs to be integrated within existing communities
- Locations for focus should be mixed-use and commercial nodes and corridors, such as activity centers as major centers for development
- Neighborhood Master Plan areas could also serve as target locations

5. Outcomes: Initiative would be about what Richland County can perform/undertake or about building partnerships for affordable housing:

- Incentives versus mandates versus funding utilization
- Public/Private Partnerships versus outsourcing to service providers versus direct government participation
- Working with partners versus working through partners
- Stakeholders versus drivers



Item Pending Analysis

Prepared by:	Brian Crooks, AICP	Title:	Interim Planning Services Manager
Department:	Community Planning and Development	Division:	Planning Services
Date Prepared:	February 16, 2021	Meeting Date:	February 23, 2021
Approved for Consideration:	Assistant County Administrator	Ashley M. Powell, Assoc. AIA, AICP	
Committee:	Development & Services Committee		
Agenda Item/Council Motion:	Affordable Housing		

EXECUTIVE SUMMARY (NARRATIVE STATUS):

At the May 21, 2020 Development & Services [D&S] Committee meeting, the Legal Department submitted an item regarding a motion by Ms. Terracio for establishing an affordable housing trust fund. The Committee decided to hold the item in D&S in order to explore the request further. At the next D&S Committee meeting on June 23, 2020, under items pending analysis, the Committee discussed the motion further. Staff provided information on the item, specifically, that Administration was convening an Internal Workgroup to address the item in a comprehensive manner related to affordable housing.

The Workgroup developed an issues briefing related to affordable housing in the County and presented it at the July 28, 2020, D&S Committee meeting. This issues briefing included background on affordable housing needs, along with current policies, programs, and related efforts underway by the County. It also explored potential barriers for affordable housing specific to Richland County and identified actions the County could undertake to address affordable housing needs. Included in that issues briefing were recommended actions, with the first step to establish an affordable housing advisory committee. The Workgroup recommended to the Committee that staff begin exploring the affordable housing committee as the first step.

The Committee had several comments and questions related to the affordable housing committee that the Workgroup addressed in a subsequent briefing document at the September 22, 2020, D&S Committee meeting. Per the Committee’s direction, the Workgroup provided more details on the recommended make-up and outlook of an “Affordable Housing Advisory Committee,” including a specified purpose, general structure and potential membership, and detailed parameters for the operation and outcomes of such a committee.

The Committee accepted the Workgroup’s update as information. Ms. Terracio noted that there were various similarities between what the Internal Workgroup recommended and the City of Columbia’s Affordable Housing Taskforce, of which she is a member. Given the similarities, members of the Committee thought it prudent to explore how the County might partner with the City around this initiative. No additional action or further direction was provided on this item during the September 22, 2020 meeting.

No additional information or direction has been provided at subsequent Committee meetings to date.

KEY ACCOMPLISHMENTS/MILESTONES:

- Legal Department provides initial briefing document related to Ms. Terracio's motion at May 21, 2020 D&S Committee.
- Administration convenes internal working group made up of relevant staff from Community Planning & Development, Government & Community Services, and Economic Development in May of 2020.
- Internal Workgroup develops and provides initial Issues Briefing on Affordable Housing in Richland County at July 28, 2020 D&S Committee.
- D&S Committee provides direction on next steps related to exploring and establishing an Affordable Housing Advisory Committee [AHAC].
- Internal Workgroup establishes a recommended framework on the purpose, structure, and goals and objectives for the AHAC per the Committee's direction and presents it at the September 22, 2020 D&S Committee meeting.
- Await further information on how to collaborate or reduce overlap with efforts being done by the City of Columbia.

CRITICAL ISSUES:

One issue to address is the need for direction on how to move forward with the AHAC as the first priority step. The Workgroup has provided their recommended framework for establishing such a group if such is the will of Council. Based upon the most recent discussion, it seemed that Council may want to look at how this could be incorporated or established in cooperation with the City of Columbia's Affordable Housing Taskforce. Likewise, per the discussion on the item during the September meeting, staff can begin moving forward with any of the other recommended action steps, but the AHAC would need to be established to vet and further refine any recommended actions, policies, etc., brought forth by the Workgroup.

A similar issue, related to the first, is reliance upon and waiting for the City of Columbia to make any decisions. While the Workgroup agrees that the County should look to partner, assist and/or collaborate with Columbia, the County operates in a different context and should be planning as such. Similarly, the jurisdictional mismatch becomes problematic as priorities, locations, targets and implementation actions develop. A strategy or action that works for Columbia may not have relevance or applicability in unincorporated Richland County. The County, therefore, needs to take its own approach, and work similarly but in certain instances separately.

TOP RISKS/CONCERNS:

One general concern is how the recommended actions and priority steps are to be implemented. As noted in the initial briefing document, each of the actions holds merit on its own but will likely fall short in having a significant impact. In conjunction, the various actions have the ability for greater and lasting influence on affecting the climate of affordable housing in the County. As such, the risk of a haphazard or

uncoordinated implementation could be problematic in addressing the root concerns around affordable housing.

Additionally, another concern is having a defined direction for affordable housing. There needs to be an overall vision, goals and objectives established by the Council. The Workgroup made a few recommendations on this but would not recommend moving further until Council comes to consensus around a clear vision.

The lingering pandemic continues to be a concern related to the issue of affordable housing. The pandemic has already proven a potential threat in its impact on housing related issues such as looming evictions, decreases in wages/job loss and an overall increase in need for housing as refuge. The longer the pandemic continues the more pressing tending to these housing related issues will become.

PENDING ACTIONS/DELIVERABLES AND ANTICIPATED COMPLETION DATES:

No pending actions or deliverables exist at this time. This is to be determined at the discretion and will of the Committee.

MEMORANDUM

TO: The Honorable Paul Livingston, Chair
Richland County Council
Richland County Administrator

CC: Richland County Clerk

FR: Rev. Carey A. Grady
Rev. Dianna Deaderick
Co-Presidents of Midlands Response for Equity and Justice

Date: April 26, 2021

RE: Proposal for the Establishment of An Affordable Housing Trust Fund

The Midlands Response for Equity and Justice (MORE Justice) request of Richland County Council the adoption of a county ordinance that authorizes a new Board and office for the development and operation of a Richland County Affordable Housing Trust Fund (AHTF).

This AHTF is to provide loans and grants to for-profit and non-profit housing developers for the acquisition and capital, infrastructure and soft costs necessary for the creation of new affordable renter and owner-occupied housing, for the rehabilitation and preservation of existing multi-family residential rental housing and rental assistance and homeownership assistance to persons of very low, low and moderate income.

Pursuant to the authority granted to Richland County under the South Carolina Code of Laws Title 31 Chapter 22 (William C. Mescher Local Housing Trust Fund Enabling Act), this ordinance should accomplish the following.

- Establish the AHTF as a new nonprofit organization to encourage independence governance and private charitable donation.
- Direct the AHTF to oversee the construction of “sanitary, decent, and safe residential housing that people with lower incomes can afford to buy or rent.”
- Provide financing for the AHTF with startup funding (we propose \$2 to \$5 million) sufficient to support both an oversight board (Affordable Housing Advisory Council) and a viable administration (executive director, other staff, and consultants); and by July 2024, provide a sustainable source of annual funding (we suggest \$10 million) that will allow the AHTF to carry out the terms of its charter.
- Provide for the safeguard of funds in the same manner as the general fund or a separate utility fund established for specific purposes and include the AHTF in the required financial expense reports or annual audit.

- Give preference in the distribution of funds from the AHTF, to programs and projects that promote the development or rehabilitation of affordable housing for individuals or families with an annual income at or below fifty percent of the median income for Richland County, adjusted for family size according to current data from HUD.
- Establish the position of Richland County Affordable Housing Trust Fund (AHTF) executive director, who shall be appointed by and report to the county administrator, and his/her term of office shall be at the pleasure of the county administrator.
- Authorize the executive director to hire such staff and assistants as are necessary to the operation of the AHTF and the performance of his/her duties.
- Establish a Board of Advisors to oversee the use of AHTF funds for
 - Making loans at interest rates below or at market rates in order to strengthen the financial feasibility of proposed projects.
 - Guaranteeing of loans.
 - Providing gap financing for affordable housing developments.
 - Financing the acquisition, demolition, and disposition of property for affordable housing projects.
 - Financing construction of public improvements and utilities to aid proposed affordable residential developments.
 - Financing the rehabilitation, remodeling, or new construction of affordable housing.
 - Providing tenant and project based rental assistance.
 - Funding for acquisition and rehab in conjunction with related housing trust fund projects.
 - Funding to facilitate affordable homeownership opportunities including down payment assistance, second mortgages, closing costs, etc.
 - Providing administrative costs associated with affordable housing programs.
 - Providing interim financing of public costs for affordable housing projects in anticipation of a permanent financing source (i.e. construction financing, bond sale, etc.)
 - Allowing other uses as permitted by law and approved by the Richland County Council.
 - Determining the terms and conditions of repayment of loans and grants from the Affordable Housing Trust Fund including the appropriate security and interest, if any, should repayment be required.
- Require the Board to be governed by SC Conflict of Interest Laws
 - (https://www.lawserver.com/law/state/south-carolina/sc-code/south_carolina_code_34-28-440)

- Require an annual report to Richland County Council with accounting of all funds each year. This report must be made available to the public by posting on the Richland County website.
- All meetings of the board will be open to the public.

Affordable Housing Trust Fund (AHTF) Information Packet

Prepared by MORE Justice Housing Committee

12 April 2020

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HOUSING FACT SHEET

Prepared by the MORE Justice Housing Committee

THE “WORKING POOR” CAN’T FIND AFFORDABLE HOUSING

- More than 16,000 households in Columbia pay more than 30% of their income on rent and utilities. (Columbia City Consolidated Plan)
- In Richland County, nearly half of renters (44.8%) pay more than a third of their income on rent and utilities. (Richland County Consolidated Plan)
- A person earning minimum wage in Lexington or Richland County would have to work 89 hours a week in order to afford an average one-bedroom apartment at the average price. (NLIHC)
- Often, it is simply a one-time emergency that causes a family to not be able to pay their rent for the month, which can lead to eviction.

THERE IS NOT ENOUGH AFFORDABLE HOUSING TO MEET THE NEED

- There is a significant gap in availability of affordable rental properties for very-low income residents.
 - Rental market gaps are the difference between the number of rental units available in a given price range compared to the number of renters for whom the given price range is the maximum that can be considered affordable.
- In Richland County, less than 4,000 units are available at \$370 per month, even though this is the maximum affordable rent for 13,500 families. That means, there is only one affordable unit per every three families that desperately need it. (Richland County Consolidated Plan)
- There are more than 23,000 families currently on the waiting list for public housing through the Columbia Housing Authority. Additionally, registration for public housing programs has been closed for more than two years. (Columbia City Officials)
- Richland Two School Officials estimate that half of their 28,000 students are “housing insecure.” (Richland 2 McKinney Vento Representative)

PEOPLE ARE GETTING EVICTED AT HIGH RATES

- Columbia, SC has the 8th highest eviction rate of any city in the nation. (Eviction Lab)
- An average of 19 households are evicted every day in Richland County. In Lexington County, it is seven households. (Eviction Lab)
- The main reason that these families are getting evicted at these high rates is because rent prices are too high.
- Racial disparities in access to affordable, quality housing are commonplace – for example, while only about 25% of the local population is made up of black women, black women make up more than 90% of all those evicted in Richland County. (Newberry College Professor)

THERE ARE HIGH SOCIAL COSTS TO UNSTABLE HOUSING

- Not having access to stable housing can lead to different health and social problems.
- In Richland One and Richland Two alone, there are more than 1,500 students registered as “homeless” under the McKinney Vento Act. Homelessness or unstable/unsafe housing leads to poorer academic achievement and health outcomes. (Richland 2 McKinney Vento Rep; Newberry College Professor)
- When students move schools (for example, due to unstable housing) it takes six months to catch up. (Richland 2 McKinney Vento Representative)
- Over a six-year period in the Midlands, less than 500 chronically homeless people accumulated more than \$245 million dollars in Medicaid costs. That is nearly \$600,000 per person. Communities are finding that one way to drive down these medical costs is through the creation of safe, stable housing. (United Way of the Midlands Study)

SOURCES CITED:

- **Richland County Consolidated Plan:**
<http://www.richlandcountysc.gov/Portals/0/Departments/CommunityDevelopment/20170823RCConsolidated.PDF>
- **City of Columbia Consolidated Plan:**
<https://www.columbiasc.net/depts/communitydevelopment/Columbia%20ConPlan%2005-14-2018.pdf>
- **Eviction Lab:** evictionlab.org
- **United Way of the Midlands Healthcare and Homelessness Data Linkage Study:**
<https://www.uway.org/sites/default/files/files/Health%20Care%20and%20Homelessness.pdf>
- **National Low Income Housing Coalition (NLIHC):** <https://nlihc.org/oor/south-carolina>

The Impact of Unaffordable Housing on Children and Families

The lack of affordable housing and the threat of housing insecurity has many negative impacts on children in our communities. This insufficiency of what seems to be such a basic need causes poor school performance and increases in adverse child events/experiences.

Families are forced into crowded homes, to move from one place to another and often times risk their and their children's lives just to have a place to stay. The Department of Health and Human Services has defined housing insecurity as "high housing costs in proportion to income, poor housing quality, unstable neighborhoods, overcrowding, or homelessness".

In 2019, a total of 12,660 children were reported as homeless under the McKinney-Vento Act, while an estimated 34,335 are believed to be unreported in South Carolina. Students were arranged into 4 categories: doubled-up (living with others), hotels/motels, sheltered and unsheltered.

Children in grades kindergarten to 5th grade are the largest segment of this group, representing 52% of that 12,660. Adolescents who experience school moves are 50% more likely not to graduate from high school. Children at this age with more than 2 school moves are 2.5 times more likely to repeat a grade. High schoolers make up the next largest section, representing 24%. They have a 63% graduation rate, which is a 21% decrease compared to the average rate of 84%.

The experience of housing-insecurity also places children at risk for ACE exposure. Adverse Childhood Experiences (ACEs) are potentially traumatic events that can have negative, long-lasting effects on health and well-being. Children at risk for neglect are significantly more likely to be from families experiencing housing unaffordability and housing instability. There are also reports of physical and emotional abuse, financial exploitation and sex-trafficking while staying in shelters, on the streets, and "doubled-up" with acquaintances, family, or strangers. According to the National Center on Family Homelessness, 83% of homeless children have been exposed to at least one serious violent event by the age of 12 and almost 25 percent have witnessed acts of violence within their families.

The lack of affordable, stable housing is hurting our children. It is our duty as citizens, community members, and leaders, to do something about this.

What is an Affordable Housing Trust Fund?

Housing is considered “affordable” when 30% or less of one’s income is spent on housing and utilities costs (U.S. Department of Housing and Urban Development - HUD). Affordable Housing Trust Funds (AHTFs) are established by elected government bodies—at the city, county or state level—where a source or sources of public revenue are dedicated, by ordinance or law, to a distinct fund with the express purpose of providing affordable housing. In South Carolina, the Mescher Act (2007) requires this fund to be placed in a non-profit entity. The dedicated public revenue then leverages more money from public and private funds. On average, \$8.50 is leveraged for every \$1 dedicated to the HTF (Center for Community Change). The money in a HTF does not fund an entire project, but it is used as gap funding for developers to construct affordable housing for those with 80% or less of the Area Median Income (AMI).

The HTF is typically governed by a board that oversees and hires staff, reviews requests for proposals (RFP), and then approves/denies these requests. Requests for HTF dollars can be made by non-profit developers, for-profit developers, housing authorities, governmental agencies, and regional organizations. The funds can be distributed in a variety of forms, including, but not limited to grants, long-term, low interest loans, or forgivable or deferred loans.

The kinds of eligible activities that HTF can support are:

- new construction (single or multi-family)
- preservation/rehabilitation of existing housing (single or multi-family)
- housing for senior citizens
- transitional housing (homeless, domestic violence, ex-offenders)
- low (80% AMI), very low (50% AMI) and extremely low (30% AMI) income levels
- special needs housing

Additional Resources

- Center for Community Change: Housing Trust Fund Project
 - <https://housingtrustfundproject.org/our-project/about/>
- HUD Exchange: Housing Trust Funds
 - <https://www.hudexchange.info/programs/htf/>
- SC Mescher Act (attached)
 - <https://www.scstatehouse.gov/code/t31c022.php>

What is an Affordable Housing Trust Fund (HTF)?

What is a Housing Trust Fund (HTF)?

- HTF's are established by elected governmental bodies (at the city, county, or state level). A source or sources of public revenue are dedicated, by ordinance or law, to a distinct fund with the express purpose of providing affordable housing.
- HTF's have been enacted by hundreds of governments across the United States.
- There are more than 780 housing trust funds in existence in the US that generate more than \$1.5 billion a year for affordable housing.

How is the HTF funded?

- HTF's are funded by various public revenue sources. Housing Trust Funds are flexible in that they can be funded from multiple public revenue sources. Some examples are:
 - General fund
 - Bond proceeds
 - Grants
 - Loans from the state and federal government
 - State capital budget
 - Residential impact fees
 - Developer impact fees
 - Document recording fee
 - Tax foreclosure sale
 - Hotel/Motel tax
 - Accomodation tax
 - Inclusionary in-lieu of fees
 - Parking fees

Why are housing trust funds successful?

- HTF's are successful because of their flexibility. The public money allocated to the HTF is a down payment that is backed by sources of other public and private funds. This is called leveraging, because the money in the HTF attracts public and private funds from a variety of sources that would not be available without the trust fund.
 - Sources Leveraged by the Housing Trust Fund
 - Governmental bonds
 - Grants
 - State Funding
 - Federal Funding
 - Low Income Tax Credits
 - Philanthropic Donations
 - Bank Loans

- According to the Center for Community Change, the average amount of public and private funds leveraged for every \$1 in the HTF is \$8.50. The HTF offers a huge return on investment.
 - Examples from across the country
 - In 2004, the Milwaukee Housing Trust Fund used a \$5 million allocation and leveraged \$25 million in other funding to create 200 units of housing. The construction of these new homes resulted in: 200 jobs created during construction, \$1.2 million in new fee and tax revenue, and \$10 million into the local economy. After construction: 94 jobs remained, \$760,000 in new fee and tax revenue, and \$4.4 million in the local economy.
 - In five years, the Connecticut Housing Trust fund used \$57 million in allocations and leveraged \$519 million in other federal, state, local, and private funding to create 2,200 units. This led to over 4,000 jobs created, \$14 million in recurring state and local revenue, and hundreds of millions in economic activity.

How is the housing trust fund administered?

- **Non-Governmental Agency Model:** Typically established by governmental action and then administered by a separate nonprofit or community foundation. Under this model, a board oversees and hires the staff for the nonprofit.

How are the funds distributed?

- There are a variety of ways that funds can be distributed, but the most common are in the form of: grants, loans, forgivable or deferred loans, lines of credit, or rental assistance.
- Requests for proposals (RFP) or notices of funding availability (NOFA) are issued periodically for prospective applicants.

Who can apply for housing trust fund dollars?

- HTF's attract a diverse group of applicants: non-profit developers, for-profit developers, housing authorities, governmental agencies, and regional organizations.

What is the target income?

- Because HTF's utilize public funds, it should meet the public need.
- Most HTF's target a specific income area - generally households at 50% and below of the area median income (AMI), as defined by the U.S. Department of Housing and Urban Development (HUD).

South Carolina Legislature

South Carolina Law > Code of Laws > Title 31

South Carolina Code of Laws Unannotated

Title 31 - Housing and Redevelopment

CHAPTER 22

William C. Mescher Local Housing Trust Fund Enabling Act

SECTION 31-22-10. Legislative findings.

(A) The General Assembly finds:

- (1) Throughout this State, there is a shortage of adequate shelter for South Carolinians including the availability of an affordable residence or permanent domicile with adequate privacy, space, physical accessibility, security, structural stability and durability, and adequate electrical, plumbing, and heating systems.
- (2) Private enterprise and investment has not produced, without government assistance, the needed construction of sanitary, decent, and safe residential housing that people with lower incomes can afford to buy or rent.
- (3) The public's health, safety, and economic interests are best served by the provision of permanent affordable housing because such housing enables South Carolinians to maintain employment, assists this state's children to succeed in school, and helps this state's economic growth and prosperity.

(B) The purpose of this chapter is to authorize a local government to individually or jointly create and operate a local housing trust fund or regional housing trust fund to promote the development of affordable housing, as defined in this chapter.

HISTORY: 2007 Act No. 19, Section 2, eff May 15, 2007.

Editor's Note

2007 Act No. 19, Section 1, provides as follows:

"This chapter may be cited as the 'William C. Mescher Local Housing Trust Fund Enabling Act'."

SECTION 31-22-20. Definitions.

For purposes of this chapter:

- (1) "Affordable housing" means residential housing for rent or sale that is appropriately priced for rent or sale to a person or family whose income does not exceed eighty percent of the median income for the local area, with adjustments for household size, according to the latest figures available from the United States Department of Housing and Urban Development (HUD).
- (2) "Homeless housing" means emergency, transitional, or permanent residential housing shelter for a person needing special assistance and shelter because he is homeless as defined by HUD or consistent with another definition of homelessness under which a person may receive federal financial assistance, state financial assistance, or another supportive service.
- (3) "Local housing trust fund" (LHTF) means a local government fund separate from the general fund established by the governing authority of a local municipality or county government with one or more dedicated sources of public revenue and authorized expenditures as provided in this chapter.
- (4) "Regional housing trust fund" (RHTF) means a multi-jurisdictional government fund separate from the general fund and established jointly by the governing authorities of one or more municipalities or county governments with one or more dedicated sources of public revenue and authorized expenditures as provided in this chapter.
- (5) "Special needs housing" means housing or shelter provided by private or public entities including privately operated elderly housing, nursing homes, community residential care facilities, and other special needs population housing facilities regardless of purpose or type of facility.

HISTORY: 2007 Act No. 19, Section 2, eff May 15, 2007.

SECTION 31-22-30. Authority to create Local Housing Trust Fund or Regional Housing Trust Fund.

(A) A local government, including a municipality or county, may create and operate an LHTF or RHTF by ordinance, or join an existing trust fund to implement either a local or regional program for affordable housing as defined in this chapter. A local government may jointly form a regional housing trust fund by ordinance. A regional housing trust fund created under this chapter is subject to the same requirement and has the same power as a local housing trust fund created by an individual local government.

(B) A local government that creates an LHTF or RHTF may finance the LHTF or RHTF with money available to the local government through its budgeting authority unless expressly prohibited by the law of this State. Sources of these funds include, but are not limited to, one or more of the following:

- (1) donations;
- (2) bond proceeds; and
- (3) grants and loans from a state, federal, or private source.

The local government may alter a source of funding for the LHTF or RHTF by amending the ordinance that establishes financing for the LHTF or RHTF, but only if sufficient funds exist to cover the projected debts or expenditures authorized by the LHTF or RHTF in its budget. This chapter does not create, grant, or confer a new or additional tax or revenue authority to a local government or political subdivision of the State unless otherwise provided by the law of this State.

(C) A local government operating an LHTF or RHTF shall safeguard the fund in the same manner as the general fund or a separate utility fund established for specific purposes. The LHTF or RHTF may be included in the required financial expense reports or annual audit for each local government.

(D) A local government operating an LHTF or RHTF may allocate funds to a program that promotes the development or rehabilitation of affordable housing as defined in this chapter. Regarding the distribution of funds from an LHTF or RHTF, preference must be given to a program or project that promotes the development or rehabilitation of affordable housing for an individual or family with an annual income at or below fifty percent of the median income for the local area, adjusted for family size according to current data from HUD, the development or rehabilitation of special needs housing, or the development or rehabilitation of homeless housing.

(E) LHTF or RHTF funds may be used to match other funds from federal, state, or private resources, including the State Housing Trust Fund. A local government shall seek additional resources for housing programs and projects to the maximum extent practicable. A local government shall administer its housing trust fund through new or existing nonprofit organizations to encourage private charitable donation to the funds. Where an LHTF or RHTF receives such a donation, the donation must be used and accounted for in accordance with the provisions of this chapter.

(F) An LHTF or RHTF established, utilized, or funded under this chapter must provide an annual report to the local government that created the fund. The local government shall require the LHTF or RHTF to provide an accounting of its funds each year. This report must be made available to the public by posting on the appropriate website of the local government.

HISTORY: 2007 Act No. 19, Section 2, eff May 15, 2007.

SECTION 31-22-35. Effect of legislation on existing local or regional housing trust funds.

An LHTF or RHTF existing on the effective date of this act shall not be required to alter the existing terms of its governing documents; provided, however, that any alteration or amendment to such governing documents must conform to the provisions of this act.

HISTORY: 2007 Act No. 19, Section 2, eff May 15, 2007.

SECTION 31-22-40. Conflicting laws.

The provisions of this chapter must control where inconsistent with the provisions of another law.

HISTORY: 2007 Act No. 19, Section 2, eff May 15, 2007.

Legislative Services Agency
<http://www.scstatehouse.gov>

The Public Benefits of Safe Affordable Housing

Richland County, South Carolina has a growing unmet need for safe affordable housing that, to address adequately, will require a considerable investment of public resources. However, public sentiment towards affordable housing is often negative. As verified by local political leaders, “Not in My Backyard” or NIMBY concerns, as well as concerns about higher taxes, are effective at blocking affordable housing developments. The extent of the problem, the size of the investment, and the fact that it impacts others justify providing answers to why the public should want to provide safe affordable housing to as many families as possible.

Perhaps the greatest public benefit of safe affordable housing is its role in keeping thousands of families and children from sliding into homelessness. Already, an estimated 12,426 Richland County school students experienced homelessness over the course of the 2017-18 school year, according to the U.S. Interagency Council on Homelessness (2019). But these numbers have the potential to swell even more. The Harvard Joint Center for Housing Studies (2019), reports that nearly 30% of Richland County households (44,152)¹ experience housing stress by spending over 50% of their income on housing and utilities. A medical emergency or some other unfortunate financial occurrence can place any one of these families in jeopardy of losing their homes. Homelessness already places a great deal of stress on many of our social services, schools, law enforcement, and neighborhoods. Preventing further loss of families to this unfortunate circumstance has to be one of our highest priorities.

In addition to preventing the tragedy of homelessness, safe and affordable housing creates a number of economic outcomes that benefit the public. Researchers at the Center for Housing Policy (2011) highlight the following such benefits.

- **One-time and ongoing job creation and spending** – The National Association of Home Builders (NAHB) estimates the creation of as many as 120 jobs during the construction of 100 affordable housing units. Once construction is complete, residents of these units then support as many as 30 new jobs.
- **Positive fiscal impacts for state and local governments** – Local governments tend to gain revenue from permitting and zoning fees, utilities, and property taxes. “The NAHB estimates that 100 units of affordable housing for families generate the same amount of one-time revenue as does a comparable market-

¹ 2013-2017 American Community Survey 5-Year Estimates

rate property.” The Center for Housing Policy shows that the impact of a new affordable housing development on nearby property values is more likely to be neutral or positive than negative, often leading to increased local government property tax revenues.

- **Reducing Foreclosure Risks and Associated Costs** – Low- and moderate-income households that participate in affordable homeownership programs have a much lower risk of delinquency and foreclosure than similar buyers with prime and subprime loans. Reducing foreclosures helps stabilize neighborhoods and saves governments the costs related to property maintenance and/or recovery.
- **Improving Worker and Employer Attraction and Retention** – The need for workforce affordable housing is a growing concern. The Center for Housing Policy (2011) reports survey results that show large employers acknowledging the lack of affordable housing as an impediment to their ability to hold on to qualified employees.
- **Increasing the Buying Power of Residents** – Affordable rent and mortgage payments leave affected families with residual income that is most often used on basic household needs such as food, clothing, healthcare, and transportation. These purchases support the economic viability of the local community.

The Forbes Real Estate Council (2020) notes similar benefits by observing that modern affordable housing (1) attracts diversity, (2) is built on quality that matches or exceeds that of market-rate housing, and (3) provides a boost to local, neighborhood businesses. These traits place affordable rentals in such high demand that they stay rented over a long term and thus provide profitable benefits to its developers, builders, financiers, and managers. The Council also notes that affordable housing rents are reliably paid with the support of vouchers and other subsidies. Comparably, luxury properties have occupancy rates that fluctuate with the economy.

Safe, affordable housing helps to protect public schools, one of our largest public investments. Richland County spends over a half a billion dollars each year on schools, our county’s largest expenditure. Yet, our students perform below state standards on most measures of academic achievement (see latest District Report Cards). The high number of homeless and housing insecure students in our schools contribute to this poor performance. The National Association of Realtors (2016) documents a consistent relationship between housing stability and educational

performance. Who can deny the likelihood that a child without certainty about where he or she will sleep is going to present behavioral problems at school? Whereas children in stable homes are more likely to complete high school, have lower incidents of misbehavior of all kinds, and benefit from the example of their parents successfully managing a large financial commitment by maintaining their home. Enterprise Community Partners (2014) note the detrimental effects of housing instability on educational performance. Students who experience homelessness or constant moves are likely to perform poorly not just for a school year, but throughout elementary school. School districts with a critical mass of these students often see high rates of poor performance regardless of their curricular or academic approach. As described by Enterprise Community Partners, homeless students often meet with dire consequences.

These children are more likely than their peers to drop out of school, repeat grades, perform poorly in school, disengage in the classroom, and suffer from learning disabilities and behavior problems. They may struggle to catch up due to high stress, disrupted school attendance and broken bonds with teachers and friends. These factors are compounded by the impact of traumas often associated with homelessness (family violence, economic crises, etc.).

Safe affordable housing helps to keep everyone healthy. The coronavirus pandemic illustrates our health interdependence. Circumstances that tax our health systems can create stress that impacts all parts of the system and affects all users. As explained by Enterprise Community Partners, “housing instability – including high housing costs in proportion to income, poor housing quality, overcrowding and multiple moves– has serious negative impacts on child and adult health.” The National Poverty Center (2011) documented how unstable living conditions harms both mental and physical health, especially in children. They show that individuals who experienced housing instability within a three-year period are more likely to report anxiety attacks, fair/poor self-rated health, and major or minor depression. Police and emergency room resources are likely to feel the systemic impact of this ill health. As documented by MORE Justice’s work to have law enforcement leaders implement Crisis Intervention Training, police officers are most often called to confront perceived adversarial behavior by individuals with a mental health diagnosis. This is dangerous work for police officers and can result in poor treatment of mentally ill persons. The effects of unstable housing on children are especially worrisome. A group of physicians writing in the American Journal of Public

Health (2011) concluded that “housing insecurity is associated with poor health, lower weight, and developmental risk among young children. Policies that decrease housing insecurity can promote the health of young children and should be a priority.”

Safe, affordable housing is the most efficient way to address the problem of housing insecurity. What we pay for alternative solutions is more costly and less effective. Temporary and emergency housing may rescue a family for a short period of time but does very little for their long-term security. Using jails and hospitals to deal with health issues resulting from the stress of housing insecurity is expensive and too indirect to be effective. Suspending children from school because of their lack of attention and preoccupation with housing uncertainty only buys a moment of relief for teachers and does nothing for the child.

As Richland County works to bring its revenue and expenditures in-line to prioritize affordable housing, policymakers and planners should understand the public benefits of well-designed affordable housing programs. Such programs are needed now more than ever as evidence shows an increasing number of families qualifying for housing assistance. Stable homes lead to stable communities, more effective schools, improved health, and a stronger economy. It is too expensive for us to not realize these benefits.

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Economic Impact of Housing Trust Funds

For housing to be "affordable," that generally means that a household spends 30 percent or less of its income on rent or mortgage payments and utilities. In Richland County, 45 percent of renters spend more than 30 percent of their income on housing costs. That's more than 22,000 families. As stated in Richland County's consolidated plan, there are 13,500 families who can only afford rent at \$370 a month. There are, however, less than 4,000 units available with rent that falls within those parameters.

This is not a problem limited to the very poor. Nurses, police officers, firefighters, military service members, and teachers are important – crucial – members of our community who are statistically likely to experience chronic housing affordability problems. The income earned in these fields is often insufficient for the people who work in them to be able to spend only 30 percent of their income on housing expenses. Those in minimum wage jobs are even more challenged. To afford a one-bedroom apartment at the average rent in Richland County, a person working minimum wage would have to work 89 hours a week.

For most of Richland County's ordinary people, the housing they have is not housing they can really afford. Making rent or a mortgage payment *and* paying for life's other necessities is a delicate balancing act.

The present gap between the need for affordable housing and its availability causes housing-challenged Richland County residents to have to choose between paying rent or buying groceries and paying for medical necessities. The inability of many people to afford their rent has driven up the number of evictions in Richland County – in 2018, Columbia ranked the eighth highest for the number of evictions among urban areas in the United States. Richland County averages 19 evictions every day. While not every eviction results in homelessness, many do. The economic stress on housing-challenged citizens is severe and can be catastrophic.

But the negative financial effects are not felt just by those who most obviously bear the brunt of this problem. The lack of affordable housing in Richland County is an economic drag on the whole community. The ancillary problems this generates hold back economic growth. They siphon public resources that could be put to better use if

those resources did not have to be spent addressing the spinoff problems created by the lack of affordable housing. Evictions precipitated by inability to afford housing take up an inordinate amount of the docket in our magistrates' courts, driving the need to hire more magistrates and more court staff to deal with the rising tide of eviction actions. Evictions are financially devastating for tenants, but they are also money-losers for landlords. And, of course, more people made homeless when they can no longer afford their rent means more public money spent on dealing with the homeless.

More broadly, without a sufficient supply of affordable housing, employers — and entire regional economies — are at a competitive disadvantage because of their difficulty attracting and retaining workers. When workers leave, this causes companies to have to train a new employee for the same job, incurring training costs and paying existing employees to train new ones rather than engage in economically productive activity.

Young children in families who live in unstable housing are 20 percent more likely to be hospitalized than those in stable housing. In addition, households with poor housing quality had 50 percent higher odds of an asthma-related emergency room visit during the period of one study. Other research indicates that five percent of hospital patients — who are responsible for half of the health care costs in the U.S. — are, for the most part, patients who live below the poverty line and are housing insecure. As most of these patients are uninsured and unable to pay a hefty hospital bill, these visits are not revenue-generating events for hospitals.

That is the situation Richland County is in now. We call this a quiet crisis because, despite unaffordable housing situations being quite common, those in them rarely complain. They've been in housing challenged situations so long that unaffordable housing seems normal.

It does not have to be that way. Housing trust funds are a free-market solution. There are some 800 communities with housing trust funds in the United States. Those trust funds generate positive economic activity wherever they are. They largely work by providing developers with incentives to build housing affordability into their projects (typically through real property covenants that provide for a rent maximum tied to a percentage of area median income). In exchange for obligating itself to do that, a developer receives money from the trust fund that goes to help pay the costs of the developer's project. Funding from the trust is usually sought through project-specific applications that are vetted and either accepted or denied by the trustee. When completed, the developed property provides a sustainable stock of affordable housing for the community.

An increase in affordable housing lessens the negative community-wide effects of affordable housing shortages such as the one Richland County is experiencing now. More affordable housing drives down the number of hospital visits, especially non-revenue-generating ones. And, of course, more affordable housing means more money in the pockets of those who were previously housing-challenged — money that flows into

businesses in the community. Additionally, affordable housing options in high opportunity neighborhoods create economically diverse schools, which are 22 times more likely to be high performing than are high-poverty schools.

During the construction of affordable housing — or any kind of housing, for that matter — the local economy benefits directly from the funds spent on materials, labor, and the like. Creating housing units means creating jobs for those involved in the construction. Further, if a builder is purchasing windows and doors from a local supplier, the supplier may have to spend money on materials and hire additional help to complete the order – an example of an indirect positive financial effect. Also, the construction workers, glass cutters, and landscapers are likely to spend a portion of their wages at the local grocery store, shopping mall, or restaurant. Taken together, the indirect and induced impacts of housing construction on the local economy are often called “ripple” or “multiplier” effects. These effects are maximized in localities where construction-related suppliers and other business establishments are prevalent. Richland County is such a place.

If Richland County established a housing trust funded through a two-mill property tax increase, that would mean a tax increase of roughly \$8 a year for the owner of a house worth \$100,000.00. Respectfully to any such homeowner who may object to such an increase, an examination of the negative economic effects driven by the present housing situation would show that *not* having a vigorously funded housing trust is costing that homeowner well over than \$8 a year right now.

A millage increase dedicated to a housing trust fund would provide the significant, dedicated funding that the Mescher Act requires for such a fund under South Carolina law. Funding for the trust, however, would not need to be limited to millage-based funding or even government funding. A housing trust fund would be permitted to receive funding from other local governments, such as from the City of Columbia, through government grant funding, and from donations from the private sector. The nonprofit corporation trustee would be a 501(c)(3) charitable organization, providing a tax benefit to private donors to the fund.

Richland County can't afford *not* to put a robust housing trust fund in place. As the COVID-19 crisis continues, its economic effects are only beginning to be felt. The ability of ordinary people in Richland County to afford their homes will be challenged more than ever. An already critical need will only be heightened as the effects of this crisis unfold



Text File

Introduced: 7/5/2016

Bill No: 2016-0602, **Version:** 4

Committee: Committee on Land Use and Economic Development

Status: Passed Finally

Ordinance supplementing the Pittsburgh Code of Ordinances, Title Two--Fiscal, Article V--Special Funds, to add a new Chapter [232] 234, "Housing Opportunity Fund", to stabilize communities and protect the public welfare by creating the Pittsburgh Housing Opportunity Fund (the "Fund"), to create a budget obligation for the Fund, to establish the purposes for which monies in the Fund may be used; and to create a Housing Opportunity Fund Governing Board and Advisory Board.

Whereas the Council of the City of Pittsburgh finds as follows:

1. Much of the City's housing stock is older and in need of repair, and many existing and prospective homeowners lack the resources to make necessary repairs. Repairing the existing housing stock helps to stabilize neighborhoods by maintaining property values in the surrounding neighborhood, reducing the incidence of vacancy and blight, and decreasing the need for City-funded demolition.
2. Much of the City's housing stock is not energy efficient, and many property owners lack the resources to make energy efficiency improvements. Improving energy efficiency can help reduce utility costs and provide relief for families with severe housing cost burden. It can also help reduce the City's carbon footprint.
3. Many Pittsburgh neighborhoods have very low rates of homeownership and high rates of absentee-owned properties. Increasing resident ownership of housing gives people more of a stake in the upkeep of their communities and helps to stabilize neighborhoods.
4. The City is experiencing a shortage of decent, safe and sanitary housing that is affordable to extremely low-income families and individuals. The shortage of housing that is affordable to extremely low income families forces them to pay more for housing than they can afford, which reduces the supply of housing that would otherwise be available for families and individuals at other income levels and creates a ripple effect of unaffordability.
5. Over 23,000 Pittsburgh households are paying more than half of their household income on housing costs. This severe cost burden can make these households vulnerable to eviction, foreclosure, utility termination, and other hardships.
6. Many very-low income and extremely low-income families and individuals in Pittsburgh need better access to opportunity resources - such as public transportation, jobs, safe neighborhoods, high-quality schools, child care and grocery stores - that can help to improve their and their children's health, safety and economic self-sufficiency.
7. The City is also experiencing a shortage of decent, safe and sanitary housing that is accessible to people with mobility impairments and other disabilities.

8. At any given time, there is an average of more than 2000 homeless households on a waiting list for housing and homeless services in Pittsburgh and Allegheny County.
9. Existing affordable housing resources provide relatively short periods of affordability. This can cause the City to invest its limited resources into preserving the existing affordable housing stock instead of expanding the supply. Financing mission-driven developers and prioritizing permanent affordability will help maximize the effectiveness of the City's housing resources.
10. The City and its authorities have experienced steady decreases in funding from federal and state resources for investment in neighborhood development and affordable housing projects.
11. Establishing a Pittsburgh Housing Opportunity Fund will provide needed resources to help stabilize and improve Pittsburgh's neighborhoods, to support the development and preservation of affordable and accessible housing in areas with good access to public transit, jobs, good schools, child care, grocery stores and other amenities that individuals and families need to improve their and their children's health, safety and economic self-sufficiency, and to address other critical housing needs.

NOW, THEREFORE, BE IT RESOLVED, THAT THE COUNCIL OF THE CITY OF PITTSBURGH HEREBY ENACTS AS FOLLOWS:

The Pittsburgh Code, Title Two--Fiscal, Article V--Special Funds, is hereby amended by adding a new Chapter [232] 234, "*Housing Opportunity Fund*".

[232] 234.01 Definitions.

- (a) "*Accessible*" means housing that meets the design standards most recently published by the American National Standards Institute (ANSI) for Accessible Units or for Units with Accessible Communication Features, as applicable.
- (b) "*Advisory Board*" means the 17-member board described in Section [232] 234.06 of this Chapter.
- (c) "*Affordable*" means housing related expenses do not exceed 30% of a household's gross income. When used in conjunction with a specific income target (e.g., *affordable to households earning at or below 50% of AMI*), the term means housing expenses do not exceed 30% of the gross income of the highest income household within the target category. If no income target is specified, "affordable" shall be construed as referring to an income target of 80% of AMI.
- (d) "*Area Median Income*" or "*AMI*" means the median household income for the Pittsburgh metropolitan area published annually by the U.S. Department of Housing and Urban Development ("HUD").
- (e) "*Deed Restricted Affordable Housing*" means real estate that is required to be used as affordable housing for a period of time pursuant to a restrictive covenant or similar enforceable, recorded instrument, with income targets that are no higher than 80% of AMI. The term shall include, but not be limited to, HUD multifamily housing and Low Income Housing Tax Credit projects authorized by applicable law.
- (f) "*Extremely Low Income*" means having a household income that is at or below 30% of AMI.
- (g) "*Family Sustaining Rental Housing*" means rental housing that is affordable to households earning at or

Committee: Committee on Land Use and Economic Development

Status: Passed Finally

below 50% of AMI. The term shall not include lease purchase or cooperatively owned housing.

(h) “*Governing Board*” means the Urban Redevelopment Authority of Pittsburgh (“URA”) Board of Directors.

(i) “*Housing Assistance to Individuals*” means housing assistance that is provided directly to low-income persons, including but not limited to owner-occupied home rehabilitation or repair services; owner-occupied home energy efficiency upgrades; foreclosure prevention and mitigation services; and rapid rehousing services.

(j) “*Low Income*” means having a household income that is at or below 80% of AMI.

(k) “Mid and Lower Market” shall have the meaning specified in the performance measures created by the p4 Performance Measures Project in October, 2016.

(l) “*Neighborhood-Based Non-Profit*” means (1) a Non-Profit that has a substantial base of operations within the neighborhood where the housing to be funded by the Housing Opportunity Fund is located, or (2) a Tenant Association that represents the tenants in the housing to be funded by the Housing Opportunity Fund.

(m) “*Non-Profit*” means a non-profit organization that (i) is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and (ii) has providing affordable housing or combating community deterioration among its tax exempt purposes. The term shall not include a non-profit organization that is controlled by a for-profit or public entity.

(n) “*Owner-Occupant*” means a natural person with a legal or equitable ownership interest in property which is the primary residence of the person.

(o) “*Permanently Affordable*” means housing that is subject to a deed restriction, ground lease, shared equity agreement, or similar enforceable, recorded instrument that (1) in the case of rental or cooperatively owned housing, requires all current and subsequent owners to maintain the housing as affordable for a period of at least 99 years or for the life of the building, or (2) in the case of for-sale housing, restricts the resale price to subsequent home buyers to an affordable price for a period designed to maintain the housing as affordable for at least 99 years or for the life of the building.

(p) “*Preservation of Deed Restricted Affordable Housing*” means the rehabilitation, redevelopment or replacement of Deed Restricted Affordable Housing, in order to extend the long term affordability and habitability of the units, such that there is no net loss in affordability and all affordable units are maintained or replaced in locations that are no less desirable than the original location.

(q) “*Tenant Association*” means a membership association consisting of the residents of a residential development that operates democratically, is representative of all residents in the development, and is completely independent of owners, management, and their representatives. An association that otherwise satisfies the foregoing criteria shall not be disqualified solely because it has an ownership interest in the residential development.

(r) “*Very Low Income*” means having a household income that is at or below 50% of AMI.

(s) “*Universal Design*” means housing that meets the design requirements specified in Title Two, Section 265.04.1(2)(b) of the Pittsburgh Code on all floors and in all common areas and public spaces..

[232] 234.02 Establishment of the Pittsburgh Housing Opportunity Fund

Committee: Committee on Land Use and Economic Development

Status: Passed Finally

(a) The Pittsburgh Housing Opportunity Fund (“Fund”) shall be created by the Office of the Controller, **and managed by the Office of Management and Budget** as a separate fund for the purpose of supporting the development and preservation of affordable and accessible housing in the City of Pittsburgh as more particularly specified in Sections [232] 234.03 and [232] 234.04 of this Chapter. The City may appropriate revenue and the Fund may receive monies from sources as deemed appropriate and consistent with the purposes set forth in this Chapter and applicable law.

(b) It is the intent of the City Council that the Fund have a goal of \$10 million or more per year in annual revenue after a corresponding amount of budgeted legal revenue has been identified, a new legal revenue line in the said amount has been established or a combination of both.

(c) The dedication of any revenue must be consistent with the City of Pittsburgh Act 47 plan and Act 11 (Intergovernmental Cooperation Authority) agreements, as applicable, and the City’s annual five year plan. Unless Council approves a dedicated source of annual funding, the actual amount of funds shall be contingent upon annual appropriation of Council.

(d) Monies allocated for the Fund must be used exclusively for purposes consistent with this Chapter and applicable law. Therefore, any assets remaining in the Fund at the end of any fiscal year shall be carried into the next fiscal year, including all interest and income earned, as well as any repayments or forfeitures of loans and/or grants.

(e) It is the intent of this Chapter that the Trust Fund provide net new resources for affordable housing in the City of Pittsburgh, and that the Fund not be used to substitute or supplant existing resources.

[232] 234.03 Disbursement of Fund Assets

(a) Funds appropriated from the Opportunity Fund shall be consistent with an annual allocation plan (AAP), created by the Advisory and Governing Boards, as described below. The AAP shall outline the types of programs, projects, and activities that are eligible for Opportunity Fund investment. Each year the Advisory Board shall provide an opportunity for public comment on the AAP and shall submit the AAP to Council for review and approval, prior to the passage of the budget. Such programs, projects, and activities shall:

1. Preserve existing affordable housing through investments such as home rehabilitation or repair (both owner-occupied and one- to three-unit rental); down payment/closing cost assistance; homeownership counseling, pre or post purchase; foreclosure prevention and mitigation; tangled title assistance; energy efficiency; and a tenant purchase fund that supports tenants in the process of acquiring a controlling interest in expiring affordable housing.
2. Rehabilitate, redevelop, or replace existing Deed Restricted Affordable Housing in order to extend the long term affordability and habitability of the units.
3. Increase the accessibility of new and existing affordable housing to seniors and people with disabilities.
4. Increase the production of affordable housing for sale or rental so as to ensure that communities

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experiencing rapid growth and escalating housing costs continue to have Family Sustaining Rental Housing and ensure that Very Low Income families have opportunities to live in housing in areas of high opportunity or consistent with a neighborhood revitalization plan.

5. Prevent or reduce homelessness by increasing the supply of homes with supportive services available to people at imminent risk of homelessness or experiencing homelessness. The Fund can also be used for programs including rental assistance, rapid re-housing, permanent supported housing, housing first and/or other homeless housing purposes, especially for youth, families, seniors, veterans, people who are chronically homeless and those with disabilities.

6. Provide for funding projects that promote permanently affordable housing through structures such as tenant purchase, community land trusts, shared-equity or deed restrictions placed upon the land.

7. Stabilize Mid and Lower Market Neighborhoods through activities such as making affordable loan products and grants available for the construction or rehab of owner-occupied homes or financing the purchase and rehabilitation of vacant structures by Neighborhood-Based Non-Profits for affordable homeownership.

8. Advance any additional housing needs and leverage additional funding opportunities for affordable housing and neighborhood stabilization as they arise. To that end, the Governing Board may provide such additional uses and goals consistent with the purposes of this Chapter and the findings listed by City Council based upon the recommendation of the Advisory Board after public notice and an opportunity for comment.

(b) Up to 10% of annual Fund expenditures may be used for administrative expenses, which shall include the URA's reasonable and necessary cost of administration and the preparation of the Annual Audit and Report by the Governing Board and the Advisory Board pursuant to an annual budget reviewed ~~and approved~~ by the Advisory Board.

[232] 234.04 Priorities and Restrictions

(a) The AAP shall:

1. Outline an open and competitive selection process for all projects receiving Fund investment.

2. Establish evaluation criteria for awards that are consistent with the goals and purposes of this Chapter and the findings listed by City Council. At a minimum, the evaluation criteria shall include, as relevant: depth of affordability; length of affordability commitments; geographic distribution of funds; coordination with a neighborhood revitalization plan; affirmatively furthering fair housing; accessibility features; energy efficiency; cost effectiveness; readiness to proceed, and access to frequent transit and walkable/bikeable streets.

3. Set standards by which all applicants with projects of four units or more will be required to demonstrate community engagement to understand needs, align development interests, and maximize community participation and partnerships. Any project presented for community input must be documented as substantially similar to the project included in the application. At a minimum, all applicants with projects of four units or more must provide a memorandum of understanding with a Neighborhood-Based Non-Profit organization. The Governing Board may allow for exceptions where:

a. The rehabilitation of rental units are in exchange for enforceable

- b. commitments to accept rental assistance and provide housing for special needs populations;
 - c. The project is necessary to affirmatively further fair housing and there is no Neighborhood-Based Non-Profit that is willing or available to participate;
 - d. There are no Neighborhood-Based Non-Profits in the neighborhood where the project is located; or
 - e. Any additional provisions consistent with this Chapter
4. Require that all housing production or preservation projects of four units or more (for sale or rental) have a Non-Profit applicant. The Advisory Board and Governing Board will give added weight to projects where a Neighborhood-Based Non-Profit Organization is a partner with the ability to approve major project decisions and acquire the property. .

(b) The AAP shall set the following income targets for the overall investment of fund assets in projects, programs, and activities:

50% of funds must benefit families and individuals at or below 30% AMI.

25% of funds must benefit families and individuals at or below 50% AMI.

25% of funds should benefit families and individuals at or below 80% AMI. by providing or supporting homeownership opportunities. ~~and by providing down payment and closing cost assistance to first-time homebuyers consistent with the income targets used by the Pittsburgh Home Ownership Program (PHOP). Except for down payment and closing cost assistance, all fund assets must benefit families and individuals at or below 80% AMI.~~

1. 80% AMI may only be exceeded for funds used to provide or support homeownership opportunities by providing down payment and closing cost assistance to first-time homebuyers consistent with the income targets and policies used by the Pittsburgh Home Ownership Program (PHOP).

(c) The AAP shall set targets regarding permanent affordability for the overall investment of Fund assets in projects and the Governing Board shall develop an implementation plan for achieving the same, with review and input by the Advisory Board. Within five years, the target shall be for at least 50% of all housing produced or preserved through investments of Fund assets in the aggregate, in projects of four units or more, shall be Permanently Affordable. The AAP may allow for operating and capacity support for community land trusts in order to meet the 50% target.

(d) All other housing that is produced or preserved through an investment of Fund assets, excluding investments in projects, programs, or activities that provide Housing Assistance to Individuals, shall meet or exceed the following affordability/repayment requirements:

1. For rental housing, the minimum affordability periods required under the federal HOME

program at 24 CFR 92.252, or such longer affordability periods as the Governing Board may adopt.

2. For for-sale housing, the Fund assets shall be in the form of a secured loan that must be repaid upon conversion of the unit to a use other than owner-occupied housing or upon sale of the unit to a purchaser who is not Low Income. The Governing Board, at its discretion, may require earlier repayment of any or all of the Fund loan and may subordinate the Fund mortgage to other financing.

3. Lease-purchase housing shall be treated as rental housing until the units are sold to the tenants, at which time the minimum affordability periods required under the federal HOME program at 24 CFR 92.254 shall apply from the date of the most recent investment of Fund assets.

(e) All new construction and all projects of four units or more receiving an investment of Fund assets shall target to meet or exceed the following goals, to the greatest extent feasible:

1. A minimum of 10% of units shall be accessible to individuals with mobility impairments and a minimum of 4% shall be accessible to individuals with sensory impairments.
2. All units shall meet visitability standards.
3. All projects shall maximize the number of units that meet Universal Design standards.

(f) All programs, projects, and activities funded by the Fund shall adhere to the City's Equal Opportunity policies and the City's obligations to Affirmatively Further Fair Housing.

(g) When Fund assets are used to preserve Deed Restricted Affordable Housing, the Governing Board shall, to the greatest extent feasible, ensure that: there is no net loss in affordability; all affordable units are maintained or replaced in locations that are no less desirable than the original location; all existing residents are given their choice to live in the redeveloped housing or receive comparable relocation housing; and replacement housing is built first or otherwise phased so that residents will not be required to make more than one move.

(h) It is the intent of this Chapter that rental projects supported by the Fund be owned and managed by responsible landlords. To that end, Fund assets shall not be disbursed for projects, programs, or activities where the property owner or related party has outstanding tax or municipal claims or has failed to comply with City codes or policies or other applicable legal obligations. The Advisory Board may make appropriate exceptions where the funds will be used to bring rental property into compliance, subject to Governing Board approval.

(i) Rehabilitation and repair services funded by the Fund shall be performed in a responsible manner and shall have obtained all required permits have been secured prior to the start of work. At a minimum, contractors performing skilled labor must demonstrate PA Home Improvement Consumer Protection Act registration, federal Environmental Protection Agency lead safe work practices certification if they will be working on a pre-1978 home and the work will disturb a coated surface, and that skilled labor will be performed or inspected by a licensed tradesperson. The Governing Board may make exceptions for property owners and volunteer or training organizations who will be self-performing non-skilled labor.

(j) All rental housing receiving an investment of Fund assets must adhere to the tenant and applicant protections required under the federal HOME program at 24 CFR 92.253, or such stronger tenant and applicant protections as the Governing Board may require, for the duration of the affordability period required under Section [232] 234.01(a)(1) of this Chapter.

[232] 234.05 Governing Board

(a) Upon adoption of a resolution accepting the responsibilities of the governing board as set forth in this chapter, The URA Board shall serve as the Housing Opportunity Fund Governing Board (the “Governing Board”). The Governing Board shall:

1. Ensure that the AAP and all decisions to fund programs, projects, and activities comply with the requirements of this Chapter and all applicable laws and ethical requirements.
2. Issue requests for proposal for Fund assistance, based on the draft requests for proposals and recommendations provided by the Advisory Board and consistent with the AAP and all applicable laws.
3. Make final decisions regarding the disbursement of fund assets, consistent with the requirements of this Chapter and based on recommendations of the Advisory Board. The Governing Board shall not approve any project for funding that has not first been reviewed and ~~recommended for approval~~ **discussed** by the Advisory Board.
4. Enter into agreements to disburse fund assets for projects, programs, and activities consistent with applicable laws.
5. Establish additional priorities consistent with the purposes and intent of this Chapter for inclusion in the AAP based on recommendations of the Advisory Board.
6. Ensure the alignment of Fund disbursements with the City’s other affordable housing resources.
7. Seek contributions from non-City sources to supplement the assets of the Fund.
8. Commission Annual Audits and Annual Reports pursuant to Section [232] 234.09 of this Chapter.

(b) The Governing Board shall meet in regular session at least quarterly and shall conduct its first meeting no later than sixty (60) calendar days after adoption of the resolution of the URA Board as described above. Meetings of the Governing Board, which may be combined with meetings of the URA Board, shall be public and shall be advertised in a manner designed to ensure that the decisions of the Governing Board are open and transparent. The Governing Board shall also provide a mechanism through which interested persons may request and receive timely notification of regular and special meetings, which shall include at a minimum a description of the material terms of financing decisions that will be under consideration. The Governing Board shall allow for public comment on matters up for deliberation at each public meeting, and shall make publicly available a summary of actions taken at each meeting within ten (10) business days. This summary will be unofficial until approved and adopted by the Governing Board.

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[232] 234.06 Advisory Board

(a) A Housing Opportunity Fund Advisory Board (the “Advisory Board”) is hereby created to:

1. Develop a draft AAP subject to approval by the Governing Board and City Council, as provided herein.
2. Provide recommendations to the Governing Board concerning additional fund priorities.
3. Prepare draft requests for proposals for Fund assistance.
4. Provide recommendations to the Governing Board concerning the disbursement of Fund assets.
5. Make recommendations to the Mayor and City Council regarding funding levels for the Fund, potential additional funding sources, and potential additional funding priorities.

(b) The Advisory Board shall initially be comprised of seventeen (17) persons appointed by the Mayor to four-year staggered terms and approved by the City Council as follows:

1. One member from the Mayor’s Office
2. One member of City Council
3. One member from the Urban Redevelopment Authority
4. One member from the Housing Authority of the City of Pittsburgh
5. One member who is a low income tenant earning less than 50% of AMI or who represents a Tenant Association, a majority of whose members are tenants who earn less than 50% of AMI.
6. One member who is a low-income homeowner earning less than 80% of AMI or who represents low income homeowners and resides in a CDBG-eligible census tract
7. One member from the non-profit community
8. One member who is homeless, formerly homeless, has a disability, or is an advocate for persons who are homeless and/or have disabilities
9. One member from the for-profit development community
10. One member from the non-profit development community
11. Five members from Neighborhood Based Nonprofits that serve a low-income population and who reside in a CDBG-eligible Census Tract in each geographic region of the city (north, south, east, west, and central).
12. One member from a lending institution
13. One member who is a fair housing advocate.

(c) The Mayor may appoint, subject to the approval of City Council, one or more additional persons to the Advisory Board as necessary to secure non-City contributions to the Fund.

(d) The Advisory Board shall meet in regular session at least quarterly and shall conduct its first meeting no later than thirty (30) calendar days after its members are appointed. Meetings of the Advisory Board shall be

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public and shall be advertised in a manner designed to ensure full and meaningful public participation in Advisory Board decisions. The Advisory Board shall also provide a mechanism through which interested persons may request and receive timely notification of regular and special meetings, which shall include at a minimum a summary of the matters that will be under consideration. The Advisory Board shall allow for public comment on matters up for deliberation at each public meeting, and shall make publicly available a summary of actions taken at each meeting within ten (10) business days. This summary will be unofficial until approved and adopted by the Advisory Board.

(e) No later than June 30 of each year, the Advisory Board shall develop a draft AAP to determine the use of funds for the following year and to govern the selection of programs, projects, and activities, consistent with the provisions of this Chapter and applicable law. The Advisory Board shall provide an opportunity for public comment and shall submit its proposed AAP to the Governing Board for review no later than August 31. The Governing Board shall review the proposed AAP to ensure that it complies with the requirements of this Chapter and to all other applicable laws and ethical requirements, and shall promptly work with the Advisory Board to correct any deficiencies. The Governing and Advisory Boards shall submit the AAP to City Council for review no later than October 31. Any decision to reject or modify the AAP must be made by City Council no later than December 31 for adoption by the Governing Board in January of the following year.

[232] 234.07 Administration and Management of Funds

(a) The City shall enter into an Intergovernmental Cooperation Agreement with the URA to provide implementation support and administer Fund assets, in a form acceptable to the City Solicitor. The agreement shall be transmitted to the City Clerk for distribution to City Council. The Agreement shall provide substantially as follows:

1. The URA will perform administrative functions related to the operations of the Fund and will provide staff support and technical assistance to the Governing and Advisory Boards.
2. Specific duties will include:
 - a. Administration and Fund management;
 - b. Technical review and underwriting of proposals;
 - c. Construction review and monitoring;
 - d. Approval of draw requests and disbursement of funds;
 - e. Loan management and servicing;
 - f. Reporting;
 - g. Compliance monitoring and enforcement;
 - h. Staff support for the Advisory and Governing Boards to assist with preparation of the draft and final AAP; and
 - i. Additional duties as may be determined by the Advisory Board and Governing Board.

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3. Opportunity Fund assets shall be accounted for separately from other funds held by the City and URA.

4. Generally accepted accounting principles (GAAP) for state and local governments, as defined by the Government Accounting Standards Board (GASB), shall be used in the management of all Fund accounts.

[232] 234.08 Annual Audit and Report

(a) Within 90 days after the end of the fiscal year, the Governing Board shall commission an Annual Audit (the "Audit") of Fund income and expenditures for the previous fiscal year. The Audit shall be completed no later than 180 days after the end of the fiscal year. Copies of the Audit shall be provided to City Council, the Mayor, the Governing and Advisory Boards, and shall be made publicly available with the Annual Report. The Audit shall include an account of all administrative expenses sufficient to demonstrate that the expenses are reasonable and necessary to the administration of the Fund.

(b) The Governing Board shall commission an Annual Report on the activities of the Opportunity Fund in the previous fiscal year. The Annual Report shall be completed no later than 180 days after the end of the fiscal year. Copies of the Annual Report shall be provided to City Council, the Mayor, the Governing and Advisory Boards, and shall be made publicly available with the Audit. The Annual Report shall:

1. Provide total numbers of housing units produced, homes preserved, and households prevented from being displaced or becoming homeless as a result of Fund support.

2. List projects, programs, and activities funded through the Fund.

3. Report on funds expended and dollars leveraged by Fund funds.

4. To the extent feasible, report in aggregate form the number of households benefiting from the Fund by income level, geographic distribution, family size, and other criteria as requested by the Advisory Board.

5. Report in aggregate form rents and sale prices of units produced, the number of accessible units built, the number of such units occupied by disabled individuals, and other criteria as requested by the Advisory Board.

6. Report on Opportunity Fund expenditures in each of the income targets specified in Section [232] 234.05(a)(4) of this Chapter.

[232] 234.09 Effective Date.

This Chapter shall become effective upon enactment.

Article 8: Housing

Division 5: San Diego Housing Trust Fund

(“San Diego Housing Trust Fund” added 4-16-1990 by O-17454 N.S.)

§98.0501 Purpose and Intent

- (a) It is the intent of the City Council to create an Affordable Housing Fund as a permanent and annually renewable source of revenue to meet, in part, the housing needs of the City’s *very low*, *low*, and *median income* households. There are households which are income eligible and also possess one or more of the following characteristics; (1) they are burdened by paying more than thirty percent (30%) of their gross income for housing costs; (2) they live in overcrowded conditions; (3) they live in substandard housing units; (4) they are homeless individuals and families; or (5) they consist of individuals and families with special housing needs such as the elderly, the developmentally disabled, the mentally ill, the physically disabled, single parent households and large families.
- (b) The Affordable Housing Fund will serve as a vehicle for addressing very low, low, and median income housing needs through a combination of funds as provided for in these regulations.
- (c) It is the intent of the City Council to address a significant portion of the City’s current and projected very low, low, and median income housing need by leveraging every one dollar of City funds allocated to the Fund with two dollars of non-City subsidy capital funds.
- (d) It is further the intent of the Council to foster a mix of family incomes in projects assisted by the Fund and to disperse affordable housing projects throughout the City, in accordance with its Balanced Communities Policy and its intent to achieve a balance of incomes in all neighborhoods and communities so that no single neighborhood experiences a disproportionate concentration of housing units affordable to very low, low, and median income households.
- (e) It is the purpose and intent of this part to preserve and maintain renter and ownership housing units which are affordable to low, very low, and moderate income households and are located within the City, including federally assisted units and units located in mobile home parks.

- (f) It is the further intent of the City Council to foster and encourage the private sector to join with the public sector and the nonprofit sector to further the goals of this ordinance.

(Amended 6-3-2003 by O-19190 N.S.)

§98.0502 Establishment of the San Diego Affordable Housing Fund

- (a) There is hereby established a fund to be known and denominated as the San Diego Affordable Housing Fund. The Affordable Housing Fund shall consist of funds derived from the commercial development linkage fees paid to the City pursuant to Chapter 9, Division 6, Article 8 of the San Diego Municipal Code; revenues from the Transient Occupancy Tax as provided in Section 35.0128 of the San Diego Municipal Code; funds derived from in lieu fees paid to the City pursuant to Chapter 14, Article 2, Division 13; revenues received from the use of a shared-equity program pursuant to Section 142.1309(e) of the San Diego Municipal Code; and any other appropriations as determined from time to time by legislative action of the City Council. The Affordable Housing Fund shall be administered by the San Diego Housing Commission pursuant to the provisions of this Division, the appropriation ordinances and Council policies applicable thereto.
- (b) There is also hereby established within the Affordable Housing Fund, a San Diego Housing Trust Fund account. Except for funds received from in lieu fees paid to the City pursuant to Chapter 14, Article 2, Division 13 and revenues received from the use of a shared-equity program pursuant to Section 142.1309(e) of the San Diego Municipal Code, all funds received by the Affordable Housing Trust Fund, either from special funds or general fund appropriations, shall be deposited in the Housing Trust Fund account. The administration and use of monies from the San Diego Housing Trust Fund shall be subject to all provisions under this Division related to the Affordable Housing Fund.
- (c) There is also hereby established within the Affordable Housing Fund, an Inclusionary Housing Fund account. Funds received from in lieu fees paid to the City pursuant to Chapter 14, Article 2, Division 13 and revenues received from the use of a shared-equity program pursuant to Section 142.1309(e) of the San Diego Municipal Code shall be deposited in the Inclusionary Housing Fund account. The administration and use of monies from the Inclusionary Housing Fund shall be subject to all provisions under this Division related to the Affordable Housing Fund.

(“Definitions” repealed; “Establishment of the San Diego Housing Trust Fund and Trust Fund Account” renumbered from Sec. 98.0503, retitled and amended 6-3-2003 by O-19190 N.S.)

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§98.0503 Purpose and Use of Affordable Housing Fund and Monies

- (a) The Affordable Housing Fund shall be used solely for programs and administrative support approved by the City Council in accordance with Section 98.0507 to meet the housing needs of *very low income*, *low income* and *median income* households. In addition, for homeownership purposes only, these funds may be utilized to meet the housing needs of *moderate income* households where *moderate income* has the same meaning as in San Diego Municipal Code Section 113.0103. These programs shall include those providing assistance through production, acquisition, rehabilitation and preservation.
- (b) Principal and interest from loan repayments, proceeds from grant repayments, forfeitures, reimbursements, and all other income from Affordable Housing Fund activities, shall be deposited into the Affordable Housing Fund. All funds in the account shall earn interest at least at the same rate as pooled investments managed by the Treasurer. All interest earnings from the account shall be reinvested and dedicated to the account. All appropriated funds in the Affordable Housing Fund account shall be available for program expenditures as directed by the Commission and pursuant to Section 98.0507. The City’s Annual Appropriation Ordinance shall provide for the transfer of designated funds to the Affordable Housing Fund. Transfers shall be made quarterly or upon direction of the City Manager. Transferred funds shall accrue interest from the time of transfer.

(“Establishment of the San Diego Housing Trust Fund and Trust Fund Account” renumbered to Sec. 98.0502; “Purpose and Use of Housing Trust Fund and Monies” renumbered from Sec. 98.0504, retitled and amended 6–3–2003 by O–19190 N.S.) (Amended 1-23-2009 by O-19825 N.S; effective 2-22-2009.)

§98.0504 Purpose and Use of San Diego Housing Trust Fund Account

- (a) The San Diego Housing Trust Fund may be used in any manner, through loans, grants, or indirect assistance for the production and maintenance of assisted units and related facilities. The San Diego Housing Trust Fund monies shall be distributed to the target income groups according to the following guidelines:
 - (1) No less than ten percent (10%) of the funds in the San Diego Housing Trust Fund account shall be expended to provide transitional housing for households who lack permanent housing;

- (2) Not less than sixty percent (60%) of the funds in the Trust Fund account shall be expended to provide housing to *very low income* households at *affordable housing costs*.
 - (3) No more than twenty percent (20%) of the funds in the San Diego Housing Trust Fund account shall be expended to provide housing to *low income* households at *affordable housing costs*;
 - (4) No more than ten percent (10%) of the funds in the San Diego Housing Trust Fund account shall be expended to assist *median income* and *moderate income* first-time home buyers purchase a home at an *affordable housing cost* with special consideration given to those proposals (1) involving neighborhoods that are predominately *low income* with substantial incidence of absentee ownership, or (2) which further the goals of providing economically balanced communities. *Affordable housing cost*, as defined for moderate income home buyers, shall also be consistent with California Health and Safety Code section 50052.5 for those households at or exceeding 100 percent (100%) of area median income.
- (b) The San Diego Housing Commission shall ensure that a program to increase the capacity of nonprofit organizations to develop and operate housing for *very low, low, median and moderate income* households be included in the Affordable Housing Fund Annual Plan to be submitted to the City Council in accordance with Section 98.0507. Through such a program, the Housing Trust Fund may fund training programs for non-profit organizations, and provide funds for administrative support. Furthermore, the San Diego Housing Commission shall ensure that technical assistance related to the preparation of project proposals is made available to nonprofit organizations requesting such assistance.
- (c) Funds shall not be used for the operation of supporting services such as child care or social services unless:
- (1) The funds are used in connection with transitional housing or in neighborhoods where the addition of units will create the need for supportive services.
 - (2) The recipient can demonstrate to the Commission that other funds are not available, and
 - (3) No more than twenty-five percent (25%) of the loan, grant or assistance is designated for such services. Whenever such funds are disbursed from the Trust Fund account, the San Diego Housing Commission shall determine the terms and conditions which shall be attached to the grant or loan of those funds.

*(“Purpose and Use of Housing Trust Fund and Monies” renumbered to Sec. 98.0503; “Purpose and Use of San Diego Housing Trust Fund Account” added 6-3-2003 by O-19190 N.S.)
(Amended 1-23-2009 by O-19825 N.S; effective 2-22-2009.)*

§98.0505 Purpose and Use of San Diego Inclusionary Housing Fund Account

- (a) The Inclusionary Housing Trust Fund shall be used solely for programs and administrative support approved by the City Council pursuant to the provisions of Section 98.0507.
- (b) Priority for the expenditure of funds from the Inclusionary Housing Trust Fund shall be given to the construction of new affordable housing stock. The monies may also be allowed to be expended for other programs administered by the San Diego Housing Commission if approved by the City Council in the Affordable Housing Fund Annual Plan, pursuant to the provisions of this Division.
- (c) Priority for the expenditure of funds from the Inclusionary Housing Trust Fund shall be given to the Community Planning Area from which the funds were collected. The funds shall be used to promote and support the City’s goal of providing economically balanced communities.

(“Term of Affordability” renumbered to Sec. 98.0506; “Purpose and Use of San Diego Inclusionary Housing Fund Account” added 6-3-2003 by O-19190 N.S.)

§98.0506 Term of Affordability

- (a) Whenever funds from the Affordable Housing Fund are used for the acquisition, construction or substantial rehabilitation of an affordable rental or cooperative unit, the San Diego Housing Commission shall impose enforceable requirements on the owner of the housing unit that the unit remain affordable for the remaining life of the housing unit, assuming good faith efforts by the owner to maintain the housing unit and rehabilitate it as necessary. The remaining life of the housing unit shall be presumed to be a minimum of fifty-five (55) years.
- (b) Whenever funds from the Affordable Housing Fund are used for the acquisition, construction or substantial rehabilitation of ownership housing, the San Diego Housing Commission shall impose enforceable resale restrictions on the owner to keep the housing unit affordable for the longest feasible time, while maintaining an equitable balance between the interests of the owner and the interests of the San Diego Housing Commission.

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- (c) For programs funded with funds from the Affordable Housing Fund which are not described in (a) or (b) above, the Commission shall develop appropriate mechanisms to ensure affordability which shall be described in the San Diego Housing Fund Annual Plan.
- (d) The affordability restriction requirements described in this section shall run with the land and the Commission shall develop appropriate procedures and documentation to enforce these requirements and shall record such documentation in the Official Records of the Recorder of San Diego County.

(“Three Year Program” renumbered to Sec. 98.0507; “Term of Affordability” renumbered from Sec. 98.0505 and amended 6-3-2003 by O-19190 N.S.)

§98.0507 Affordable Housing Fund Annual Plan

Prior to the commencement of the fiscal year and annually thereafter, the San Diego Housing Commission shall adopt an Affordable Housing Fund Annual Plan for the use of the Affordable Housing Fund, including the Housing Trust Fund account and the Inclusionary Housing Fund account, and present it to Council for action. This document shall plan for the following fiscal year or other appropriate time frame to ensure for accurate and effective planning and budgeting of fund revenues. The Affordable Housing Fund Annual Plan shall include:

- (a) A description of all programs to be funded with funds from the Affordable Housing Fund account specifying the intended beneficiaries of the program including the capacity building program for nonprofit organizations;
- (b) The amount of funds budgeted for loans or grants to recipients who agree to participate in Commission approved Programs;
- (c) The amount of funds budgeted for administrative expenses, exclusive of legal fees. All disbursements from the Affordable Housing Fund shall be consistent with the Affordable Housing Fund Annual Plan.

(“Solicitation of Program Suggestions” renumbered to Sec. 98.0508; “Three Year Program Plan” renumbered from Sec. 98.0506, retitled and amended 6-3-2003 by O-19190 N.S.)

§98.0508 Solicitation of Program Suggestions

Each year, the San Diego Housing Commission shall solicit suggestions on the programs to be funded by the Affordable Housing Fund account in the next fiscal year from any person who has indicated such a desire in writing to the Board of Commissioners of the San Diego Housing Commission.

(“Preparation and Funding of Three-Year Program Plan” renumbered to Sec. 98.0509; “Solicitation of Program Suggestions” renumbered from Sec. 98.0507 and amended 6-3-2003 by O-19190 N.S.)

§98.0509 Preparation and Funding of Affordable Housing Fund Annual Plan

Each year, the San Diego Housing Commission shall hold three (3) public hearings to solicit testimony from the general public on programs to be funded by the Affordable Housing Fund account in the next fiscal year. A hearing shall be held in the North, South and Central areas of the City. The San Diego Housing Commission shall consider the suggestions from the neighborhood groups and the testimony from the public hearings, and cause a draft Annual Plan to be prepared for its consideration. The San Diego Housing Commission shall hold a public hearing to obtain public comments on the draft Affordable Housing Fund Annual Plan, make modifications as it deems appropriate and submit it to the Council for action. The City Council shall consider the Affordable Housing Fund Annual Plan as submitted by the San Diego Housing Commission, modify it if it so elects; approve it no later than July 31 of each year; and appropriate to fund the Affordable Housing Fund Annual Plan from the Affordable Housing Fund account or an other funding sources it chooses to consider for this purpose. These procedures and dates may be adjusted as necessary for the preparation of the first Affordable Housing Fund Annual Plan after the enactment of this Division.

(“Project Selection and Disbursement of Funds” renumbered to Sec. 98.0510; “Preparation and Funding of Three-Year Program Plan” renumbered from Sec. 98.0508, retitled and amended 6-3-2003 by O-19190 N.S.)

§98.0510 Project Selection and Disbursement of Funds

- (a) All projects considered for funding will be reviewed prior to Commission action by the local Community Planning Group or, in an area where there is no Planning Group, another community advisory group.
- (b) The San Diego Housing Commission may notify potential recipients that specified funds from the Affordable Housing Fund are available to be distributed as loans or grants through issuing requests for proposals and notices of fund availability.

(“Support of Nonprofit Organizations” repealed; “Project Selection and Disbursement of Funds” renumbered from Sec. 98.0509 and amended 6-3-2003 by O-19190 N.S.)

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§98.0511 Regulation of Recipients

Every recipient shall enter into a written agreement with the San Diego Housing Commission which sets forth the terms and conditions of the grant or loan. The agreement shall contain at least the following provisions:

- (a) The amount of funds to be disbursed from the Affordable Housing Fund.
- (b) The manner in which the funds from the Affordable Housing Fund are to be used.
- (c) The terms and conditions of the grant or loan.
- (d) The projected and maximum amount that is allowed to be charged in order for the assisted units to maintain an affordable housing cost.
- (e) A requirement that periodic reports be made to the Commission to assist its monitoring of compliance with the agreement.
- (f) A description of actions that the Commission may take to enforce the agreement.
- (g) Restrictions on the return on equity and developers fee recipients may receive, where applicable.

(“Funding of Supporting Services” repealed; “Regulation of Recipients” renumbered from Sec. 98.0512 and amended 6-3-2003 by O-19190 N.S.)

§98.0512 Publication of Program Documents

The Commission shall publish such administrative rules and guidelines as are necessary and desirable to implement the programs approved by the City Council in the Annual Plan.

(“Regulation of Recipients” renumbered to Sec. 98.0511; “Publication of Program Documents” renumbered from Sec. 98.0522 and amended 6-3-2003 by O-19190 N.S.)

§98.0513 Annual Report

- (a) The Commission shall within ninety (90) days following the close of each fiscal year prepare and submit an annual report to the City Council on the activities undertaken with funds from the Affordable Housing Fund account. The report shall specify the number and types of units assisted, the geographic distribution of units and a summary of statistical data relative to the incomes of assisted households, the monthly rent or carrying charges charged the amount of state, federal and private funds leveraged, and the sales prices of ownership units assisted. The report shall specifically contain a discussion of how well the goals of the previous year’s Annual Plan were met. The report shall also contain the information necessary to support the findings specified in Section 66001 of Chapter 5, Division 1 of Title 7 of the California Government Code.

(“Annual Report” renumbered from Sec. 98.0523 and amended 6-3-2003 by O-19190 N.S.)

§98.0514 Reserve Fund

The Commission may establish and maintain a reserve fund account subject to approval of the City Council, adequate to preserve the ability of the Affordable Housing Fund to take maximum advantage of unforeseen opportunities in assisting housing and to ensure prudently against unforeseen expenses. The amount to be maintained in this reserve fund shall be determined by the San Diego Housing Commission. The San Diego Housing Commission shall establish procedures for maintaining such a fund.

(“Reserve Fund” renumbered from Sec. 98.0524 and amended 6-3-2003 by O-19190 N.S.)

§98.0515 Financial Management

- (a) The City Auditor shall maintain a separate Affordable Housing Fund and any required related subsidiary funds and transfer the balance on deposit from such funds to the San Diego Housing Commission on a quarterly basis upon the direction from the Financial Management Director.
- (b) The San Diego Housing Commission shall maintain and report within their accounts a separate Affordable Housing Fund and the subsidy funds of the Housing Trust Fund, the Inclusionary Housing Fund, and any other required related subsidiary funds for all related financing transferred from the City and any related income. Such funds shall be accounted for and reported separately on the San Diego Housing Commission’s annual audited financial report, and such funds shall be audited for compliance with the Affordable Housing Fund Ordinance, Inclusionary Housing Ordinance, and related policies and regulations.

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9	8	5	9

The Commission shall also prepare any other reports legally mandated for financing sources of the Affordable Housing Fund.

(“Financial Management” renumbered from Sec. 98.0525 and amended 6-3-2003 by O-19190 N.S.)

§98.0516 Equal Opportunity Program

The San Diego Housing Commission shall apply its equal opportunity program to assure that contractors doing business with and/or receiving funds from the Affordable Housing Fund will not discriminate against any employee or applicant for employment because of race, color, religion, sex, handicap, age, or national origin and that equal employment opportunity is provided to all applicants and employees without regard to race, religion, sex, handicap, age, or national origin. The goals of the equal opportunity program are to ensure that all contracts achieve parity in the representation of women, minorities, and the handicapped in each contractor’s work force with the availability of women minorities, and the handicapped in the San Diego County labor market. The program shall apply to all vendors, grantees, lessees, consultants, banks, and independent corporations under contract with the San Diego Housing Commission.

(“Equal Opportunity Program” renumbered from Sec. 98.0526 and amended 6-3-2003 by O-19190 N.S.)

§98.0517 Compliance with Antidiscrimination Laws

Each contractor shall submit certification of compliance with Executive Order 11246, Title VII of the Civil Rights Act of 1964, as amended, the California Fair Employment Practice Act, and other applicable federal and state laws and regulations hereinafter enacted. Such certification shall be on forms to be provided by the Commission and shall be submitted at the time the contractor submits a bid or proposal.

(“Compliance with Antidiscrimination Laws” renumbered from Sec. 98.0527 on 6-3-2003 by O-19190 N.S.)

§98.0518 Commission Powers To Enforce

The San Diego Housing Commission may institute any action or proceeding it deems appropriate, judicial or otherwise, against recipients or other persons to carry out the provisions of this Division, to enforce the terms of any agreement related to the use of funds from the Affordable Housing Fund, or to protect the interest of the City, the San Diego Housing Commission, or intended beneficiaries of programs operated pursuant to this Division. The San Diego Housing Commission may foreclose on property assisted with funds from the Affordable Housing Fund, seek to assume managerial or financial control over property financed with funds from the Affordable Housing Fund, directly or through a receiver, seek monetary damages or seek equitable or declaratory relief.

(“Commission Powers to Enforce” renumbered from Sec. 98.0528 and amended 6-3-2003 by O-19190 N.S.)

1
2
3
4 **AN ORDINANCE OF THE CITY OF BELLINGHAM RELATING TO LOW-INCOME**
5 **HOUSING; REQUESTING THAT A SPECIAL ELECTION BE HELD CONCURRENT**
6 **WITH THE NOVEMBER 6, 2012 GENERAL ELECTION FOR SUBMISSION TO THE**
7 **QUALIFIED ELECTORS OF THE CITY OF A PROPOSITION TO LIFT THE LIMIT ON**
8 **REGULAR PROPERTY TAXES UNDER CHAPTER 84.55 RCW FOR LOW-INCOME**
9 **HOUSING; DECLARING THE EXISTENCE OF AN EMERGENCY UNDER CHAPTER**
10 **84.52.105 AND REQUESTING VOTER APPROVAL OF AN ADDITIONAL PROPERTY**
11 **TAX FOR VERY LOW-INCOME HOUSING; PROVIDING FOR THE EXPIRATION OF**
12 **THE ADDITIONAL LEVIES AT THE END OF SEVEN YEARS; SETTING FORTH THE**
13 **BALLOT PROPOSITION; DESIGNATING A CITIZEN LEVY ADVISORY COMMITTEE;**
14 **AND PROVIDING FOR IMPLEMENTATION OF PROGRAMS WITH FUNDS DERIVED**
15 **FROM THE TAXES AUTHORIZED.**

16
17 **WHEREAS**, Equity and Social Justice is a legacy that the City Council has adopted
18 for the City of Bellingham;

19
20 **WHEREAS**, Supporting safe, affordable housing, supporting services for lower-
21 income residents, and providing access to problem-solving resources are the strategic
22 commitments the City Council has made to ensure Equity and Social Justice;

23
24 **WHEREAS**, a healthy community is one in which all members have access to basic
25 needs such as safe, secure and affordable homes and, despite the recent decline in home
26 purchase prices, homes remain unaffordable for a significant percentage of Bellingham
27 residents;

28
29 **WHEREAS**, households face a severe burden when housing costs (including
30 utilities) exceed 50 percent of household income;

31
32 **WHEREAS**, U.S. Census data has estimated that there are 7,400 low-income
33 households in Bellingham that face a severe housing cost burden by paying more than 50
34 percent of their income on housing costs;

35
36 **WHEREAS**, over 1,000 low-income elderly households in Bellingham pay more than
37 50 percent of their income on housing costs and face challenges in repairing their homes
38 without financial assistance;

39
40 **WHEREAS**, at any point in time, 500 people are homeless in Whatcom County,
41 according to the annual Point-in-Time Count, and 20 percent of all people experiencing
42 homelessness in Bellingham are children under 10 years of age, with adverse childhood
43 experiences that have profound and long-lasting negative consequences;

44
45 **WHEREAS**, local housing affordability efforts save public money by reducing
46 expenses for social services, emergency room medical care, triage, law enforcement and

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1 other costs associated with temporary and chronic homelessness, with two local programs
2 recently documenting that housing services resulted in increased access to mental health
3 services and a 90 percent reduction in criminal justice costs;
4

5 **WHEREAS**, recent investments of new, but very limited, grant funds resulted in
6 significant reductions in local homelessness, with 37 percent fewer homeless persons with
7 disabilities, 65 percent fewer homeless veterans, and 41 percent fewer homeless persons
8 overall;
9

10 **WHEREAS**, the Bellingham Housing Authority has 1,608 families on the waiting list
11 for public housing, 72 percent of which earn less than 30% of the Area Median Income and
12 44 percent are families with disabilities;
13

14 **WHEREAS**, the Bellingham Housing Authority has 400 households on the waiting
15 list for rental assistance vouchers, with an average waiting time to receive assistance of
16 more than four years;
17

18 **WHEREAS**, nearly one-third of Bellingham's housing stock is over 50 years old,
19 requiring repair, maintenance and weatherization that is often not affordable to low-income
20 households;
21

22 **WHEREAS**, local wages are not keeping pace with Bellingham's housing costs, with
23 average apartment rent increasing 17 percent while average wages increased only 5
24 percent since 2004,
25

26 **WHEREAS**, according to the U.S. Census, the median value of homes increased 96
27 percent from 2000 to 2010, while median family income increased just 23 percent;
28

29 **WHEREAS**, more affordable housing options near employment centers are good for
30 the environment, preventing long commutes with associated pollution, commuting
31 expenses, traffic congestion and road widening costs;
32

33 **WHEREAS**, the Countywide Housing Affordability Taskforce (CHAT) concluded its
34 18 month study and deliberation about housing affordability with a set of conclusions that
35 included among its top six recommendations the creation of additional local revenue
36 sources that assist in the delivery of homes affordable to low-income households;
37

38 **WHEREAS**, the proposed Bellingham Home Fund will result in \$21,000,000 in local
39 funding that will be used as matching money to leverage other private and public funding
40 for housing affordability, serving an estimated 8,500 families over the useful life of the
41 properties that will be assisted with the Bellingham Home Fund;
42

43 **WHEREAS**, as a condition of receiving federal funding for low-income housing, the
44 City of Bellingham administers an affordable housing program with citizen oversight,
45 including preparation of five-year strategic plans, performance measures and outcomes,
46 and annual action plans;

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1
2 **WHEREAS**, the City of Bellingham can efficiently administer the proposed
3 Bellingham Home Fund in conjunction with its existing programs that manage federal
4 funding for housing affordability;
5

6 **WHEREAS**, Chapter 84.55 RCW generally limits the dollar amount of regular
7 property taxes that a city may levy in any year, but RCW 84.55.050 allows a city to levy
8 taxes exceeding such limit by majority approval of the voters and allows a city to include in
9 the ballot proposition a limit on the purpose for which the additional taxes levied will be
10 used and to provide for the expiration of the additional taxing authority;
11

12 **WHEREAS**, the proposed additional levy is within the limitations imposed by RCW
13 84.52.043;
14

15 **WHEREAS**, RCW 84.52.105 authorizes a city to impose additional regular property
16 tax levies to finance affordable housing for very low-income households when specifically
17 authorized to do so by a majority of the voters of the taxing district voting on a ballot
18 proposition authorizing the levy; and
19

20 **WHEREAS**, RCW 35.21.685 authorizes a city to assist in the development or
21 preservation of publicly or privately owned housing for persons of low income by providing
22 loans or grants of general municipal funds to the owners or developers of the housing,
23 including loans or grants to finance the acquisition, construction or rehabilitation of low-
24 income housing, and to provide rental assistance and other supportive services, to low-
25 income persons;
26

27 **NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**
28

29 **Section 1. Findings.** The City Council makes the following findings and declares as
30 follows:
31

- 32 A. The City's Consolidated Plan and Housing Element of the Comprehensive Plan identify
33 insufficient safe, sanitary, and decent housing affordable to low- and very low-income
34 households to meet the present and anticipated needs of such households, including
35 homes affordable for local working people, U.S. military veterans, families with children,
36 people with limited or fixed incomes including senior citizens and people having a
37 disability.
- 38 B. Affordable rental housing for low-income households, including the homeless, other
39 persons with special needs, families and seniors, often requires a commitment of City
40 funds for development or preservation, or other forms of assistance.
- 41 C. Promoting and preserving home ownership for low-income households contributes to
42 the stability of families and neighborhoods; helps preserve the physical condition of
43 residential properties; and addresses the shortage of safe, sanitary, affordable housing
44 both by maintaining and enhancing the supply of owner-occupied housing and by
45 limiting the demand for scarce low-income rental housing that otherwise would exist
46 from households unable to afford to purchase homes or to maintain existing homes.

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- 1 D. The additional taxes to be levied under this ordinance will enable the City to provide for
2 the housing needs of low- and very low-income households and thereby work to fulfill
3 the purposes of federal, state and City laws and policies, including, without limitation,
4 the federal HOME Investment Partnerships Act, federal Community Development Block
5 Grant, the State Growth Management Act and the City's Comprehensive Plan.
6 E. An emergency exists with respect to the availability of housing that is affordable to very
7 low-income households in the City of Bellingham.

8
9 **Section 2. Definitions.** The following terms used in this ordinance shall have the
10 definitions stated below, unless the context otherwise clearly requires:

- 11
12 A. "Affordable housing" means residential housing for rental or private individual
13 ownership which, as long as the same is occupied by low-income households, requires
14 payment of monthly housing costs, including utilities, other than telephone, of no more
15 than 30 percent of the household's income.
16 B. "Low-income housing" means housing that will serve "low-income households."
17 C. "Household" means a single person, family or unrelated persons living together.
18 D. "Low-income household" means a household with income less than or equal to eighty
19 percent (80%) of median income.
20 E. "Median income" means annual median family income for the statistical area or division
21 thereof including Bellingham for which median family income is published from time to
22 time by the U.S. Department of Housing and Urban Development, or successor
23 agency, with adjustments according to household size.
24 F. "Very low-income household" means a household with income less than or equal to 50
25 percent of median income.

26
27 To the extent permitted by applicable State law, income determinations may take into
28 account such exclusions, adjustments and rules of computation as may be prescribed or
29 used under federal housing laws, regulations or policies for purposes of establishing
30 income limits, or as may be established in City housing and community development plan
31 documents consistent with federal laws, regulations or policies.

32
33 **Section 3. Proposition to Authorize Levy of Additional Regular Property Taxes;**
34 **Affordable Housing Plan.**

35
36 The City submits to the qualified electors of the City a proposition as authorized by RCW
37 84.55.050(1), to exceed the levy limitation on regular property taxes contained in Chapter
38 84.55 RCW for property taxes levied in 2012 through 2018 for collection in 2013 through
39 2019, respectively. The proposition would also authorize an additional property tax levy for
40 very low-income housing under RCW 84.52.105. The proposition would raise
41 approximately \$3,000,000 per year totaling an estimated \$21,000,000 in aggregate over a
42 period of up to seven years.

- 43
44 A. The proposition would permit the City to increase its regular property tax levy by up
45 to \$0.12 per \$1,000 of assessed valuation, resulting in a regular property tax levy of

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1 \$2.62 per \$1,000 for collection in 2013. All the levy proceeds shall be used for the
2 purposes specified in Section 5 of this ordinance.

- 3 B. The proposition would also authorize the City to impose an additional regular
4 property tax levy of up to \$0.24 per \$1,000 of assessed valuation for very low-
5 income housing pursuant to RCW 84.52.105. The limitations in RCW 84.52.043
6 shall not apply to the tax levy authorized by this part. All the levy proceeds shall be
7 used for the purposes specified in Section 5 of this ordinance and may not be imposed
8 by the City Council until the City adopts an affordable housing financing plan as set
9 forth in Section 6 of this ordinance.
- 10 C. The taxes authorized by this proposition will be in addition to the maximum amount of
11 regular property taxes the City would have been limited to by RCW 84.55.010 in the
12 absence of voter approval under this ordinance, plus other authorized lid lifts.
13 Thereafter, such levy amount would be used to compute limitations for subsequent
14 years as allowed by chapter 84.55 RCW. Pursuant to RCW 84.55.050(5), the maximum
15 regular property taxes that may be levied in 2019 for collection in 2020 and in later
16 years shall be computed as if the limit on regular property taxes had not been
17 increased under this ordinance.

18
19 **Section 4. Levy Revenues.**

- 20
21 A. Unless otherwise directed by ordinance, all revenues collected from the additional
22 taxes authorized pursuant to this ordinance shall be deposited initially in the Low-
23 Income Housing Fund to be used as set forth in Section 5 and as described in the Low
24 Income Housing Administrative and Financing Plans, as may be adopted by the City
25 Council under Sections 5 and 6 of this ordinance. The Finance Director is authorized to
26 create other subfunds or accounts within the Low-Income Housing Fund as may be
27 needed or appropriate to implement the purposes of this ordinance.
- 28 B. Pending expenditure for the purposes authorized in this ordinance, amounts deposited
29 in the Low-Income Housing Fund pursuant to this ordinance may be invested in any
30 investments permitted by applicable law. All investment earnings on the balances shall
31 be deposited into the Low-Income Housing Fund. Amounts received by the City from
32 payments with respect to loans, recovery of grants, insurance proceeds or proceeds of
33 sale or disposition of property ("program income") shall be deposited into the Low-
34 Income Housing Fund unless otherwise specified by ordinance. Any investment
35 earnings and program income derived from revenues collected from the additional
36 taxes authorized pursuant to this ordinance shall be used for the purposes set forth in
37 this ordinance and as authorized by the City Council.

38
39 **Section 5. Administration; Use of Proceeds.**

- 40
41 A. The levy funds shall be used to pay for affordable housing for low and very low-income
42 households, pay for affordable housing programs, and otherwise to provide for the
43 housing needs of low and very low-income households; provided that all funds raised
44 from the levy authorized by RCW 84.52.105 shall be dedicated to affordable housing
45 for very low-income households.

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- 1 B. The Planning and Community Development Department, or such other department as
2 may be designated by ordinance, shall administer programs funded with the additional
3 taxes authorized pursuant to this ordinance. Any programs adopted by the City Council
4 for use of the funds derived under this ordinance shall be referred to as "Housing Levy
5 Programs." Housing Levy Programs shall be implemented consistent with the Low
6 Income Housing Administrative and Financing Plan, as may be adopted by the City
7 Council and as may thereafter be amended from time to time.
- 8 C. Anticipated Housing Levy Programs are shown in Exhibit 1, attached hereto. The City
9 Council, upon recommendation of the Citizen Advisory Committee described in Section
10 7 of this ordinance, or upon recommendation of the Mayor or on its own motion, may
11 review the allocations to particular Housing Levy Programs and make changes to the
12 programs, including additions and deletions of programs and/or in the timing of or
13 amount of funds allocated to any program, consistent with the purposes of this
14 ordinance and applicable law. Administration funding shown on Exhibit 1 is intended to
15 be used for administration of the use of levy proceeds for all programs, including but
16 not limited to developing the Low Income Housing Administrative and Financing Plan,
17 preparing and reviewing loan and grant applications, monitoring and auditing
18 performance and compliance with loan, grant and program requirements, and paying
19 for financial accounting, legal, and other administrative services necessary to
20 implement the Housing Levy Programs.

21
22 **Section 6. Low Income Housing Administrative and Financing Plan.**

- 23
24 A. The Director of Planning and Community Development, or other such person as may
25 be designated by the Director or the Mayor, shall prepare a Low Income Housing
26 Administrative and Financing Plan ("Plan") covering all of the Housing Levy Programs.
27 The Plan shall cover the period commencing in 2013 and continue through 2019; shall
28 specify the plan for use of funds raised by the levy authorized by RCW 84.52.105; shall
29 be consistent with either the locally adopted or state-adopted comprehensive housing
30 affordability strategy, required under the Cranston-Gonzalez national affordable
31 housing act (42 U.S.C. Sec. 12701, et seq.), as amended; and shall be approved by
32 City Council prior to the additional property tax levy being imposed pursuant to RCW
33 84.52.105.
- 34 B. The expenditure of all funds raised pursuant to this ordinance shall be as set forth in
35 the Plan adopted by City Council. The City Council reserves the right to amend the
36 Plan as it may in the future be determined as necessary or appropriate. The Plan
37 should be done in coordination with the Consolidated Plan and Annual Action Plans
38 required by HUD for expenditure of HOME and CDBG funds for the benefit of low
39 income housing and community development needs in the City.
- 40 C. The City Council shall appropriate from the Low-Income Housing Fund, as part of the
41 City budget or supplementally, such monies derived from the levies authorized in this
42 ordinance as it deems necessary to carry out the Housing Levy Programs.
- 43 D. The Mayor, or other such person as may be designated by the Mayor, is authorized, for
44 and on behalf of the City, to select projects for funding and to approve, make and modify
45 loans, grants or other expenditures to carry out the Housing Levy Programs, provided
46 that such authority is subject to the appropriation of sufficient funds and consistent with

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1 the Plan approved by City Council pursuant to Sections 5 and 6. The Mayor and his or
2 her designees are further authorized, for and on behalf of the City, to execute and
3 deliver such documents and instruments as he or she may determine to be necessary or
4 appropriate to implement the financing of specific projects or to otherwise carry out the
5 Housing Levy Programs.
6

7 **Section 7. Citizen Advisory Committee.**

8 The Community Development Advisory Board ("CDAB"), established pursuant to BMC
9 2.46.010, shall advise the City Council, Mayor and the Director of Planning and Community
10 Development regarding the Housing Levy Programs authorized by this ordinance. CDAB
11 shall advise the Mayor and City Council on the Low Income Housing Administrative and
12 Financial Plan prepared pursuant to Section 6 of this ordinance. CDAB shall also assist in
13 monitoring the progress, performance and accomplishment of Housing Levy Programs, and
14 report such findings to the Mayor and City Council, including any problems and
15 recommendations on actions to be taken so that the Housing Levy Programs are
16 conducted in a timely and efficient manner for the benefit of low-income households.
17

18 **Section 8. Election - Ballot Title.**

19 The City Council hereby requests that the Whatcom County Auditor, as *ex officio*
20 supervisor of elections, submit to the qualified electorate of the City for a vote, at the
21 November 6, 2012 general election, a proposition substantially in the form set forth in this
22 ordinance. The City Clerk is directed to certify to the Whatcom County Auditor the ballot
23 proposition to the electorate of the City in the form substantially as follows:
24

25 PROPOSITION NO. 1
26 Low-Income Housing Levy
27

28 The City of Bellingham Council adopted Ordinance No. 2012-06-033
29 concerning property taxes for low-income housing assistance.
30

31 This proposition would fund housing and housing services for
32 people with low or very low incomes, including those with
33 disabilities, veterans, seniors, and families with children by (a)
34 authorizing an increase in the City's regular property tax levy by
35 up to \$0.12/\$1,000 to \$2.62/\$1,000 of assessed value as allowed
36 by RCW 84.55; and (b) authorizing a regular property tax levy of
37 up to \$0.24/\$1,000 of assessed value under RCW 84.52.105,
38 each for seven years, generating approximately \$3,000,000
39 annually. Should this proposition be approved?
40

41 Yes?.....

42 No?

43
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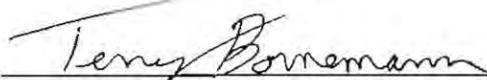
1 **Section 9. Corrections.**

2 The Bellingham City Attorney's Office or the Auditor or her designee is authorized to make
3 necessary clerical corrections to this ordinance including, but not limited to, the correction of
4 scrivener's or clerical errors, references, ordinance numbering, section/subsection numbers
5 and any references thereto.
6

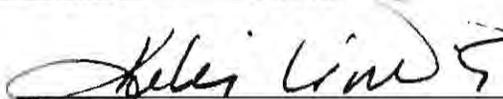
7 **Section 10. Severability.**

8 If any section, sentence, clause or phrase of this resolution should be held to be invalid or
9 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality
10 shall not affect the validity or constitutionality of any other section, sentence, clause or
11 phrase of this resolution.
12

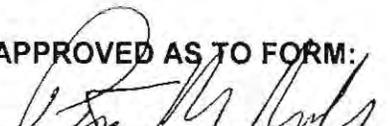
13 **PASSED** by the Council this 18th day of June, 2012.

14
15 
16 _____
17 Council President
18
19
20
21
22
23

24
25 **APPROVED** by me this 22nd day of June, 2012.

26
27 
28 _____
29 Mayor
30

31
32 **ATTEST:** 
33 _____
34 Finance Director
35

36
37 **APPROVED AS TO FORM:**
38 
39 _____
40 Office of the City Attorney
41

42
43 Published:
44
45 June 22, 2012
46

1
2
3

EXHIBIT 1
2013 HOUSING LEVY PROGRAMS

Program	Total Funding (7 Years)	Estimated Housing Produced/Households Assisted	Program Description/Affordability Levels
Production and Preservation of Homes	\$15,980,000	429 homes (serving 8,500 families over the useful life of these properties).	<ul style="list-style-type: none"> Homes for people working at minimum wage, veterans, seniors on fixed incomes, and people exiting homelessness (households at or below 30% of median income) Homes for local workers, working families up to 60% of median income Affordable and specialized homes for veterans, people with disabilities, and seniors. Rehabilitation and weatherization to increase affordability and preserve existing affordable homes
Rental Assistance and Support Services	\$1,880,000	800 homes	<ul style="list-style-type: none"> Supportive services matched to specialized homes for disabled veterans and chronically homeless individuals to help them retain their homes and reduce costly care in hospital emergency department and other inappropriate systems of care Temporary and long-term assistance to families and individuals to help preserve their housing, prevent eviction and homelessness (targeted households at or below 50% of median income)
Low-income homebuyer assistance	\$940,000	50 homes	<ul style="list-style-type: none"> Assistance to low-income homebuyers, including programs that promote long-term affordability of ownership housing (targeted to households at or below 80% of median income)
Acquisition and Opportunity Loans	\$940,000	50 homes	<ul style="list-style-type: none"> Short-term loans for strategic purchases of buildings or land for rental or homeownership housing development that will serve low-income households
Administration	\$1,260,000	n/a	

4

HOME FUND ORDINANCE

(9)

City of Bellingham
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210 Lottie Street
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ORDINANCE

19-19

ORDINANCE NO. 19- 19

AN ORDINANCE AMENDING HILLSBOROUGH COUNTY CODE OF LAWS AND ORDINANCES PART A, CHAPTER 40, CREATING A NEW ARTICLE IV TITLED THE HOPE AFFORDABLE HOUSING ACT; PROVIDING DEFINITIONS; ESTABLISHING THE HILLSBOROUGH COUNTY LOCAL AFFORDABLE HOUSING PROGRAM AND DESCRIBING THE PURPOSE THEREOF; ESTABLISHING THE HILLSBOROUGH COUNTY AFFORDABLE HOUSING TRUST FUND; PROVIDING FOR ALLOCATION OF FUNDS FOR THE PROGRAM; PROVIDING FOR ADOPTION OF A LOCAL AFFORDABLE HOUSING FUND BIENNIAL PLAN; PROVIDING FOR THE USE OF PROGRAM FUNDS; PROVIDING FOR ADMINISTRATION OF THE PROGRAM; PROVIDING FOR INCLUSION IN THE HILLSBOROUGH COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Hillsborough County recognizes that Hillsborough County has experienced rapid population growth over the past five years and that these growth trends are predicted to continue; and

WHEREAS, such growth places pressure on the housing market and causes an increase in rents and home prices; and

WHEREAS, approximately 40% of households in Hillsborough County are considered cost-burdened because they pay more than 30% of household income for rent or mortgage costs; and

WHEREAS, cost-burdened households have less income to spend on basic needs such as food, transportation, education and medical care; and

WHEREAS, an adequate supply of safe, decent and affordable housing at all income levels is critical to healthy families, helps create and maintain jobs, and impacts the quality of life and economic prosperity of the community; and

WHEREAS, the Board of County Commissioners of Hillsborough County finds that the Federal and State funds received by the County for preserving and producing affordable housing are insufficient to meet community needs; and

WHEREAS, the Board of County Commissioners desires to establish a local program for preserving and developing affordable housing that is sufficiently flexible to meet varied and evolving housing needs and priorities while providing housing that is safe, sound, and financially viable; and

WHEREAS, it is the intent of the Board of County Commissioners that revenue sources for this local affordable housing program be identified during the County's annual budgeting process; and

WHEREAS, on April 17, 2019, the Board of County Commissioners approved a motion directing the drafting of an ordinance establishing an affordable housing trust fund; and

WHEREAS, a duly noticed public hearing was held by the Board of County Commissioners of Hillsborough County, at which public hearing all interested persons were given an opportunity to be heard.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 5TH DAY OF SEPTEMBER, 2019, AS FOLLOWS:

SECTION 1. The recitations above are true and correct and are incorporated herein by reference.

SECTION 2. The Hillsborough County Code of Laws and Ordinances, Part A, Chapter 40, is hereby amended to create a new article to be numbered Article IV and entitled the “HOPE Affordable Housing Act”, which shall hereafter read as follows:

Article IV. HOPE AFFORDABLE HOUSING ACT

Sec. - 40-93. Definitions

For the purposes of this article, the following definitions apply:

Hillsborough County Affordable Housing Trust Fund or Fund means the fund established pursuant to this article.

Hillsborough County Local Affordable Housing Fund Program or Program means the program established pursuant to this article for the purpose of promoting the preservation and production of affordable housing for very low, low and moderate income households in Hillsborough County.

Low income household means one or more natural persons or a family that has a total annual gross household income that does not exceed 80 percent of the median annual income adjusted for family size for households in Hillsborough County within the Tampa-St. Petersburg-Clearwater metropolitan statistical area, as published by the U.S. Department of Housing and Urban Development.

Moderate income household means one or more natural persons or a family that has a total annual gross household income that does not exceed 100 percent of the median annual income adjusted for family size for households in Hillsborough County within the Tampa-St. Petersburg-Clearwater metropolitan statistical area, as published by the U.S. Department of Housing and Urban Development.

Very low income household means one or more natural persons or a family that has a total annual gross household income that does not exceed 50 percent of the median annual income adjusted for family size for households in Hillsborough County within the Tampa-St. Petersburg-Clearwater metropolitan statistical area, as published by the U.S. Department of Housing and Urban Development.

Sec. - 40-94. Establishment of Hillsborough County Local Affordable Housing Fund Program; Purpose

There is hereby established the Hillsborough County Local Affordable Housing Fund Program (the "Program"). The Program is established for the purpose of promoting the preservation and production of affordable housing for very low, low and moderate income households in Hillsborough County.

Sec. 40-95. – Establishment of Hillsborough County Affordable Housing Trust Fund

The Clerk, as accountant for the Board of County Commissioners, is hereby directed to establish and maintain a fund known as the Hillsborough County Affordable Housing Trust Fund within the accounts of the Board of County Commissioners.

Sec. 40-96. - Allocation and Use of Funds for Program; Annual Budget Preparation

(a) All monies allocated by the Board of County Commissioners for the Program shall be appropriated in the Fund. Monies deposited in the Fund, including any interest earnings on such monies and repayments of loans made from such monies, shall be used solely for the purposes of the Program as provided in this article, except that the Board of County Commissioners may determine in a public hearing, by majority vote plus one, that monies allocated to the Program but not committed or expended may be reallocated to meet another urgent community need.

(b) In preparing the proposed annual budget for each fiscal year for submission to the Board of County Commissioners, the County's Budget Officer shall insure that each such budget includes an allocation of at least \$10,000,000 in new Countywide General Fund monies for the Program and the inclusion in the Fund as an account balance of any monies previously allocated to the Program and interest earned on such monies which were not expended for the Program within the prior fiscal year.

Sec. 40-97. – Hillsborough County Local Affordable Housing Fund Biennial Plan

(a) Within three months of the adoption of this Ordinance and then biennially thereafter, the Affordable Housing Services Department shall submit a recommended Local Affordable Housing Fund Biennial Plan, which, for purposes of this article, shall be referred to as the "Plan", to the Board of County Commissioners for consideration. The recommended Plan shall be prepared by the Affordable Housing Services Department with the approval of the County's Affordable Housing Advisory Board.

(b) The Board of County Commissioners shall adopt a Local Affordable Housing Fund Biennial Plan following a public hearing. The first such Plan shall be adopted within six months of the adoption of this Ordinance, and a new Plan shall be adopted every two years thereafter

addressing the approved strategies for and uses of allocated funds. The Board of County Commissioners may consider more frequent updates to the Plan as necessary.

(c) The Plan shall include:

(1) The priorities for the expenditure of funds allocated to the Program.

(2) The strategies which will be eligible for assistance under the Program.

(3) A description of the affordability restrictions and requirements and loan and grant terms applicable for each adopted strategy.

(4) A description of how funds from the Program will be distributed among very low income, low income and moderate income households.

(6) A description of the procedure for selecting projects receiving funding under the Program.

(7) A summary of the use of the Program funds in the immediately preceding two-year period.

Sec. 40-98. - Use of Program Funds

(a) Funds allocated to the Program shall be used to provide loans and grants for projects to create and sustain affordable housing for very low, low or moderate income households in Hillsborough County.

(b) The Program shall include, without limitation, providing assistance through production, acquisition, rehabilitation and preservation of land and/or housing units for rental and homeownership activities. Program funds shall not be used for supportive housing services such as daycare or job training.

(c) Not more than 5 percent of the funds allocated to the Program may be used to cover administrative expenses.

(d) Not less than 30 percent of the funds allocated to the Program shall be spent on affordable housing for very low income households.

(e) Not less than 30 percent of the funds allocated to the Program shall be spent on affordable housing for low income households.

Sec. - 40-99. Program Administration

(a) The Program shall be administered by the Affordable Housing Services Department on behalf of the Board of County Commissioners and consistent with the adopted Plan. It shall be the responsibility of the Affordable Housing Services Department to develop and implement policies and procedures necessary for operation of the Program.

(b) The Affordable Housing Services Department shall disburse Program funds consistent with the Plan and its adopted policies and procedures, and shall monitor the use of Program funds for compliance with the purposes of the Program and the conditions pursuant to which the funds were granted or loaned. The Affordable Housing Services Department shall also maintain the financial and other records of the Program.

(c) All projects to be awarded Program funding shall be approved by the Board of County Commissioners.

SECTION 3. INCLUSION IN THE HILLSBOROUGH COUNTY CODE

The provisions of this Ordinance shall be included and incorporated in the Hillsborough County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Hillsborough County Code.

SECTION 4. SEVERABILITY

If any section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 5. FILING OF ORDINANCE AND EFFECTIVE DATE

This Ordinance shall be effective immediately upon receipt of acknowledgement that a copy of this Ordinance has been filed with the Secretary of State.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, PAT FRANK, Clerk of the Circuit Court and Ex-Officio of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners at its regular meeting of September 5, 2019, as the same appears of record in Minute Book 520 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 10th day of September, 2019.

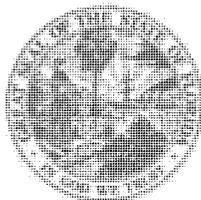
PAT FRANK, CLERK

By: *Michelle K. Ditt*
Deputy Clerk



APPROVED BY COUNTY ATTORNEY

By: *[Signature]*
Approved as to Form and Legal Sufficiency



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

September 10, 2019

Honorable Pat Frank
Clerk of the Circuit Court
Hillsborough County
419 Pierce Street, Room 140
Tampa, Florida 33601

Attention: Midge Dixon

Dear Mrs. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hillsborough County Ordinance No. 19-19, which was filed in this office on September 10, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ###-####**

ORDINANCE TO CREATE A HOUSING TRUST FUND FOR RICHLAND COUNTY

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES **CHAPTER 40, CREATING A NEW ARTICLE ## TITLED RICHLAND COUNTY AFFORDABLE HOUSING ACT;** PROVIDING DEFINITIONS; ESTABLISHING THE RICHLAND COUNTY LOCAL AFFORDABLE HOUSING PROGRAM AND DESCRIBING THE PURPOSE THEREOF; ESTABLISHING THE RICHLAND COUNTY AFFORDABLE HOUSING TRUST FUND; PROVIDING FOR ALLOCATION OF FUNDS FOR THE PROGRAM; PROVIDING FOR ADOPTION OF A LOCAL AFFORDABLE HOUSING FUND BIENNIAL PLAN; PROVIDING FOR THE USE OF PROGRAM FUNDS; PROVIDING FOR ADMINISTRATION OF THE PROGRAM; PROVIDING FOR INCLUSION IN THE RICHLAND COUNTY CODE; PROVIDING FOR SEVERABILITY;
PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Council of Richland County recognizes the lack of affordable housing is a major concern of its citizens; and

WHEREAS, the Council of Richland County recognizes that approximately 45% of households in Richland County are considered cost-burdened because they pay more than 30% of household income for rent or mortgage costs; and

WHEREAS, cost-burdened households have less income to spend on basic needs such as food, transportation, education, and medical care; and

WHEREAS, an adequate supply of safe, decent and affordable housing at all income levels is critical to healthy families, helps create and maintain jobs, and impacts the quality of life and economic prosperity of the community; and

WHEREAS, the Council of Richland County desires to establish a local program for preserving and developing affordable housing that is sufficiently flexible to meet varied and evolving housing needs and priorities while providing housing that is safe, sound, and financially viable; and

WHEREAS, it is the intent of the Council of Richland County that revenue sources for this local affordable housing program be identified during the County's annual budgeting process and through a county-wide public referendum; and

WHEREAS, on **(DATE)** the Council of Richland County approved a motion directing the drafting of an ordinance establishing an affordable housing trust fund; and

WHEREAS, a duly noticed public hearing was held by the Council of Richland County, at which public hearing all interested persons were given an opportunity to be heard.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF RICHLAND COUNTY OF RICHLAND COUNTY, SOUTH CAROLINA, THIS #TH DAY OF (MONTH), 2020, AS FOLLOWS:

The recitations above are true and correct and are incorporated herein by Reference #, is hereby amended to create a new article to be numbered Article # and entitled the "Richland County Affordable Housing Act", which shall hereafter read as follows:

Article #. RICHLAND COUNTY AFFORDABLE HOUSING TRUST FUND ACT

SECTION 1: Definitions

For the purposes of this article, the following definitions apply:

“Richland County Affordable Housing Trust Fund” or “Fund” means the fund established pursuant to this article.

“Richland County Affordable Housing Fund Program” or “Program” means the program established pursuant to this article for the purpose of promoting the preservation and production of affordable housing for very low and households in Richland County.

“Affordable Housing” means residential housing for rent or sale that is appropriately priced for rent or sale to a person or family whose income does not exceed 80% of the median income for the local area (AMI), with adjustments for household size, according to the latest figures available from the United States Department of Housing and Urban Development (HUD), so that no more than 30% of that person’s income is spent on rent/mortgage and utilities.

“Low-Income Household” means one or more natural persons or a family that has a total annual gross household income that does not exceed 80 percent of the median annual income adjusted for family size for households in Richland County within the Columbia, SC metropolitan statistical area, as published by the U.S. Department of Housing and Urban Development.

“Very Low Income Household” means one or more natural persons or a family that has a total annual gross household income that does not exceed 50 percent of the median annual income adjusted for family size for households in Richland County within the Columbia, SC metropolitan statistical area, as published by the U.S. Department of Housing and Urban Development.

SECTION 2: Establishment of Richland County Affordable Housing Fund Program and Purpose

There is hereby established the Richland County Affordable Housing Trust Fund Program (the "Program"). The Program is established for the purpose of promoting the production and preservation of affordable housing for very low- and low-income households in Richland County.

SECTION 3: Establishment of Richland County Affordable Housing Trust Fund

The Clerk, as accountant for the Board of County Commissioners, is hereby directed to establish and maintain a fund known as the Richland County Affordable Housing Trust Fund within the accounts of a nonprofit organization to be created and entitled the “Richland County Affordable Housing Trust Fund.”

SECTION 4: Funding

The Affordable Housing Trust Fund shall be funded by an annual budgeted allocation of funds from the County (specificity of source) and by millage amounts determined by public referenda. Other sources of funding may include, but are not limited to:

- A. Private cash donations from individuals and corporations designated for the Richland County Affordable Housing Trust Fund.
- B. Payments from developers in lieu of participation in current or future affordable housing programs.
- C. Matching funds from a federal or state affordable housing trust fund; or a state program designated to fund an affordable housing trust fund.
- D. Principal and interest from Affordable Housing Trust Fund loan repayments and all other income from Trust Fund activities.
- E. The sale of real and personal property.
- F. Local government appropriations, development fees, and other funds as designated from time to time by the county council.
- G. Tax Increment Finance (TIF) pooled funds.

SECTION 5: Allocation and Use of Funds for Program; Annual Budget Preparation

(a) All monies allocated by the Council of Richland County for the Program shall be appropriated in the Fund. Monies deposited in the Fund, including any interest earnings on such monies and repayments of loans made from such monies, shall be used solely for the purposes of the Program as provided in this article.

(b) In preparing the proposed annual budget for each fiscal year for submission to the Council of Richland County, the County's Budget Officer shall insure that each such budget includes an allocation of at least \$500,000 in new Countywide General Fund monies for the Program and the inclusion in the Fund as an account balance of any monies previously allocated to the Program and interest earned on such monies which were not expended for the Program within the prior fiscal year.

Section 5.1: Use of Program Funds

(a) Funds allocated to the Program shall be used to provide grants and low-interest, long term loans for projects to create, rehabilitate and sustain affordable housing for very low- or low-income households in Richland County.

(b) The Program shall include, without limitation, providing assistance through production, acquisition, rehabilitation and preservation of land and/or housing units for rental and homeownership activities. Program funds shall not be used for supportive housing services such as daycare or job training.

(c) Not more than **X** percent of the funds allocated to the Program may be used to cover administrative expenses.

(d) Not less than 50 percent of the funds allocated to the Program shall be spent on affordable housing for very low-income households.

(e) Not less than 30 percent of the funds allocated to the Program shall be spent on affordable housing for low income households.

SECTION 6: Program Administration

(a) The Program shall be administered by a publicly chartered nonprofit organization created on behalf of the Council of Richland County and consistent with the adopted Plan. It shall be the responsibility of the Board of the nonprofit organization to develop and implement policies and procedures necessary for operation of the Program.

(b) The Board of the Richland County Affordable Housing Trust Fund shall disburse Program funds consistent with the Plan and its adopted policies and procedures and shall monitor the use of Program funds for compliance with the purposes of the Program and the conditions pursuant to which the funds were granted or loaned. The Affordable Housing Services Department shall also maintain the financial and other records of the Program.

(c) All projects to be awarded Program funding shall be approved by the Board of the Richland County Affordable Housing Trust Fund.

SECTION 7: Governance

The Program shall be administered by an administrative board of 11 members representing the following fields and interests.

1. Development/Constructions or Real-Estate
2. Banking/Finance
3. Legal
4. Non-Profit Organization
5. For-Profit Organization
6. Low-Income Individual
7. Very Low-Income Individual
8. Education and/or Medical
9. Community Advocate
10. Columbia City Council
11. Richland County Council

Section 7.1: Powers and Duties of the Board

The Program Board may use its funds to assist proposed projects or programs to develop or preserve affordable housing for persons of very low- and low- income to include:

- A. Providing gap financing for affordable housing developments.

- B. Making loans at interest rates below or at market rates in order to strengthen the financial feasibility of proposed projects.
- C. Guaranteeing of low-interest, long term loans.
- D. Financing the acquisition, demolition, and disposition of property for affordable housing projects.
- E. Financing construction of public improvements and utilities to aid proposed affordable residential developments.
- F. Financing the rehabilitation, remodeling, or new construction of affordable housing.
- G. Tenant and project based rental assistance.
- H. Funding for acquisition and rehab in conjunction with related housing trust fund projects.
- I. Funding to facilitate affordable homeownership opportunities including down payment assistance, second mortgages, closing costs, etc.
- J. Administrative costs associated with affordable housing programs.
- K. Interim financing of public costs for affordable housing projects in anticipation of a permanent financing source (i.e. construction financing, bond sale, etc.)

Section 7.2: Director

There is hereby created the position of Richland County Affordable Housing Trust Fund (AHTF) Executive Director. The Executive Director shall be hired by and report to the county administrator. The Executive Director shall be a person with education, training, skills, and/or experiences that are satisfactory to the county administrator and a majority of the Program Board.

Section 7.3: Staff, Personnel, and Compensation

The Executive Director shall have staff and assistants as are necessary to the operation of the Fund and the performance of his/her duties. They shall be subject to the county personnel system and their compensation determined accordingly.

SECTION 8: Accountability and Reporting

The Program shall report annually, or as requested, to the Richland County Council on the use of the Affordable Housing Trust Fund account including, but not limited to:

- A. The number of grants and loans made,
- B. The number and types of residential units assisted through the account,
- C. The number of households for whom rental assistance payments were provided,
- D. Amount of funds leveraged,
- E. Amount of funds used

Richland County shall provide the full report to the public annually and post the report on its website.

SECTION 9: Inclusion in The Richland County Code

The provisions of this Ordinance shall be included and incorporated in the **Richland County Code**, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the **Richland County Code**.

SECTION 10: Severability

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 11: Filing of Ordinance and Effective Date

This Ordinance shall be effective immediately upon receipt of acknowledgement that a copy of this Ordinance has been filed with the Secretary of State.

HOUSING FACT SHEET

Prepared by the MORE Justice Housing Committee (April 2020)

THE “WORKING POOR” CAN’T FIND AFFORDABLE HOUSING

- More than 16,000 households in Columbia pay more than 30% of their income on rent and utilities. (Columbia City Consolidated Plan)
- In Richland County, nearly half of renters (44.8%) pay more than a third of their income on rent and utilities. (Richland County Consolidated Plan)
- A person earning minimum wage in Lexington or Richland County would have to work 89 hours a week in order to afford an average one-bedroom apartment at the average price. (NLIHC)
- Often, it is simply a one-time emergency that causes a family to not be able to pay their rent for the month, which can lead to eviction.

THERE IS NOT ENOUGH AFFORDABLE HOUSING TO MEET THE NEED

- There is a significant gap in availability of affordable rental properties for very-low income residents.
 - Rental market gaps are the difference between the number of rental units available in a given price range compared to the number of renters for whom the given price range is the maximum that can be considered affordable.
- In Richland County, less than 4,000 units are available at \$370 per month, even though this is the maximum affordable rent for 13,500 families. That means, there is only one affordable unit per every three families that desperately need it. (Richland County Consolidated Plan)
- There are more than 23,000 families currently on the waiting list for public housing through the Columbia Housing Authority. Additionally, registration for public housing programs has been closed for more than two years. (Columbia City Officials)
- Richland Two School Officials estimate that half of their 28,000 students are “housing insecure.” (Richland 2 McKinney Vento Representative)

PEOPLE ARE GETTING EVICTED AT HIGH RATES

- Columbia, SC has the 8th highest eviction rate of any city in the nation. (Eviction Lab)
- An average of 19 households are evicted every day in Richland County. In Lexington County, it is seven households. (Eviction Lab)
- The main reason that these families are getting evicted at these high rates is because rent prices are too high.
- Racial disparities in access to affordable, quality housing are commonplace – for example, while only about 25% of the local population is made up of black women, black women make up more than 90% of all those evicted in Richland County. (Newberry College Professor)

THERE ARE HIGH SOCIAL COSTS TO UNSTABLE HOUSING

- Not having access to stable housing can lead to different health and social problems.
- In Richland One and Richland Two alone, there are more than 1,500 students registered as “homeless” under the McKinney Vento Act. Homelessness or unstable/unsafe housing leads to poorer academic achievement and health outcomes. (Richland 2 McKinney Vento Rep; Newberry College Professor)
- When students move schools (for example, due to unstable housing) it takes six months to catch up. (Richland 2 McKinney Vento Representative)
- Over a six-year period in the Midlands, less than 500 chronically homeless people accumulated more than \$245 million dollars in Medicaid costs. That is nearly \$600,000 per person. Communities are finding that one way to drive down these medical costs is through the creation of safe, stable housing. (United Way of the Midlands Study)

SOURCES CITED:

- **Richland County Consolidated Plan:**
<http://www.richlandcountysc.gov/Portals/0/Departments/CommunityDevelopment/20170823RCConsolidated.PDF>
- **City of Columbia Consolidated Plan:**
<https://www.columbiasc.net/depts/communitydevelopment/Columbia%20ConPlan%2005-14-2018.pdf>
- **Eviction Lab:** evictionlab.org
- **United Way of the Midlands Healthcare and Homelessness Data Linkage Study:**
<https://www.uway.org/sites/default/files/files/Health%20Care%20and%20Homelessness.pdf>
- **National Low Income Housing Coalition (NLIHC):** <https://nlihc.org/oor/south-carolina>

What is an Affordable Housing Trust Fund (HTF)?

What is a Housing Trust Fund (HTF)?

- HTF's are established by elected governmental bodies (at the city, county, or state level). A source or sources of public revenue are dedicated, by ordinance or law, to a distinct fund with the express purpose of providing affordable housing.
- HTF's have been enacted by hundreds of governments across the United States.
- There are more than 780 housing trust funds in existence in the US that generate more than \$1.5 billion a year for affordable housing.

How is the HTF funded?

- HTF's are funded by various public revenue sources. Housing Trust Funds are flexible in that they can be funded from multiple public revenue sources. Some examples are:
 - General fund
 - Bond proceeds
 - Grants
 - Loans from the state and federal government
 - State capital budget
 - Residential impact fees
 - Developer impact fees
 - Document recording fee
 - Tax foreclosure sale
 - Hotel/Motel tax
 - Accomodation tax
 - Inclusionary in-lieu of fees
 - Parking fees

Why are housing trust funds successful?

- HTF's are successful because of their flexibility. The public money allocated to the HTF is a down payment that is backed by sources of other public and private funds. This is called leveraging, because the money in the HTF attracts public and private funds from a variety of sources that would not be available without the trust fund.
 - Sources Leveraged by the Housing Trust Fund
 - Governmental bonds
 - Grants
 - State Funding
 - Federal Funding
 - Low Income Tax Credits
 - Philanthropic Donations
 - Bank Loans

- According to the Center for Community Change, the average amount of public and private funds leveraged for every \$1 in the HTF is \$8.50. The HTF offers a huge return on investment.
 - Examples from across the country
 - In 2004, the Milwaukee Housing Trust Fund used a \$5 million allocation and leveraged \$25 million in other funding to create 200 units of housing. The construction of these new homes resulted in: 200 jobs created during construction, \$1.2 million in new fee and tax revenue, and \$10 million into the local economy. After construction: 94 jobs remained, \$760,000 in new fee and tax revenue, and \$4.4 million in the local economy.
 - In five years, the Connecticut Housing Trust fund used \$57 million in allocations and leveraged \$519 million in other federal, state, local, and private funding to create 2,200 units. This led to over 4,000 jobs created, \$14 million in recurring state and local revenue, and hundreds of millions in economic activity.

How is the housing trust fund administered?

- **Non-Governmental Agency Model:** Typically established by governmental action and then administered by a separate nonprofit or community foundation. Under this model, a board oversees and hires the staff for the nonprofit.

How are the funds distributed?

- There are a variety of ways that funds can be distributed, but the most common are in the form of: grants, loans, forgivable or deferred loans, lines of credit, or rental assistance.
- Requests for proposals (RFP) or notices of funding availability (NOFA) are issued periodically for prospective applicants.

Who can apply for housing trust fund dollars?

- HTF's attract a diverse group of applicants: non-profit developers, for-profit developers, housing authorities, governmental agencies, and regional organizations.

What is the target income?

- Because HTF's utilize public funds, it should meet the public need.
- Most HTF's target a specific income area - generally households at 50% and below of the area median income (AMI), as defined by the U.S. Department of Housing and Urban Development (HUD).

MORE Justice Housing Committee
Affordable Housing Trust Fund Priorities

Qualities we would like to see in the Trust Fund:

- Have a significant portion of funds (around 70-75%) reserved for serving those at or below 50% AMI. (\$34,450/annually for family of four)
- Oversight Board with participation from the Richland County Council, City of Columbia Council, MORE Justice, and other nonprofit stakeholders (ex: Habitat for Humanity, Homeless No More, SC Uplift, etc.)
- Funding to be designated to housing in local municipalities (City of Columbia/Richland County).
- Funds can be used for multiple purposes, including the creation and rehabilitation of affordable housing.
- Funds will be dispersed as grants or low-interest, long and short-term loans (at or below market rate).
- Projects retain an affordability period of at least 30 years.
- Trust Fund will report annually on its activity to the oversight board, the city, and the county.
- Publicly-chartered 501c3.
- Board will be governed by SC Conflict of Interest Laws (https://www.lawserver.com/law/state/south-carolina/sc-code/south_carolina_code_34-28-440)
- All meetings of the board will be open to the public.

Affordable Housing Task Force Report

City of Columbia, South Carolina

Affordable housing is a continuum of equitable, inclusive, and quality rental and homeownership opportunities for people at every income level, which is critical to creating safe, complete, and thriving communities.

Councilwoman Tameika Isaac Devine, Chair
John Andoh, The Comet
Jeff Armstrong, Family Promise
Julie Ann Avin, MIRCI
Reggie Barner, The Barner Group
Sue Berkowitz, SC Appleseed Legal Justice Center
Brenna Bernardin, Fast Forward
Dr. Bryan P. Grady, SC State Housing
Dylan Gunnels
Tonya Isaac, North Columbia Resident
Ivory Matthews, Columbia Housing Authority

Mary Louise Resch, Habitat for Humanity
Jeff Larimore, Midlands Housing Trust Fund
Jennifer Moore, United Way
Shayla Riley, Coldwell Banker
Lila Anna Sauls, Homeless No More
Gregory Sprouse, Central Midlands COG
Councilwoman Allison Terracio, Richland County
Regina Williams, Booker Washington Heights
Lester Young, Just Leadership
Jim Zieche, More Justice
Chris Zimmer, Truist Bank

Facts:

- There is a statewide shortage of over 87,000 homes affordable and available to extremely low-income (ELI) households, those earning no more than 30 percent of area median income, according to the National Low Income Housing Coalition, making this group uniquely unlikely to have access to safe, decent, and affordable housing.
- Nearly 7,500 low-income renter households in Columbia are experiencing particularly unaffordable or substandard housing conditions, representing 30 percent of all renters citywide. This includes all cost burdened ELI renters, as well as severely cost burdened very low-income renters and all low-income renters living in homes that are overcrowded or lacking the most basic amenities.

Affordable Housing Unit Goal:

To adequately address the needs of affordable housing in our community, it is imperative that we set aggressive but realistic goals to help add or preserve affordable housing units giving special attention to low income and extremely low income resident needs. The AHTF will monitor 2021 building permits and certificates of occupancy to establish unit goals for 2022, 2023, and 2024.

Committee Priorities:

Accessibility - Julie Ann Avin, Chair

The accessibility committee will delve into solutions for making access to quality affordable housing a reality for people within special populations i.e., people with mental illness, formerly incarcerated persons, people with disabilities, seniors and other populations.

Financing - Mr. Reggie Barner, Chair

The financing committee will identify effective affordable housing financing tools that can be utilized. Current tools under consideration include, but are not limited to the City of Columbia local affordable housing tax abatement program, social impact fund for private investors, an affordable housing bond, one cent sales tax program, tax increment financing, multi-county industrial park legislation, unclaimed state funds, land banks, an affordable housing impact fee, and a county-wide trust fund.

Legal & Zoning - Sue Berkowitz and Ms. Lila Anna Sauls, Co-Chairs

The legal & zoning committee will review laws needed to advance affordable housing opportunities, laws that are an impediment to affordable housing, and zoning changes necessary to support the development of more affordable housing. Other areas of focus include mechanisms to address the issue of providing assistance and funding for persons facing eviction and innovative ideas for the reuse of abandoned properties like hotels and motels.

Partnerships - Jennifer Moore, Chair

The partnerships committee will bring together partners, such as other nonprofits and community based organizations that can help support the mission of the Affordable Housing Task Force.

Public Education & Awareness Committee - Brenna Bernadin, Chair

In collaboration with the partnerships committee, the public education & awareness committee will develop a strategy to help communicate the message of what affordable housing is and why it is needed, while working to dispel negative stereotypes about affordable housing and who we serve. We want to start a success story model. The goal is to demonstrate the worth and positive side of affordable housing, to debunk the myths, and work with opposition.

OUTREACH CATEGORIES



SOUTH CAROLINA

)

)

RICHLAND COUNTY

)

A RESOLUTION

COMMITTING TO NEGOTIATE A FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENT BETWEEN RICHLAND COUNTY AND PROJECT MO; IDENTIFYING THE PROJECT; AND OTHER MATTERS RELATED THERETO

WHEREAS, Richland County, South Carolina (“County”), acting by and through its County Council (“County Council”) is authorized pursuant to the provisions of Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended (“Act”) to encourage manufacturing and commercial enterprises to locate in the State of South Carolina (“South Carolina” or “State”) or to encourage manufacturing and commercial enterprises now located in the State to expand their investments and thus make use of and employ the manpower, products, and other resources of the State by entering into an agreement with a sponsor, as defined in the Act, that provides for the payment of a fee-in-lieu of *ad valorem* tax (“FILOT Payments”) with respect to economic development property, as defined in the Act;

WHEREAS, Project Mo, an entity whose name cannot be publicly disclosed at this time (“Sponsor”), desires to invest capital in the County in order to relocate its manufacturing facility in the County (“Project”);

WHEREAS, the Project is anticipated to result in an investment of approximately \$3,030,000.00 in taxable real and personal property and the creation of approximately thirteen (13) full-time equivalent jobs; and

WHEREAS, as an inducement to the Sponsor to locate the Project in the County, the Sponsor has requested that the County negotiate an agreement (“Agreement”), which provides for FILOT Payments with respect to the portion of the Project which constitutes economic development property, as defined in the Act.

NOW, THEREFORE, BE IT RESOLVED by the County Council as follows:

Section 1. This Resolution is an inducement resolution for this Project for purposes of the Act.

Section 2. County Council commits to negotiate the Agreement, which provides for FILOT Payments with respect to the portion of the Project which constitutes economic development property. The further details of the FILOT Payments and the agreement will be prescribed by subsequent ordinance of the County to be adopted in accordance with South Carolina law and the rules and procedures of the County.

Section 3. County Council identifies and reflects the Project by this Resolution, therefore permitting expenditures made in connection with the Project before the date of this Resolution to qualify as economic development property, subject to the terms and conditions of the Agreement and the Act.

Section 4. This Resolution is effective after its approval by the County Council.

RESOLVED: June 15, 2021

RICHLAND COUNTY, SOUTH CAROLINA

Chair, Richland County Council

(SEAL)
ATTEST:

Clerk to County Council

Richland County Council Request for Action

Subject:

Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and [Project Mo] to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters

Notes:

First Reading:
Second Reading:
Third Reading:
Public Hearing:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____

**AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU
OF *AD VALOREM* TAXES AND INCENTIVE AGREEMENT BY AND
BETWEEN RICHLAND COUNTY, SOUTH CAROLINA AND PROJECT
MO TO PROVIDE FOR PAYMENT OF A FEE-IN-LIEU OF TAXES;
AUTHORIZING CERTAIN INFRASTRUCTURE CREDITS; AND
OTHER RELATED MATTERS.**

WHEREAS, Richland County, South Carolina (“County”), acting by and through its County Council (“County Council”) is authorized pursuant to the provisions of Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended (“FILOT Act”), to encourage manufacturing and commercial enterprises to locate in the State of South Carolina (“South Carolina” or “State”) or to encourage manufacturing and commercial enterprises now located in the State to expand their investments and thus make use of and employ the manpower, products, and other resources of the State by entering into an agreement with a sponsor, as defined in the FILOT Act, that provides for the payment of a fee-in-lieu of *ad valorem* tax (“FILOT Payments”), with respect to economic development property, as defined in the FILOT Act;

WHEREAS, pursuant to Article VIII, Section 13 of the South Carolina Constitution and Title 4, Section 1, Code of Laws of South Carolina, 1976, as amended (collectively, “MCIP Act”), the County is authorized to jointly develop multicounty parks with counties having contiguous borders with the County and, in the County’s discretion, include property within the boundaries of such multicounty parks. Under the authority provided in the MCIP Act, the County has created a multicounty park with Fairfield County, South Carolina more particularly known as the I-77 Corridor Regional Industrial Park (“Park”);

WHEREAS, pursuant to the FILOT and MCIP Acts, the County is authorized to provide credits (“Infrastructure Credits”) against FILOT Payments derived from economic development property to pay costs of designing, acquiring, constructing, improving or expanding (i) infrastructure serving a project or the County and (ii) improved and unimproved real estate and personal property used in the operation of a commercial enterprise or manufacturing facility (“Infrastructure”);

WHEREAS, Project Mo, (“Sponsor”), desires to relocate its manufacturing facility in the County (“Project”) consisting of taxable investment in real and personal property of not less than \$3,030,000.00 and the creation of thirteen (13) full-time jobs; and

WHEREAS, at the request of the Sponsor and as an inducement to locate the Project in the County, the County desires to enter into a Fee-in-Lieu of *Ad Valorem* Taxes and Incentive Agreement with the Sponsor, as sponsor, the final form of which is attached as Exhibit A (“Fee Agreement”), pursuant to which the County will provide certain incentives to the Sponsor with respect to the Project, including (1) providing for FILOT Payments, to be calculated as set forth in the Fee Agreement, with respect to the portion of the Project which constitutes economic development property; (2) located the Project in the Park to the extent not already included therein; and (3) providing Infrastructure Credits and other incentives, as described in the Fee Agreement, to assist in paying the costs of certain Infrastructure.

NOW THEREFORE, BE IT ORDAINED, by the County Council as follows:

Section 1. Statutory Findings. Based on information supplied to the County by the Sponsor, County Council evaluated the Project based on relevant criteria including, the purposes the Project is to accomplish, the anticipated dollar amount and nature of the investment, employment to be created, and the anticipated costs and benefits to the County, and hereby finds:

(a) The Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally;

(b) The Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against its general credit or taxing power;

(c) The purposes to be accomplished by the Project are proper governmental and public purposes and the benefits of the Project are greater than the costs.

Section 2. *Approval of Incentives; Authorization to Execute and Deliver Fee Agreement.* The incentives as described in this Ordinance (“Ordinance”), and as more particularly set forth in the Fee Agreement, with respect to the Project are hereby approved. The form, terms and provisions of the Fee Agreement that is before this meeting are approved and all of the Fee Agreement’s terms and conditions are incorporated in this Ordinance by reference. The Chair of County Council (“Chair”) is authorized and directed to execute the Fee Agreement in the name of and on behalf of the County, subject to the approval of any revisions or changes as are not materially adverse to the County by the County Administrator and counsel to the County, and the Clerk to County Council is hereby authorized and directed to attest the Fee Agreement and to deliver the Fee Agreement to the Sponsor.

Section 3. *Inclusion within the Park.* The expansion of the Park boundaries to include the Project is authorized and approved. The Chair, the County Administrator and the Clerk to County Council are each authorized to execute such documents and take such further actions as may be necessary to complete the expansion of the Park boundaries. Pursuant to the terms of the agreement governing the Park (“Park Agreement”), the expansion of the Park’s boundaries and the amendment to the Park Agreement is complete on adoption of this Ordinance by County Council and delivery of written notice to Fairfield County of the inclusion of the Project in the Park.

Section 4. *Further Assurances.* The County Council confirms the authority of the Chair, the County Administrator, the Director of Economic Development, the Clerk to County Council, and various other County officials and staff, acting at the direction of the Chair, the County Administrator, the Director of Economic Development or Clerk to County Council, as appropriate, to take whatever further action and to negotiate, execute and deliver whatever further documents as may be appropriate to effect the intent of this Ordinance and the incentives offered to the Sponsor under this Ordinance and the Fee Agreement.

Section 5. *Savings Clause.* The provisions of this Ordinance are separable. If any part of this Ordinance is, for any reason, unenforceable then the validity of the remainder of this Ordinance is unaffected.

Section 6. *General Repealer.* Any prior ordinance, resolution, or order, the terms of which are in conflict with this Ordinance, is, only to the extent of that conflict, repealed.

Section 7. *Effectiveness.* This Ordinance is effective after its third reading and public hearing.

RICHLAND COUNTY, SOUTH CAROLINA

Chair, Richland County Council

(SEAL)
ATTEST:

Clerk of Council, Richland County Council

First Reading: June 15, 2021
Second Reading:
Public Hearing:
Third Reading:

EXHIBIT A
FORM OF FEE AGREEMENT

FEE-IN-LIEU OF *AD VALOREM* TAXES AND INCENTIVE AGREEMENT

BETWEEN

PROJECT MO

AND

RICHLAND COUNTY, SOUTH CAROLINA

EFFECTIVE AS OF []

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**SUMMARY OF CONTENTS OF
FEE AGREEMENT**

The parties have agreed to waive the requirement to recapitulate the contents of this Fee Agreement pursuant to Section 12-44-55 of the Code (as defined herein). However, the parties have agreed to include a summary of the key provisions of this Fee Agreement for the convenience of the parties. This summary is included for convenience only and is not to be construed as a part of the terms and conditions of this Fee Agreement.

PROVISION	BRIEF DESCRIPTION	SECTION REFERENCE
Sponsor Name	Project Mo	"Sponsor"
Project Location		Exhibit A
Tax Map No.		Exhibit A
FILOT		
• Phase Exemption Period	30 Years	Section 1.1
• Contract Minimum Investment Requirement	\$3,030,000.00	Section 1.1
• Contract Minimum Jobs Requirement	13	Section 1.1
• Investment Period	5 Years	Section 1.1
• Assessment Ratio	6%	Section 4.1
• Millage Rate	550.2	Section 4.1
• Fixed or Five-Year Adjustable Millage	Fixed	Section 4.1
Multicounty Park	I-77 Corridor Regional Industrial Park	Section 1.1.
Infrastructure Credit		
• Brief Description	40%	Section 5.1
• Credit Term	10 Years	Section 5.1
• Claw Back	Pro Rata	Exhibit E
Other Information		

FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENT

THIS FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENT (“*Fee Agreement*”) is entered into, effective, as of [DATE], between Richland County, South Carolina (“*County*”), a body politic and corporate and a political subdivision of the State of South Carolina (“*State*”), acting through the Richland County Council (“*County Council*”) as the governing body of the County, and Project Mo, a corporation organized and existing under the laws of the State of Delaware (“*Sponsor*”).

WITNESSETH:

(a) Title 12, Chapter 44, (“*Act*”) of the Code of Laws of South Carolina, 1976, as amended (“*Code*”), authorizes the County to induce manufacturing and commercial enterprises to locate in the State or to encourage manufacturing and commercial enterprises currently located in the State to expand their investments and thus make use of and employ the manpower, products, and other resources of the State by entering into an agreement with a sponsor, as defined in the Act, that provides for the payment of a fee-in-lieu of *ad valorem* tax (“*FILOT*”) with respect to Economic Development Property, as defined below;

(b) Sections 4-1-175 and 12-44-70 of the Code authorize the County to provide credits (“*Infrastructure Credit*”) against payments in lieu of taxes for the purpose of defraying of the cost of designing, acquiring, constructing, improving, or expanding (i) the infrastructure serving the County or a project and (ii) for improved and unimproved real estate, and personal property, including machinery and equipment, used in the operation of a manufacturing facility or commercial enterprise (collectively, “*Infrastructure*”);

(c) The Sponsor has committed to relocate a manufacturing facility (“*Facility*”) in the County, consisting of taxable investment in real and personal property of not less than Three Million Thirty Thousand Dollars (\$3,030,000.00) and the creation of thirteen (13) full-time jobs;

(d) By an ordinance enacted on [DATE], County Council authorized the County to enter into this Fee Agreement with the Sponsor to provide for a FILOT and the other incentives as more particularly described in this Fee Agreement to induce the Sponsor to relocate its Facility in the County.

NOW, THEREFORE, AND IN CONSIDERATION of the respective representations and agreements hereinafter contained, the parties agree as follows:

ARTICLE I DEFINITIONS

Section 1.1. Terms. The defined terms used in this Fee Agreement have the meaning given below, unless the context clearly requires otherwise.

“*Act*” means Title 12, Chapter 44 of the Code, and all future acts successor or supplemental thereto or amendatory of this Fee Agreement.

“*Act Minimum Investment Requirement*” means an investment of at least \$2,500,000 in the Project within five years of the Commencement Date.

“*Administration Expenses*” means the reasonable expenses incurred by the County in the negotiation, approval and implementation of the terms and provisions of this Fee Agreement, including reasonable attorney’s and consultant’s fees. Administration Expenses does not include any costs, expenses, including attorney’s fees, incurred by the County (i) in defending challenges to the FILOT Payments, Infrastructure Credits or other incentives provided by this Fee Agreement brought by third parties or the Sponsor or its affiliates and related entities, or (ii) in connection with matters arising at the request of the

Sponsor outside of the immediate scope of this Fee Agreement, including amendments to the terms of this Fee Agreement.

“**Code**” means the Code of Laws of South Carolina, 1976, as amended.

“**Commencement Date**” means the last day of the property tax year during which Economic Development Property is placed in service. The Commencement Date shall not be later than the last day of the property tax year which is three years from the year in which the County and the Sponsor enter into this Fee Agreement. For purposes of this Fee Agreement, the Commencement Date is expected to be December 31, 2021.

“**Contract Minimum Investment Requirement**” means a taxable investment in real and personal property at the Project of not less than \$3,030,000.00

“**Contract Minimum Jobs Requirement**” means not less than thirteen (13) full-time, jobs created by the Sponsor in the County in connection with the Project.

“**County**” means Richland County, South Carolina, a body politic and corporate and a political subdivision of the State, its successors and assigns, acting by and through the County Council as the governing body of the County.

“**County Council**” means the Richland County Council, the governing body of the County.

“**Credit Term**” means the years during the Fee Term in which the Infrastructure Credit is applicable, as described in Exhibit C.

“**Department**” means the South Carolina Department of Revenue.

“**Diminution in Value**” means a reduction in the fair market value of Economic Development Property, as determined in Section 4.1(a)(i) of this Fee Agreement, which may be caused by (i) the removal or disposal of components of the Project pursuant to Section 4.3 of this Fee Agreement; (ii) a casualty as described in Section 4.4 of this Fee Agreement; or (iii) a condemnation as described in Section 4.5 of this Fee Agreement.

“**Economic Development Property**” means those items of real and tangible personal property of the Project placed in service not later than the end of the Investment Period that (i) satisfy the conditions of classification as economic development property under the Act, and (ii) are identified by the Sponsor in its annual filing of a PT-300S or comparable form with the Department (as such filing may be amended from time to time).

“**Equipment**” means all of the machinery, equipment, furniture, office equipment, and fixtures, together with any and all additions, accessions, replacements, and substitutions.

“**Event of Default**” means any event of default specified in Section 7.1 of this Fee Agreement.

“**Fee Agreement**” means this Fee-In-Lieu Of *Ad Valorem* Taxes and Incentive Agreement.

“**Fee Term**” means the period from the effective date of this Fee Agreement until the Final Termination Date.

“**FILOT Payments**” means the amount paid or to be paid in lieu of *ad valorem* property taxes as provided in Section 4.1.

“Final Phase” means the Economic Development Property placed in service during the last year of the Investment Period.

“Final Termination Date” means the date on which the last FILOT Payment with respect to the Final Phase is made, or such earlier date as the Fee Agreement is terminated in accordance with the terms of this Fee Agreement. Assuming the Phase Termination Date for the Final Phase is December 31, 2055, the Final Termination Date is expected to be January 15, 2027, which is the due date of the last FILOT Payment with respect to the Final Phase.

“Improvements” means all improvements to the Real Property, including buildings, building additions, roads, sewer lines, and infrastructure, together with all additions, fixtures, accessions, replacements, and substitutions.

“Infrastructure” means (i) the infrastructure serving the County or the Project, (ii) improved and unimproved real estate, and personal property, including machinery and equipment, used in the operation of a manufacturing or commercial enterprise, or (iii) such other items as may be described in or permitted under Section 4-29-68 of the Code.

“Infrastructure Credit” means the credit provided to the Sponsor pursuant to Section 12-44-70 of the Act or Section 4-1-175 of the MCIP Act and Section 5.1 of this Fee Agreement, with respect to the Infrastructure. Infrastructure Credits are to be used for the payment of Infrastructure constituting real property, improvements and infrastructure before any use for the payment of Infrastructure constituting personal property, notwithstanding any presumptions to the contrary in the MCIP Act or otherwise.

“Investment Period” means the period beginning with the first day of any purchase or acquisition of Economic Development Property and ending five years after the Commencement Date, as may be extended pursuant to Section 12-44-30(13) of the Act. For purposes of this Fee Agreement, the Investment Period, unless so extended, is expected to end on December 31, 2026.

“MCIP Act” means Article VIII, Section 13(D) of the Constitution of the State of South Carolina, and Sections 4-1-170, 4-1-172, 4-1-175, and 4-29-68 of the Code.

“Multicounty Park” means the multicounty industrial or business park governed by the Amended and Restated Master Agreement Governing the I-77 Corridor Regional Industrial Park, dated as of September 1, 2018, between the County and Fairfield County, South Carolina, as may be amended.

“Net FILOT Payment” means the FILOT Payment net of the Infrastructure Credit.

“Phase” means the Economic Development Property placed in service during a particular year of the Investment Period.

“Phase Exemption Period” means, with respect to each Phase, the period beginning with the property tax year the Phase is placed in service during the Investment Period and ending on the Phase Termination Date.

“Phase Termination Date” means, with respect to each Phase, the last day of the property tax year which is the twenty-ninth (29th) year following the first property tax year in which the Phase is placed in service.

“Project” means all the Equipment, Improvements, and Real Property in the County that the Sponsor determines to be necessary, suitable, or useful by the Sponsor in connection with its investment in the County.

“**Real Property**” means real property that the Sponsor uses or will use in the County for the purposes that Section 2.2(b) describes, and initially consists of the land identified on Exhibit A of this Fee Agreement.

“**Removed Components**” means Economic Development Property which the Sponsor, in its sole discretion, (a) determines to be inadequate, obsolete, worn-out, uneconomic, damaged, unsuitable, undesirable, or unnecessary pursuant to Section 4.3 of this Fee Agreement or otherwise; or (b) elects to be treated as removed pursuant to Section 4.4(c) or Section 4.5(b)(iii) of this Fee Agreement.

“**Replacement Property**” means any property which is placed in service as a replacement for any Removed Component regardless of whether the Replacement Property serves the same functions as the Removed Component it is replacing and regardless of whether more than one piece of Replacement Property replaces a single Removed Component.

“**Sponsor**” means Project Mo and any surviving, resulting, or transferee entity in any merger, consolidation, or transfer of assets; or any other person or entity which may succeed to the rights and duties of the Sponsor under this Fee Agreement.

“**Sponsor Affiliate**” means an entity that participates in the investment or job creation at the Project and, following receipt of the County’s approval pursuant to Section 9.1 of this Fee Agreement, joins this Fee Agreement by delivering a Joinder Agreement, the form of which is attached as Exhibit B to this Fee Agreement.

“**State**” means the State of South Carolina.

Any reference to any agreement or document in this Article I or otherwise in this Fee Agreement shall include any and all amendments, supplements, addenda, and modifications to such agreement or document.

The term “investment” or “invest” as used in this Fee Agreement includes not only investments made by the Sponsor, but also to the fullest extent permitted by law, those investments made by or for the benefit of the Sponsor in connection with the Project through federal, state, or local grants, to the extent such investments are or, but for the terms of this Fee Agreement, would be subject to *ad valorem* taxes to be paid by the Sponsor.

ARTICLE II REPRESENTATIONS AND WARRANTIES

Section 2.1. Representations and Warranties of the County. The County represents and warrants as follows:

(a) The County is a body politic and corporate and a political subdivision of the State and acts through the County Council as its governing body. The Act authorizes and empowers the County to enter into the transactions that this Fee Agreement contemplates and to carry out its obligations under this Fee Agreement. The County has duly authorized the execution and delivery of this Fee Agreement and all other documents, certificates or other agreements contemplated in this Fee Agreement and has obtained all consents from third parties and taken all actions necessary or that the law requires to fulfill its obligations under this Fee Agreement.

(b) Based on representations by the Sponsor, County Council evaluated the Project based on all relevant criteria including the purposes the Project is to accomplish, the anticipated dollar amount and nature of the investment resulting from the Project, and the anticipated costs and benefits to the County and

following the evaluation, the County determined that (i) the Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally; (ii) the Project gives rise to no pecuniary liability of the County or any incorporated municipality and to no charge against the County's general credit or taxing power; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; and (iv) the benefits of the Project are greater than the costs.

(c) The County identified the Project, as a "project" on [June 15, 2021] by adopting an Inducement Resolution, as defined in the Act.

(d) The County is not in default of any of its obligations (contractual or otherwise) as a result of entering into and performing its obligations under this Fee Agreement.

(e) The County has located or will take all reasonable action to locate the Project in the Multicounty Park.

Section 2.2. Representations and Warranties of the Sponsor. The Sponsor represents and warrants as follows:

(a) The Sponsor is in good standing under the laws of the state of its organization, is duly authorized to transact business in the State (or will obtain such authority prior to commencing business in the State), has power to enter into this Fee Agreement, and has duly authorized the execution and delivery of this Fee Agreement.

(b) The Sponsor intends to operate the Project as a manufacturing facility and for such other purposes that the Act permits as the Sponsor may deem appropriate.

(c) The Sponsor's execution and delivery of this Fee Agreement and its compliance with the provisions of this Fee Agreement do not result in a default under any agreement or instrument to which the Sponsor is now a party or by which it is bound.

(d) The Sponsor will use commercially reasonable efforts to achieve the Contract Minimum Investment Requirement and the Contract Minimum Jobs Requirement.

(e) The execution and delivery of this Fee Agreement by the County and the availability of the FILOT and other incentives provided by this Fee Agreement has been instrumental in inducing the Sponsor to locate the Project in the County.

(f) The Sponsor has retained legal counsel to confirm, or has had a reasonable opportunity to consult legal counsel to confirm, its eligibility for the FILOT and other incentives granted by this Fee Agreement and has not relied on the County, its officials, employees or legal representatives with respect to any question of eligibility or applicability of the FILOT and other incentives granted by this Fee Agreement.

ARTICLE III THE PROJECT

Section 3.1. The Project. The Sponsor intends and expects to (i) construct or acquire the Project and (ii) meet the Contract Minimum Investment Requirement and the Contract Minimum Jobs Requirement within the Investment Period. The Sponsor anticipates that the first Phase of the Project will be placed in service during the calendar year ending December 31, 2021. Notwithstanding anything contained in this Fee Agreement to the contrary, the Sponsor is not obligated to complete the acquisition of the Project. However, if the Contract Minimum Investment Requirement is not met, the benefits provided to the

Sponsor, or Sponsor Affiliate, if any, pursuant to this Fee Agreement may be reduced, modified or terminated as provided in this Fee Agreement.

Section 3.2 *Leased Property.* To the extent that State law allows or is revised or construed to permit leased assets including a building, or personal property to be installed in a building, to constitute Economic Development Property, then any property leased by the Sponsor is, at the election of the Sponsor, deemed to be Economic Development Property for purposes of this Fee Agreement, subject, at all times, to the requirements of State law and this Fee Agreement with respect to property comprising Economic Development Property.

Section 3.3. *Filings and Reports.*

(a) On or before January 31 of each year during the term of this Fee Agreement, commencing in January 31, 2022, the Sponsor shall deliver to the Economic Development Director of the County with respect to the Sponsor and all Sponsor Affiliates, if any, the information required by the terms of the County's Resolution dated December 12, 2017, which is attached hereto as Exhibit C, as may be amended by subsequent resolution.

(b) The Sponsor shall file a copy of this Fee Agreement and a completed PT-443 with the Economic Development Director and the Department and the Auditor, Treasurer and Assessor of the County and partner county to the Multicounty Park.

(c) On request by the County Administrator or the Economic Development Director, the Sponsor shall remit to the Economic Development Director records accounting for the acquisition, financing, construction, and operation of the Project which records (i) permit ready identification of all Economic Development Property; (ii) confirm the dates that the Economic Development Property or Phase was placed in service; and (iii) include copies of all filings made in accordance with this Section.

**ARTICLE IV
FILOT PAYMENTS**

Section 4.1. *FILOT Payments.*

(a) The FILOT Payment due with respect to each Phase through the Phase Termination Date is calculated as follows:

- (i) The fair market value of the Phase calculated as set forth in the Act (for the Real Property portion of the Phase, the County and the Sponsor have elected to use the fair market value established in the first year of the Phase Exemption Period), multiplied by
- (ii) An assessment ratio of six percent (6%), multiplied by
- (iii) A fixed millage rate equal to .5502, which is the cumulative millage rate levied by or on behalf of all the taxing entities within which the Project is located as of June 30, 2020.

The calculation of the FILOT Payment must allow all applicable property tax exemptions except those excluded pursuant to Section 12-44-50(A)(2) of the Act. The Sponsor acknowledges that (i) the calculation of the annual FILOT Payment is a function of the Department and is wholly dependent on the Sponsor timely submitting the correct annual property tax returns to the Department, (ii) the County has no responsibility for the submission of returns or the calculation of the annual FILOT Payment, and (iii) failure

by the Sponsor to submit the correct annual property tax return could lead to a loss of all or a portion of the FILOT and other incentives provided by this Fee Agreement.

(b) If a final order of a court of competent jurisdiction from which no further appeal is allowable declares the FILOT Payments invalid or unenforceable, in whole or in part, for any reason, the parties shall negotiate the reformation of the calculation of the FILOT Payments to most closely afford the Sponsor with the intended benefits of this Fee Agreement. If such order has the effect of subjecting the Economic Development Property to *ad valorem* taxation, this Fee Agreement shall terminate, and the Sponsor shall owe the County regular *ad valorem* taxes from the date of termination, in accordance with Section 4.7.

Section 4.2. FILOT Payments on Replacement Property. If the Sponsor elects to place Replacement Property in service, then, pursuant and subject to the provisions of Section 12-44-60 of the Act, the Sponsor shall make the following payments to the County with respect to the Replacement Property for the remainder of the Phase Exemption Period applicable to the Removed Component of the Replacement Property:

(a) FILOT Payments, calculated in accordance with Section 4.1, on the Replacement Property to the extent of the original income tax basis of the Removed Component the Replacement Property is deemed to replace.

(b) Regular *ad valorem* tax payments to the extent the income tax basis of the Replacement Property exceeds the original income tax basis of the Removed Component the Replacement Property is deemed to replace.

Section 4.3. Removal of Components of the Project. Subject to the other terms and provisions of this Fee Agreement, the Sponsor is entitled to remove and dispose of components of the Project in its sole discretion. Components of the Project are deemed removed when scrapped, sold or otherwise removed from the Project. If the components removed from the Project are Economic Development Property, then the Economic Development Property is a Removed Component, no longer subject to this Fee Agreement and is subject to *ad valorem* property taxes to the extent the Removed Component remains in the State and is otherwise subject to *ad valorem* property taxes.

Section 4.4. Damage or Destruction of Economic Development Property.

(a) *Election to Terminate.* If Economic Development Property is damaged by fire, explosion, or any other casualty, then the Sponsor may terminate this Fee Agreement. For the property tax year corresponding to the year in which the damage or casualty occurs, the Sponsor is obligated to make FILOT Payments with respect to the damaged Economic Development Property only to the extent property subject to *ad valorem* taxes would have been subject to *ad valorem* taxes under the same circumstances for the period in question.

(b) *Election to Restore and Replace.* If Economic Development Property is damaged by fire, explosion, or any other casualty, and the Sponsor does not elect to terminate this Fee Agreement, then the Sponsor may restore and replace the Economic Development Property. All restorations and replacements made pursuant to this subsection (b) are deemed, to the fullest extent permitted by law and this Fee Agreement, to be Replacement Property.

(c) *Election to Remove.* If Economic Development Property is damaged by fire, explosion, or any other casualty, and the Sponsor elects not to terminate this Fee Agreement pursuant to subsection (a) and elects not to restore or replace pursuant to subsection (b), then the damaged portions of the Economic Development Property are deemed Removed Components.

Section 4.5. Condemnation.

(a) *Complete Taking.* If at any time during the Fee Term title to or temporary use of the Economic Development Property is vested in a public or quasi-public authority by virtue of the exercise of a taking by condemnation, inverse condemnation, or the right of eminent domain; by voluntary transfer under threat of such taking; or by a taking of title to a portion of the Economic Development Property which renders continued use or occupancy of the Economic Development Property commercially unfeasible in the judgment of the Sponsor, the Sponsor shall have the option to terminate this Fee Agreement by sending written notice to the County within a reasonable period of time following such vesting.

(b) *Partial Taking.* In the event of a partial taking of the Economic Development Property or a transfer in lieu, the Sponsor may elect: (i) to terminate this Fee Agreement; (ii) to restore and replace the Economic Development Property, with such restorations and replacements deemed, to the fullest extent permitted by law and this Fee Agreement, to be Replacement Property; or (iii) to treat the portions of the Economic Development Property so taken as Removed Components.

(c) In the year in which the taking occurs, the Sponsor is obligated to make FILOT Payments with respect to the Economic Development Property so taken only to the extent property subject to *ad valorem* taxes would have been subject to taxes under the same circumstances for the period in question.

Section 4.6. Calculating FILOT Payments on Diminution in Value. If there is a Diminution in Value, the FILOT Payments due with respect to the Economic Development Property or Phase so diminished shall be calculated by substituting the diminished value of the Economic Development Property or Phase for the original fair market value in Section 4.1(a)(i) of this Fee Agreement.

Section 4.7. Payment of Ad Valorem Taxes. If Economic Development Property becomes subject to *ad valorem* taxes as imposed by law pursuant to the terms of this Fee Agreement or the Act, then the calculation of the *ad valorem* taxes due with respect to the Economic Development Property in a particular property tax year shall: (i) include the property tax reductions that would have applied to the Economic Development Property if it were not Economic Development Property; and (ii) include a credit for FILOT Payments the Sponsor has made with respect to the Economic Development Property.

Section 4.8. Place of FILOT Payments. All FILOT Payments shall be made directly to the County in accordance with applicable law.

**ARTICLE V
ADDITIONAL INCENTIVES**

Section 5.1. Infrastructure Credits. To assist in paying for costs of Infrastructure, the Sponsor is entitled to claim an Infrastructure Credit to reduce certain FILOT Payments due and owing from the Sponsor to the County under this Fee Agreement. The term, amount and calculation of the Infrastructure Credit is described in Exhibit D. In no event may the Sponsor's aggregate Infrastructure Credit claimed pursuant to this Section exceed the aggregate expenditures by the Sponsor on Infrastructure.

For each property tax year in which the Infrastructure Credit is applicable ("**Credit Term**"), the County shall prepare and issue the annual bills with respect to the Project showing the Net FILOT Payment, calculated in accordance with Exhibit D. Following receipt of the bill, the Sponsor shall timely remit the Net FILOT Payment to the County in accordance with applicable law.

**ARTICLE VI
CLAW BACK**

Section 6.1. Claw Back. If the Sponsor fails to perform its obligations under this Fee Agreement as described in Exhibit E, then the Sponsor is subject to the claw backs as described in Exhibit E. Any amount that may be due from the Sponsor to the County as calculated in accordance with or described in Exhibit E is due within 30 days of receipt of a written statement from the County. If not timely paid, the amount due from the Sponsor to the County is subject to the minimum amount of interest that the law may permit with respect to delinquent *ad valorem* tax payments. The repayment obligation arising under this Section and Exhibit E survives termination of this Fee Agreement.

**ARTICLE VII
DEFAULT**

Section 7.1. Events of Default. The following are "Events of Default" under this Fee Agreement:

(a) Failure to make FILOT Payments, which failure has not been cured within 30 days following receipt of written notice from the County specifying the delinquency in FILOT Payments and requesting that it be remedied;

(b) Failure to timely pay any amount, except FILOT Payments, due under this Fee Agreement;

(c) A Cessation of Operations. For purposes of this Fee Agreement, a "**Cessation of Operations**" means a publicly announced closure of the Facility, a layoff of a majority of the employees working at the Facility, or a substantial reduction in production that continues for a period of twelve (12) months;

(d) A representation or warranty made by the Sponsor which is deemed materially incorrect when deemed made;

(e) Failure by the Sponsor to perform any of the terms, conditions, obligations, or covenants under this Fee Agreement (other than those under (a), above), which failure has not been cured within 30 days after written notice from the County to the Sponsor specifying such failure and requesting that it be remedied, unless the Sponsor has instituted corrective action within the 30-day period and is diligently pursuing corrective action until the default is corrected, in which case the 30-day period is extended to include the period during which the Sponsor is diligently pursuing corrective action;

(f) A representation or warranty made by the County which is deemed materially incorrect when deemed made; or

(g) Failure by the County to perform any of the terms, conditions, obligations, or covenants hereunder, which failure has not been cured within 30 days after written notice from the Sponsor to the County specifying such failure and requesting that it be remedied, unless the County has instituted corrective action within the 30-day period and is diligently pursuing corrective action until the default is corrected, in which case the 30-day period is extended to include the period during which the County is diligently pursuing corrective action.

Section 7.2. Remedies on Default.

(a) If an Event of Default by the Sponsor has occurred and is continuing, then the County may take any one or more of the following remedial actions:

(i) terminate this Fee Agreement; or

(ii) take whatever action at law or in equity may appear necessary or desirable to collect amounts due or otherwise remedy the Event of Default or recover its damages.

(b) If an Event of Default by the County has occurred and is continuing, the Sponsor may take any one or more of the following actions:

(i) bring an action for specific enforcement;

(ii) terminate this Fee Agreement with no obligation to repay Infrastructure Credits; or

(iii) in case of a materially incorrect representation or warranty, take such action as is appropriate, including legal action, to recover its damages, to the extent allowed by law.

Section 7.3. Reimbursement of Legal Fees and Other Expenses. On the occurrence of an Event of Default, if a party is required to employ attorneys or incur other reasonable expenses for the collection of payments due under this Fee Agreement or for the enforcement of performance or observance of any obligation or agreement, the prevailing party is entitled to seek reimbursement of the reasonable fees of such attorneys and such other reasonable expenses so incurred.

Section 7.4. Remedies Not Exclusive. No remedy described in this Fee Agreement is intended to be exclusive of any other remedy or remedies, and each and every such remedy is cumulative and in addition to every other remedy given under this Fee Agreement or existing at law or in equity or by statute.

**ARTICLE VIII
PARTICULAR RIGHTS AND COVENANTS**

Section 8.1. Right to Inspect. The County and its authorized agents, at any reasonable time on prior written notice (which may be given by email), may enter and examine and inspect the Project for the purposes of permitting the County to carry out its duties and obligations in its sovereign capacity (such as, without limitation, for such routine health and safety purposes as would be applied to any other manufacturing or commercial facility in the County).

Section 8.2. Confidentiality. The County acknowledges that the Sponsor may utilize confidential and proprietary processes and materials, services, equipment, trade secrets, and techniques (“**Confidential Information**”) and that disclosure of the Confidential Information could result in substantial economic harm to the Sponsor. The Sponsor may clearly label any Confidential Information delivered to the County pursuant to this Fee Agreement as “**Confidential Information.**” Except as required by law, the County, or

any employee, agent, or contractor of the County, shall not disclose or otherwise divulge any labeled Confidential Information to any other person, firm, governmental body or agency. The Sponsor acknowledges that the County is subject to the South Carolina Freedom of Information Act, and, as a result, must disclose certain documents and information on request, absent an exemption. If the County is required to disclose any Confidential Information to a third party, the County will use its best efforts to provide the Sponsor with as much advance notice as is reasonably possible of such disclosure requirement prior to making such disclosure, and to cooperate reasonably with any attempts by the Sponsor to obtain judicial or other relief from such disclosure requirement.

Section 8.3. *Indemnification Covenants.*

(a) Except as provided in paragraph (d) below, the Sponsor shall indemnify and save the County, its employees, elected officials, officers and agents (each, an “*Indemnified Party*”) harmless against and from all liability or claims arising from the County’s execution of this Fee Agreement, performance of the County’s obligations under this Fee Agreement or the administration of its duties pursuant to this Fee Agreement, or otherwise by virtue of the County having entered into this Fee Agreement.

(b) The County is entitled to use counsel of its choice and the Sponsor shall reimburse the County for all of its costs, including attorneys’ fees, incurred in connection with the response to or defense against such liability or claims as described in paragraph (a), above. The County shall provide a statement of the costs incurred in the response or defense, and the Sponsor shall pay the County within 30 days of receipt of the statement. The Sponsor may request reasonable documentation evidencing the costs shown on the statement. However, the County is not required to provide any documentation which may be privileged or confidential to evidence the costs.

(c) The County may request the Sponsor to resist or defend against any claim on behalf of an Indemnified Party. On such request, the Sponsor shall resist or defend against such claim on behalf of the Indemnified Party, at the Sponsor’s expense. The Sponsor is entitled to use counsel of its choice, manage and control the defense of or response to such claim for the Indemnified Party; provided the Sponsor is not entitled to settle any such claim without the consent of that Indemnified Party.

(d) Notwithstanding anything in this Section or this Fee Agreement to the contrary, the Sponsor is not required to indemnify any Indemnified Party against or reimburse the County for costs arising from any claim or liability (i) occasioned by the acts of that Indemnified Party, which are unrelated to the execution of this Fee Agreement, performance of the County’s obligations under this Fee Agreement, or the administration of its duties under this Fee Agreement, or otherwise by virtue of the County having entered into this Fee Agreement; or (ii) resulting from that Indemnified Party’s own negligence, bad faith, fraud, deceit, or willful misconduct.

(e) An Indemnified Party may not avail itself of the indemnification or reimbursement of costs provided in this Section unless it provides the Sponsor with prompt notice, reasonable under the circumstances, of the existence or threat of any claim or liability, including, without limitation, copies of any citations, orders, fines, charges, remediation requests, or other claims or threats of claims, in order to afford the Sponsor notice, reasonable under the circumstances, within which to defend or otherwise respond to a claim.

Section 8.4. *No Liability of County Personnel.* All covenants, stipulations, promises, agreements and obligations of the County contained in this Fee Agreement are binding on members of the County Council or any elected official, officer, agent, servant or employee of the County only in his or her official capacity and not in his or her individual capacity, and no recourse for the payment of any moneys under this Fee Agreement may be had against any member of County Council or any elected or appointed official, officer, agent, servant or employee of the County and no recourse for the payment of any moneys or

performance of any of the covenants and agreements under this Fee Agreement or for any claims based on this Fee Agreement may be had against any member of County Council or any elected or appointed official, officer, agent, servant or employee of the County except solely in their official capacity.

Section 8.5. *Limitation of Liability.* The County is not liable to the Sponsor for any costs, expenses, losses, damages, claims or actions in connection with this Fee Agreement, except from amounts received by the County from the Sponsor under this Fee Agreement. Notwithstanding anything in this Fee Agreement to the contrary, any financial obligation the County may incur under this Fee Agreement is deemed not to constitute a pecuniary liability or a debt or general obligation of the County.

Section 8.6. *Assignment.* The Sponsor may assign this Fee Agreement in whole or in part with the prior written consent of the County or a subsequent written ratification by the County, which may be done by resolution, and which consent or ratification the County will not unreasonably withhold. The Sponsor agrees to notify the County and the Department of the identity of the proposed transferee within 60 days of the transfer. In case of a transfer, the transferee assumes the transferor's basis in the Economic Development Property for purposes of calculating the FILOT Payments.

Section 8.7. *No Double Payment; Future Changes in Legislation.* Notwithstanding anything contained in this Fee Agreement to the contrary, and except as expressly required by law, the Sponsor is not required to make a FILOT Payment in addition to a regular *ad valorem* property tax payment in the same year with respect to the same piece of Economic Development Property. The Sponsor is not required to make a FILOT Payment on Economic Development Property in cases where, absent this Fee Agreement, *ad valorem* property taxes would otherwise not be due on such property.

Section 8.8. *Administration Expenses.* The Sponsor will reimburse, or cause reimbursement to, the County for Administration Expenses in the amount of \$5,000.00. The Sponsor will reimburse the County for its Administration Expenses on receipt of a written request from the County or at the County's direction, which request shall include a statement of the amount and nature of the Administration Expense. The Sponsor shall pay the Administration Expense as set forth in the written request no later than 60 days following receipt of the written request from the County. The County does not impose a charge in the nature of impact fees or recurring fees in connection with the incentives authorized by this Fee Agreement. The payment by the Sponsor of the County's Administration Expenses shall not be construed as prohibiting the County from engaging, at its discretion, the counsel of the County's choice.

ARTICLE IX SPONSOR AFFILIATES

Section 9.1. *Sponsor Affiliates.* The Sponsor may designate Sponsor Affiliates from time to time, including at the time of execution of this Fee Agreement, pursuant to and subject to the provisions of Section 12-44-130 of the Act. To designate a Sponsor Affiliate, the Sponsor must deliver written notice to the Economic Development Director identifying the Sponsor Affiliate and requesting the County's approval of the Sponsor Affiliate. Except with respect to a Sponsor Affiliate designated at the time of execution of this Fee Agreement, which may be approved in the County Council ordinance authorizing the execution and delivery of this Fee Agreement, approval of the Sponsor Affiliate may be given by the County Administrator delivering written notice to the Sponsor and Sponsor Affiliate following receipt by the County Administrator of a recommendation from the Economic Development Committee of County Council to allow the Sponsor Affiliate to join in the investment at the Project. The Sponsor Affiliate's joining in the investment at the Project will be effective on delivery of a Joinder Agreement, the form of which is attached as Exhibit B, executed by the Sponsor Affiliate to the County.

Section 9.2. *Primary Responsibility.* Notwithstanding the addition of a Sponsor Affiliate, the Sponsor acknowledges that it has the primary responsibility for the duties and obligations of the Sponsor

and any Sponsor Affiliate under this Fee Agreement, including the payment of FILOT Payments or any other amount due to or for the benefit of the County under this Fee Agreement. For purposes of this Fee Agreement, “primary responsibility” means that if the Sponsor Affiliate fails to make any FILOT Payment or remit any other amount due under this Fee Agreement, the Sponsor shall make such FILOT Payments or remit such other amounts on behalf of the Sponsor Affiliate.

**ARTICLE X
MISCELLANEOUS**

Section 10.1. Notices. Any notice, election, demand, request, or other communication to be provided under this Fee Agreement is effective when delivered to the party named below or when deposited with the United States Postal Service, certified mail, return receipt requested, postage prepaid, addressed as follows (or addressed to such other address as any party shall have previously furnished in writing to the other party), except where the terms of this Fee Agreement require receipt rather than sending of any notice, in which case such provision shall control:

IF TO THE SPONSOR:

Project Mo

WITH A COPY TO (does not constitute notice):

Robinson Gray Stepp & Lafftte, LLC
Attn: Molly Campolong
PO Box 11449
Columbia, SC 29211

IF TO THE COUNTY:

Richland County, South Carolina
Attn: Richland County Economic Development Director
2020 Hampton Street
Columbia, South Carolina 29204

WITH A COPY TO (does not constitute notice):

Parker Poe Adams & Bernstein LLP
Attn: Ray E. Jones
1221 Main Street, Suite 1100 (29201)
Post Office Box 1509
Columbia, South Carolina 29202-1509

Section 10.2. Provisions of Agreement for Sole Benefit of County and Sponsor. Except as otherwise specifically provided in this Fee Agreement, nothing in this Fee Agreement expressed or implied confers on any person or entity other than the County and the Sponsor any right, remedy, or claim under or by reason of this Fee Agreement, this Fee Agreement being intended to be for the sole and exclusive benefit of the County and the Sponsor.

Section 10.3. Counterparts. This Fee Agreement may be executed in any number of counterparts, and all of the counterparts together constitute one and the same instrument.

Section 10.4. Governing Law. South Carolina law, exclusive of its conflicts of law provisions that would refer the governance of this Fee Agreement to the laws of another jurisdiction, governs this Fee Agreement and all documents executed in connection with this Fee Agreement.

Section 10.5. Headings. The headings of the articles and sections of this Fee Agreement are inserted for convenience only and do not constitute a part of this Fee Agreement.

Section 10.6. Amendments. This Fee Agreement may be amended only by written agreement of the parties to this Fee Agreement.

Section 10.7. Agreement to Sign Other Documents. From time to time, and at the expense of the Sponsor, to the extent any expense is incurred, the County agrees to execute and deliver to the Sponsor such additional instruments as the Sponsor may reasonably request and as are authorized by law and reasonably within the purposes and scope of the Act and this Fee Agreement to effectuate the purposes of this Fee Agreement.

Section 10.8. Interpretation; Invalidity; Change in Laws.

(a) If the inclusion of property as Economic Development Property or any other issue is unclear under this Fee Agreement, then the parties intend that the interpretation of this Fee Agreement be done in a manner that provides for the broadest inclusion of property under the terms of this Fee Agreement and the maximum incentive permissible under the Act, to the extent not inconsistent with any of the explicit terms of this Fee Agreement.

(b) If any provision of this Fee Agreement is declared illegal, invalid, or unenforceable for any reason, the remaining provisions of this Fee Agreement are unimpaired, and the parties shall reform such illegal, invalid, or unenforceable provision to effectuate most closely the legal, valid, and enforceable intent of this Fee Agreement so as to afford the Sponsor with the maximum benefits to be derived under this Fee Agreement, it being the intention of the County to offer the Sponsor the strongest inducement possible, within the provisions of the Act, to locate the Project in the County.

(c) The County agrees that in case the FILOT incentive described in this Fee Agreement is found to be invalid and the Sponsor does not realize the economic benefit it is intended to receive from the County under this Fee Agreement as an inducement to locate in the County, the County agrees to negotiate with the Sponsor to provide a special source revenue or Infrastructure Credit to the Sponsor [(in addition to the Infrastructure Credit explicitly provided for above)] to the maximum extent permitted by law, to allow the Sponsor to recoup all or a portion of the loss of the economic benefit resulting from such invalidity.

Section 10.9. Force Majeure. The Sponsor is not responsible for any delays or non-performance caused in whole or in part, directly or indirectly, by strikes, accidents, freight embargoes, fires, floods, inability to obtain materials, conditions arising from governmental orders or regulations, war or national emergency, acts of God, including but not limited to issues of public health, and any other cause, similar or dissimilar, beyond the Sponsor's reasonable control.

Section 10.10. Termination; Termination by Sponsor.

(a) Unless first terminated under any other provision of this Fee Agreement, this Fee Agreement terminates on the Final Termination Date.

(b) The Sponsor is authorized to terminate this Fee Agreement at any time with respect to all or part of the Project on providing the County with 30 days' notice.

(c) Any monetary obligations due and owing at the time of termination and any provisions which are intended to survive termination, survive such termination.

(d) In the year following termination, all Economic Development Property is subject to *ad valorem* taxation or such other taxation or payment in lieu of taxation that would apply absent this Fee Agreement. The Sponsor's obligation to make FILOT Payments under this Fee Agreement terminates to the extent of and in the year following the year the Sponsor terminates this Fee Agreement pursuant to this Section.

Section 10.11. *Entire Agreement.* This Fee Agreement expresses the entire understanding and all agreements of the parties, and neither party is bound by any agreement or any representation to the other party which is not expressly set forth in this Fee Agreement or in certificates delivered in connection with the execution and delivery of this Fee Agreement.

Section 10.12. *Waiver.* Either party may waive compliance by the other party with any term or condition of this Fee Agreement only in a writing signed by the waiving party.

Section 10.13. *Business Day.* If any action, payment, or notice is, by the terms of this Fee Agreement, required to be taken, made, or given on any Saturday, Sunday, or legal holiday in the jurisdiction in which the party obligated to act is situated, such action, payment, or notice may be taken, made, or given on the following business day with the same effect as if taken, made or given as required under this Fee Agreement, and no interest will accrue in the interim.

Section 10.14. *Agreement's Construction.* Each party and its counsel have reviewed this Fee Agreement and any rule of construction to the effect that ambiguities are to be resolved against a drafting party does not apply in the interpretation of this Fee Agreement or any amendments or exhibits to this Fee Agreement.

[Signature pages follow]

IN WITNESS WHEREOF, the County, acting by and through the County Council, has caused this Fee Agreement to be executed in its name and on its behalf by the Chair of County Council and to be attested by the Clerk of the County Council; and the Sponsor has caused this Fee Agreement to be executed by its duly authorized officer, all as of the day and year first above written.

RICHLAND COUNTY, SOUTH CAROLINA

(SEAL)

By: _____
County Council Chair
Richland County, South Carolina

ATTEST:

By: _____
Clerk to County Council
Richland County, South Carolina

[Signature Page 1 to Fee in Lieu of Ad Valorem Taxes [and Incentive] Agreement]

PROJECT MO

[Signature Page 2 to Fee in Lieu of Ad Valorem Taxes and Incentive Agreement]

EXHIBIT A
PROPERTY DESCRIPTION

**EXHIBIT B (see Section 9.1)
FORM OF JOINDER AGREEMENT**

Reference is hereby made to the Fee-in-Lieu of *Ad Valorem* Taxes Agreement, effective [DATE] (“Fee Agreement”), between Richland County, South Carolina (“County”) and Project Mo (“Sponsor”).

1. Joinder to Fee Agreement.

[_____], a [STATE] [corporation]/[limited liability company]/[limited partnership] authorized to conduct business in the State of South Carolina, hereby (a) joins as a party to, and agrees to be bound by and subject to all of the terms and conditions of, the Fee Agreement as if it were a Sponsor [except the following: _____]; (b) shall receive the benefits as provided under the Fee Agreement with respect to the Economic Development Property placed in service by the Sponsor Affiliate as if it were a Sponsor [except the following _____]; (c) acknowledges and agrees that (i) according to the Fee Agreement, the undersigned has been designated as a Sponsor Affiliate by the Sponsor for purposes of the Project; and (ii) the undersigned qualifies or will qualify as a Sponsor Affiliate under the Fee Agreement and Section 12-44-30(20) and Section 12-44-130 of the Act.

2. Capitalized Terms.

Each capitalized term used, but not defined, in this Joinder Agreement has the meaning of that term set forth in the Fee Agreement.

3. Representations of the Sponsor Affiliate.

The Sponsor Affiliate represents and warrants to the County as follows:

(a) The Sponsor Affiliate is in good standing under the laws of the state of its organization, is duly authorized to transact business in the State (or will obtain such authority prior to commencing business in the State), has power to enter into this Joinder Agreement, and has duly authorized the execution and delivery of this Joinder Agreement.

(b) The Sponsor Affiliate’s execution and delivery of this Joinder Agreement, and its compliance with the provisions of this Joinder Agreement, do not result in a default, not waived or cured, under any agreement or instrument to which the Sponsor Affiliate is now a party or by which it is bound.

(c) The execution and delivery of this Joinder Agreement and the availability of the FILOT and other incentives provided by this Joinder Agreement has been instrumental in inducing the Sponsor Affiliate to join with the Sponsor in the Project in the County.

4. Governing Law.

This Joinder Agreement is governed by and construed according to the laws, without regard to principles of choice of law, of the State of South Carolina.

5. Notice.

Notices under Section 10.1 of the Fee Agreement shall be sent to:

[_____]

IN WITNESS WHEREOF, the undersigned has executed this Joinder Agreement to be effective as of the date set forth below.

Date

Name of Entity
By: _____
Its: _____

IN WITNESS WHEREOF, the County acknowledges it has consented to the addition of the above-named entity as a Sponsor Affiliate under the Fee Agreement effective as of the date set forth above.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Its: _____

EXHIBIT C (see Section 3.3)
RICHLAND COUNTY RESOLUTION REQUIRING CERTAIN ACCOUNTABILITY PRACTICES CONCERNING
ECONOMIC DEVELOPMENT PROJECTS IN THE COUNTY

**A RESOLUTION TO AMEND THE DECEMBER 21, 2010,
RESOLUTION REQUIRING CERTAIN ACCOUNTABILITY
PRACTICES CONCERNING ECONOMIC DEVELOPMENT
PROJECTS IN RICHLAND COUNTY**

WHEREAS, Richland County Council adopted a resolution dated as of December 21, 2010 (“Prior Resolution”), which requires companies receiving economic development incentives from Richland County, South Carolina (“County”) to submit annual reports to the Richland County Economic Development Office; and

WHEREAS, the County desires to make the form of the annual reports submitted by such companies uniform in order to make the substantive information contained in the annual reports more easily tracked and documented by the Richland County Economic Development Office.

NOW, THEREFORE, BE IT RESOLVED by Richland County Council as follows:

Section 1. The County affirms that each company awarded an incentive by the County in exchange for the location or expansion of a facility or facilities within the County shall submit an annual report to the Richland County Economic Development Office by January 31 of each year throughout the term of the incentives.

Section 2. The Richland County Economic Development Office is authorized to create (and from time to time, if necessary, amend or recreate) and make available the form of the annual report; however, such form, shall require, at a minimum, the following information:

- a. Name of company;
- b. Cumulative capital investment (less any removed investment) to date as a result of the project;
- c. Net jobs created to date as a result of the project;

Section 3. A copy of the then-current form of the annual report may be obtained from the following address. The annual report shall likewise be submitted to the following address by the required date.

Richland County Economic Development Office
Attention: Kim Mann
1201 Main Street, Suite 910
Columbia, SC 29201

Section 4. This Resolution amends the Prior Resolution and sets forth the County’s requirements with respect to the annual reports to be submitted by each company awarded an incentive by the County as described in Section 1.

Section 5. The substance of this Resolution shall be incorporated into the agreement between the County and each company with respect to the incentives granted by the County to the company.

Section 6. In the event that any company shall fail to submit an annual report, or any portion thereof, such company may be required to return all incentives, or a dollar amount equal thereof, to the County. Such incentives, or the dollar amount equal thereto, shall be paid to the County within 60 days after the date upon which the information was originally due.

RESOLVED: December 12 2017

RICHLAND COUNTY, SOUTH CAROLINA


Chair, Richland County Council

(SEAL)
ATTEST:


Clerk to County Council

EXHIBIT D (see Section 5.1)
DESCRIPTION OF INFRASTRUCTURE CREDIT

All qualifying investment of the Sponsor during the Investment Period shall qualify for a 10-year, 40% Infrastructure Credit. Beginning with the first annual FILOT Payment and continuing for the next nine annual FILOT Payments, the Sponsor will receive an annual credit in an amount equal to 40% of the annual FILOT Payment with respect to the Project[; provided, however, the Sponsor may elect to begin application of the Infrastructure Credit in a year other than the year in which the first annual FILOT Payment is done. In such event, the Sponsor shall provide notice to the Economic Development Director of the County. Upon selection by the Sponsor of the year in which the Infrastructure Credit shall first apply, the Infrastructure Credit will continue to be applied to the next nine FILOT Payments.]

EXHIBIT E (see Section 6.1)
DESCRIPTION OF CLAW BACK

Repayment Amount = Total Received x Claw Back Percentage

Claw Back Percentage = 100% - Overall Achievement Percentage

Overall Achievement Percentage = (Investment Achievement Percentage + Jobs Achievement Percentage) / 2

Investment Achievement Percentage = Actual Investment Achieved / Contract Minimum Investment Requirement [may not exceed 100%]

Jobs Achievement Percentage = Actual New, Full-Time Jobs Created / Contract Minimum Jobs Requirement [may not exceed 100%]

In calculating the each achievement percentage, only the investment made or new jobs achieved up to the Contract Minimum Investment Requirement and the Contract Minimum Jobs Requirement will be counted.

For example, and by way of example only, if the County receives \$30,000 in Infrastructure Credits, and \$2,500,000 had been invested at the Project and 10 jobs had been created by the end of the Investment Period, the Repayment Amount would be calculated as follows:

Jobs Achievement Percentage = 10/13 = 77%

Investment Achievement Percentage = \$2,500,000/\$3,030,000 = 82.5%

Overall Achievement Percentage = (77% + 82.5%)/2 = 79.75%

Claw Back Percentage = 100% - 79.75% = 20.25%

Repayment Amount = \$30,000 x 20.25% = \$6,075

The Sponsor shall pay any amounts described in or calculated pursuant to this Exhibit E within 30 days of receipt of a written statement from the County. If not timely paid by the Sponsor, the amount due is subject to the minimum amount of interest that the law may permit with respect to delinquent *ad valorem* tax payments. The repayment obligation described in this Exhibit E survives termination of this Fee Agreement.



Agenda Briefing

To: Chair of the Council and the Honorable Members of Council
Prepared by: Jeff Ruble
Department: Economic Development
Date Prepared: 6/8/21 **Meeting Date:** 6/15/21

Legal Review	n/a	Date:	
Budget Review	n/a	Date:	
Finance Review	n/a	Date:	
Other Review:		Date:	
Approved for Council consideration:		Assistant County Administrator	

Committee Referral from Economic Development Committee

Subject: Approval of a contract with Coogler Construction for clearing, grubbing and grading activities on Parcel 29 at the Blythewood Business Park

Recommended Action: Approval

Motion Requested: Authorize the Administrator to execute a contract and other related documents with Coogler Construction, in an amount not to exceed \$988,381.50, for construction activities related to grading a 360,000 building pad on Parcel 29 at the Blythewood Business Park.

Request for Council Reconsideration: X Yes

Fiscal Impact: This is a net gain for the County. The County was awarded \$2,370,272 in funding to clear, grub and grade a site at the Blythewood Industrial Park. The funding commitments are greater than the project cost, therefore, there will be no out of pocket costs for the County, however, the County will benefit greatly from having marketable economic development product that will enhance the competitiveness of the industrial park.

Motion of Origin: n/a

Council Member	
Meeting	
Date	

Discussion:

In March 2019, with recommendations from the SC Department of Commerce, independent site selection consultants and RCEDO staff, Richland County Council made a decision to proceed with purchasing approximately 1,349 acres to develop as a business and industrial park. After months of

financial modeling, rezoning and other due diligence, the County closed on the property on November 1, 2019. The 1,349-acre site is divided into two electric service territories: Dominion Energy serves the ~ 339 acres to the south and Fairfield Electric Cooperative serves the ~ 1,010 acres on the north.

This is the first significant sized industrial property that Richland County has in electric cooperative service territory, and when it became clear that the County intended to purchase the property, RCEDO began conversations with Fairfield Electric’s President to discuss opportunities to partner on developing properties in their section of the park. He encouraged the RCEDO team to work with the SC PowerTeam (the statewide marketing entity for the electric cooperatives) to develop a high impact project for the Site Readiness program. The SC PowerTeam recognized that grading a site would set the park up for quick success, and was extremely supportive of developing a site. The SC PowerTeam’s engineers worked closely with RCEDO and the County’s engineering consultant to identify a project location.

During the same time, the SC Department of Commerce announced that it opened a new funding round for its Site Enhancement Program. The PowerTeam and RCEDO discussed the proposed project with the DOC and were encouraged to submit a request for funding. On August 29, 2019, the SCDOC review committee recommended approval of a \$500,000 grant for the project with the contingency that the property be rezoned to industrial.

PowerTeam staff vetted the project with Fairfield Electric and after approval, planned to recommend funding for the project to its board. Once the County closed on the property, staff was in a position to present the project to its board at its next meeting. On December 11, 2019 the SC PowerTeam board met and approved their staff’s recommendation to provide a \$1,420,272 grant to Richland County to design and clear, grub and grade Parcel 29 at the Blythewood Industrial Park.

In addition to these two grant commitments, Fairfield Electric Cooperative has committed \$450,000 to assist with this project - \$300,000 was deposited – and set aside in the economic development fund - earlier in 2019 to assist with an economic development project at this park, and \$150,000 has been committed from the License Fee program.

The estimated cost of the grading project and funding commitments is as follows:

Parcel 29 - Clear, Grubbing and Grading Cost Estimate	\$2,370,000
Funding Commitments	
PowerTeam Site Readiness Grant	\$1,420,272
SC Commerce Site Enhancement Grant	\$500,000
Fairfield Electric Funds Deposited in 2019	\$300,000
Fairfield Electric License Fee Grant	\$150,000
Total	\$2,370,272

The pledge of this \$2.37 million is proof of our economic development partners’ commitment to the success of the Blythewood Industrial Park, and ensures that this site will compete on an international level.

The SC DOC and SC PowerTeam grants are reimbursable, and at the December 17, 2019 meeting Council gave its approval to accept the grants. The next step was to secure an engineering firm to design, perform due diligence and oversee construction activities.

In March 2020, county procurement issued a solicitation for design, due diligence and construction administration for this project and seven firms responded. During a competitive selection process, Thomas & Hutton was selected as the most responsive bidder. Council approved the award of a contract to Thomas & Hutton for design, due diligence and construction administration.

Thomas & Hutton completed plans in April 2021, and the construction project was put out to bid through the procurement office.

Bids were received on May 25, 2021. There were 11 submissions with costs ranging from \$2,498,633 to \$988,381 (see attached confidential bid tabulation form).

Thomas & Hutton reviewed the bids and completed vetting activities on the lowest bidder – Coogler Construction, Inc. After completing their analysis and due diligence, Thomas & Hutton recommends that the County award a contract in the amount of \$988,381.50 to Coogler Construction, the lowest bidder.

In 2019, the engineer estimated the construction would be \$1,835,050. This bid is well below the estimate.

Upon completion of the project, the County will be reimbursed for its expenditures. RCEDO will work with grants and budget to account for this project, and RCEDO will be responsible for managing the project and the grants. The \$450,000 from Fairfield Electric Cooperative will be available to use on the project as needed and RCEDO will provide proof that funds were used for the intended purpose.

Attachments:

- Recommendation Letter
- Bid Tabulation

THOMAS & HUTTON

1501 MAIN STREET, SUITE 760 | COLUMBIA, SC 29201

POST OFFICE BOX 7608 | COLUMBIA, SC 29202

803.451.6789 | WWW.THOMASANDHUTTON.COM

May 27, 2021

Jennifer Wladischkin
Procurement Manager
Richland County
2020 Hampton Street
Suite 3064
Columbia, SC 29204

Re: Mass Grading of Parcel 29 at the
Blythewood Industrial Park
Award Recommendation
J-27015.0005

Dear Ms. Wladischkin:

Eleven (11) bids were received for the referenced project. An abstract of the bids was generated from the online bidding system. We have reviewed the abstract and noted no discrepancies. We offer the following comments on the bids received:

1. All bidders submitted the required Bid Bond.
2. Bids were evaluated on the Base Bid on the bid form.
3. Coogler Construction, Inc. provided the lowest bid.
4. The bids are subject to acceptance for ninety (90) days from the bid date.
5. No mathematical errors were discovered in the bids submitted.

Based on our review, we believe the lowest bidder is Coogler Construction, Inc. of Ballentine, South Carolina. Their surety company, Employers Mutual Casualty Company located in Des Moines, Iowa, is a licensed surety company in all states and meets the South Carolina Code of Law requirement to issue bid, performance and payment bonds.

We recommend the contract for the project be awarded to Coogler Construction, Inc. in the amount of \$988,381.50 to include the base bid amount for the Mass Grading of Parcel 29 at the Blythewood Industrial Park. The Engineer's preliminary cost estimate for this project was \$2,370,000.00 and the Engineer's construction estimate (after design) was \$1,344,000.00.

As previously stated, the bid hold for this project is 90 days. However, we recommend imminent award of the project to Coogler Construction, Inc. following approval of County Council.

We have enclosed a copy of the Notice of Award to be signed and dated at a future date of your choice. As part of the procurement process, we request bid bonds be held on the lowest three (3) bids, which is Wiley Easton Construction Co. and Johnson and Lesley Construction until this project is officially awarded. If there are any questions, please do not hesitate to contact us.

Jennifer Wladischkin
Richland County
May 27, 2021
Page 2

Sincerely,
THOMAS & HUTTON

A handwritten signature in blue ink, appearing to read "Ross Oakley", written over a horizontal line.

Ross Oakley, P.E.
Project Manager

Enclosure / Notice of Award

cc: Mrs. Tiffany Harrison, Richland County Economic Development



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant MUST reside in Richland County.

Name: TERRY DAVIS
Home Address: 1829 Senate St. 7E, Columbia, SC 29201
Telephone: (home) 803-348-1006 (cell) (work) 803-799-1311
Office Address: 621 Gadsden St., Columbia, SC 29201
Email Address: TERRY6261@att.net
Educational Background: BA Univ. of Michigan, MEd Univ. of SC
Professional Background: USC Admissions Director (retired). Current
Male [] Female [] Age: 18-25 [] 26-50 [] Over 50 [X]
Name of Committee in which interested: HOSPITALITY
Reason for interest: I am a restaurant owner and have been on the City of Columbia Hospitality tax committee in the past -
Your characteristics/qualifications, which would be an asset to Committee, Board or Commission: reliable; Organization; Knowledge of Columbia Richland County; past H-tax experience; See resume included
Presently serve on any County Committee, Board or Commission? no
Any other information you wish to give? I am highly qualified and eager to serve.
Recommended by Council Member(s): I have contacted Allison Terracio
Hours willing to commit each month: I'm flexible

CONFLICT OF INTEREST POLICY

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Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all Committees, Boards or Commissions shall be required to abstain from voting or influencing through discussion or debate, or any other way, decisions of the Committee, Board or Commission affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No X _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes X _____ No _____

If so, describe: I am on the Board of the Columbia Music Festival Association (CMFA)

Ty R. Dan
Applicant's Signature

10-1-2020
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: <u>10/1/20</u>	Received by: <u>hmo</u>
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied <input type="checkbox"/> On file	177 of 189

(Ms.) Terry L. Davis
1829 Senate St, Unit 7E
Columbia, SC 29201
Terry6261@att.net
803-348-1006

EDUCATION

Bachelor of Arts Psychology and English
University of Michigan, Ann Arbor, MI
May 1971

Master of Education Guidance and Counseling
University of South Carolina, Columbia, SC
May, 1982

EXPERIENCE

Co-Owner, Thirsty Fellow Pizzeria and Pub, 2009-present

- With two partners, renovated and opened the restaurant in 2009;
- Established policies and procedures for hiring and training staff; hired an opening staff of thirty employees; currently manage 50 employees;
- Coordinate payroll, bookkeeping and all financial and human resource duties;
- Consult with customers on special events and catering.

Director of Undergraduate Admissions, 1990-2008 (retired)

- Supervised 40 professional and support staff members;
- Managed an annual budget of over \$2 million;
- Served on presidentially appointed faculty committees;
- Designed and directed undergraduate student recruitment program, including scholarships and honors.

Associate Director of Undergraduate Admissions, 1987-1990

Assistant Director of Undergraduate Admissions, 1984-1987

- Managed operations unit which processed over 15,000 applications annually;
- Served as secretary to the Faculty Committee on Admissions;
- Directed internal student admissions;
- Developed mainframe student recruitment tracking system;
- Supervised practicum experience for masters-level graduate students;
- Evaluated credentials and made decisions on admission applications;
- Administered state grant-funded desegregation program.

Admissions Counselor, 1978-1984

- Managed recruitment initiatives and traveled throughout the Eastern seaboard;
- Counseled prospective students and their parents through the admissions process.

PROFESSIONAL ASSOCIATIONS

- American Association of Collegiate Registrars and Admissions Officers (AACRAO)
Local Arrangements Chair, 1999 Annual meeting;
- Southern Association of Collegiate Registrars and Admissions Officers (SACRAO)
Local Arrangements Chair, 1990 Annual Meeting
- Carolinas Association of Collegiate Registrars and Admissions Officers (CACRAO)
President, President-Elect, Vice President
Vice President for South Carolina
Member-at-Large, Executive Committee
Local Arrangements Committee (chair)
Scheduling Committee, Mass Communications Committee, Educational Consultant (charter member), Program Committee
- National Association for College Admissions Counseling (NACAC)
- Southern Association for College Admissions Counseling (SACAC)
Admissions Practices Committee, National Delegate
- Association of Chief Admissions Officers of Public Universities (ACAOPU)

CITY OF COLUMBIA ACTIVITIES

- Past Secretary and Past President, Downtown Neighborhood Association (DNA) (moved from Main Street District in May 2020)
- Past President, Capitol Places V Homeowners Association
- Board Member, Transitions (neighborhood representative)
- Past member, Coalition of Downtown Neighborhoods
- Past member, Public Space Committee and Long-Range Planning Committee, City Center Partnership
- Past Volunteer, Harvest Hope Food Bank and Richland County Public Library
- Past member and Chair, City of Columbia Hospitality Tax Advisory Committee
- Board Member, Columbia Music Festival Association (CMFA)



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant MUST reside in Richland County.

Name: Kitwanda Cyrus

Home Address: 14 Laurel Bluff Court Columbia, SC 29229

Telephone: (home) 843-364-2560 (work)

Office Address: 7001 Parklane Road Columbia SC 29223

Email Address: Kitwanda.smith@gmail.com

Educational Background: Bachelors Degree Marketing - USC Columbia

Professional Background: Co-owner of Kiki's Chicken and Waffles

Male [] Female [] Age: 18-25 [] 26-50 [x] Over 50 []

Name of Committee in which interested: Hospitality Tax

Reason for interest: I want to invest in my community and give back any way I can.

Being a part of these boards will help me grow as a leader and network with other professionals

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:

Business Owner / Restaurant - Kiki's Chicken and Waffles

Accountant Supervisor

Presently serve on any County Committee, Board or Commission? Yes Business Services Center

Any other information you wish to give?

Recommended by Council Member(s):

Hours willing to commit each month: 20 hours

CONFLICT OF INTEREST POLICY

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Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No

If so, describe: _____


Applicant's Signature

3/5/2021
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: <u>3/5/21</u>	Received by: <u>JHUNO</u>
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	



**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Applicant MUST reside in Richland County.

Name: Delores G. Barber

Home Address: 2301 Whitepine Rd.

Telephone: (home) (803) 767-7806 (work) _____

Office Address: _____

Email Address: dgeddiste@aol.com

Educational Background: Associate Degree

Professional Background: License Registered Nurse - Retired

Male

Female

Age: 18-25

26-50

Over 50

Name of Committee in which interested: Board of Assessment Appeals

Reason for interest: I have lived in Richland County for 32 years and would like to help make a difference in Richland County and my community.

Your characteristics/qualifications, which would be an asset to Committee, Board or

Commission:

Please see attachment

Presently serve on any County Committee, Board or Commission? NO

Any other information you wish to give? Please see attachment

Recommended by Council Member(s): NO

Hours willing to commit each month: 25 hours or more if needed.

CONFLICT OF INTEREST POLICY

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Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No

If so, describe: _____


Applicant's Signature

NOV. 6, 2020
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: <u>11/13/20</u>	Received by: <u>[Signature]</u>
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	



+

**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Applicant MUST reside in Richland County.

Name: Tammy LaMountain

Home Address: 478 Glacier Way, Columbia, SC 29229

Telephone: (home) 734-732-0231 (work) 803-227-4228

Office Address: 1901 Main Street, Suite 1700, Columbia, SC 29201

Email Address: tilamountain@gmail.com

Educational Background: Bachelor of Business, Eastern Michigan University

Professional Background: Real Estate Paralegal

Male Female Age: 18-25 26-50 Over 50

Name of Committee in which interested: Board of Zoning Appeals

Reason for interest: I have been a real estate paralegal for more than 20 years, in Michigan and in South Carolina.

Your characteristics/qualifications, which would be an asset to Committee, Board or

Commission: My 20+ years as a real estate paralegal. I have experience with residential and commercial properties. I am organized and detail oriented. I have obtained zoning information for many real estate transactions, and I have reviewed many plats and surveys.

Presently serve on any County Committee, Board or Commission? No

Any other information you wish to give? _____

Recommended by Council Member(s): _____

Hours willing to commit each month: Uncertain of hours required, but willing to give what is needed

CONFLICT OF INTEREST POLICY

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Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

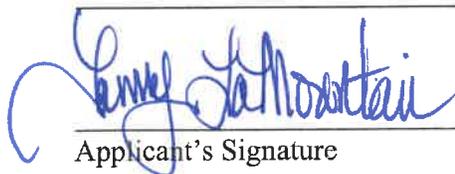
Yes _____ No _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No _____

If so, describe: _____


Applicant's Signature

February 25, 2021
Date

**Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.**

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file



APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION

Applicant **MUST reside in Richland County.**

Name: Robert T. Reese

Home Address: 204 Sonoma Drive, Hopkins, SC 29061

Telephone: (home) 803-776-7552 (work) 803-312-3086

Office Address: 119 Diamond Lane, Columbia, SC 29210

Email Address: rreese4@bellsouth.net

Educational Background: Undergraduate: Morehouse College (Commercial Real Estate/Business Administration / Graduate School: University of South Carolina MBA

Professional Background: 25 years in educational opportunity (at all educational levels)

Male Female

Age: 18-25

26-50

Over 50

Name of Committee in which interested: Board of Zoning Appeals

Reason for interest: My educational experience aligns with the mission of this committee. Additionally, zoning request are a large concern for residents in District 10, and I am confident that I can fulfill the duties of this committee with integrity to its charter, rules and mission.

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:

My qualifications include classes that were a part of my undergraduate curriculum: Principles of Real Estate, Asset Management, Urban Planning, Urban Studies, Real Estate Investment, Appraisal, and Real Estate Development. These courses, along with a graduate degree in Business Administration (MBA) from the USC Darla Moore School of Business, serve as a few of my qualifications for the Board of Zoning Appeals.

Presently serve on any County Committee, Board or Commission? NO

Any other information you wish to give? I completed an internship with the Fulton County Department of Planning and Economic Development while an undergraduate student.

Recommended by Council Member(s): Councilwoman Chakisse Newton

Hours willing to commit each month: As many as needed to fulfill my duties on this Board.

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Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes X No _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No X _____

If so, describe: In 2012, I plead guilty to driving under the influence while a resident in Minnesota.

Robert J. Rees
Applicant's Signature

March 4, 2021
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: <u>3/5/21</u>	Received by: <u>hmd</u>
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	



REQUEST OF ACTION

Subject: FY21 - District 4 Hospitality Tax Allocations

A. Purpose

County Council is being requested to approve a total allocation of **\$5,000** for District 4.

B. Background / Discussion

For the 2020 - 2021 Fiscal Year, County Council approved designating the Hospitality Discretionary account funding totaling \$82,425.00 for each district Council member. The details of these motions are listed below:

Motion List (3rd reading) for FY17: Hospitality Tax discretionary account guidelines are as follows: (a) Establish a H-Tax discretionary account for each Council District; (b) Fund the account at the amount of \$164,850.00; (c) Council members will recommend Agencies to be funded by their allocation. Agencies and projects must meet all of the requirements in order to be eligible to receive H-Tax funds; (d) All Council recommendation for appropriations of allocations to Agencies after the beginning of the fiscal year will still be required to be taken back to Council for approval by the full Council prior to the commitment of funding. This would only require one vote.

Motion List (3rd reading) for FY21, Special Called Meeting – June 11, 2020: Establish Hospitality Tax discretionary accounts for each district in FY21 at the amount of \$82,425. Move that all unspent H-Tax funding for FY19-20 be carried over and added to any additional funding for FY20-21.

Pursuant to Budget Memorandum 2017-1 and the third reading of the budget for FY21 each district Council member was approved \$82,425.00 to allocate funds to Hospitality Tax eligible organizations of their own discretion. As it relates to this request, District 4 H-Tax discretionary account breakdown and its potential impact is listed below:

Initial Discretionary Account Funding	\$ 82,425
FY2020 Remaining	\$ 58,550
FY2021 Allocations	\$ 80,000
SC Philharmonic	\$ 5,000
Total Allocation	\$ 5,000
Remaining Balance	\$ 55,975

C. Legislative / Chronological History

- 3rd Reading of the Budget – June 8, 2017
- Regular Session - May 15, 2018
- 3rd Reading of Budget FY19 June 21 ,2018
- 3rd Reading of the Budget FY20 June 10, 2019
- 3rd Reading of the Budget FY21 June 11, 2020

D. Alternatives

1. Consider the request and approve the allocation.
2. Consider the request and do not approve the allocation.

E. Final Recommendation

Staff does not have a recommendation regarding this as it is a financial policy decision of County Council. The funding is available to cover the request. Staff will proceed as directed.