

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DETERMINING THAT) ORDINANCE NO. 10-1231B
PROVIDING FINANCIAL RESOURCES TO)
INCREASE THE SUPPLY OF AFFORDABLE)
HOUSING IS A MATTER OF METROPOLITAN) Introduced by Councilor Robert Liberty
CONCERN)

WHEREAS, Section 4 of the Metro Charter, entitled “Jurisdiction of Metro,” provides that, “Metro has jurisdiction over matters of metropolitan concern. Matters of metropolitan concern include the powers granted to and duties imposed on Metro by current and future state law and those matters the Council by ordinance determines to be of metropolitan concern. The Council shall specify by ordinance the extent to which Metro exercises jurisdiction over matters of metropolitan concern”; and

WHEREAS, Section 7 (1) of the Metro Charter, entitled “Assumption Ordinance,” provides that “The Council shall approve by ordinance the undertaking by Metro of any function not authorized by Sections 5 and 6 of this charter. The ordinance shall contain a finding that the function is of metropolitan concern and the reasons it is appropriate for Metro to undertake it”; and

WHEREAS, Fundamental 7 of the Metro Council’s Regional Framework Plan charges Metro to “Enable communities to provide diverse housing options for all residents by providing a mix of housing types as well as affordable housing in every jurisdiction”; and

WHEREAS, Chapter 1.3.1 Housing Choice of Metro’s Regional Framework Plan provides:

- “1.3.1 Provide housing choices in the region, including single family, multi-family, ownership and rental housing, and housing offered by the private, public and nonprofit sectors.
- 1.3.2 As part of the effort to provide housing choices, encourage local governments to ensure that their land use regulations:
 - a. Allow a diverse range of housing types;
 - b. Make housing choices available to households of all income levels; and
 - c. Allow affordable housing, particularly in Centers and Corridors and other areas well-served with public services.
- 1.3.3 Maintain voluntary affordable housing production goals for the region, to be revised over time as new information becomes available and displayed in Chapter 8 (Implementation), and encourage their adoption by the cities and counties of the region.
- 1.3.4 Encourage local governments to consider the following tools and strategies to achieve the affordable housing production goals:
 - a. Density bonuses for affordable housing;

- b. A no-net-loss affordable housing policy to be applied to quasi-judicial amendments to the comprehensive plan;
- c. A voluntary inclusionary zoning policy;
- d. A transferable development credits program for affordable housing;
- e. Policies to accommodate the housing needs of the elderly and disabled;
- f. Removal of regulatory constraints on the provision of affordable housing; and
- g. Policies to ensure that parking requirements do not discourage the provision of affordable housing.”; and

WHEREAS, Title 7 Housing Choice of Metro Code Chapter 3.07 Urban Growth Management Functional Plan, Metro Code Section 3.07.750 Technical Assistance, encourages cities and counties to take advantage of the programs of technical and financial assistance provided by Metro to help achieve the goal; and

WHEREAS, on January 25, 2007, the Metro Council amended and adopted the Regional Framework Plan and the Metro Code, via Ordinance No. 06-1129B, which took effect on April 25, 2007 (“For the Purpose of Amending the Regional Framework Plan to Revise Metro Policies on Housing Choice and Affordable Housing and Amending Metro Code Sections 3.07.710 through 3.07.760 to Implement the New Policies”); and

WHEREAS, the Metro Council has acknowledged that continued and accelerated population growth is likely to negatively affect the availability and affordability of housing in the Metro Area, and that the lack of sufficient funding for affordable housing remains a major barrier to the production of affordable housing; and

WHEREAS, it is the Metro Council’s goal that the Metro Area grow and reinvest in ways that assure a high quality of life for residents of all incomes, races and ethnicity, including the development and preservation of housing affordable to families and individuals of modest means in mixed-use, walkable neighborhoods close to services and public transit; and

WHEREAS, on June 26, 2008, the Metro Council adopted Metro Resolution No. 08-3940 (“For the Purpose of Affirming a Definition of a “Successful Region” and Committing Metro to Work with Regional Partners to Identify Performance Indicators and Targets and to Develop a Decision-Making Process to Create Successful Communities”), establishing six defining measures of a successful region, one of which is that the benefits and the burdens of growth and change are distributed equitably; and

WHEREAS, at regular meetings on November 28, 2007 and February 13, 2008, MPAC [Metro Policy Advisory Committee] discussed Metro’s Housing Need Study, the Metro Region’s Affordable Housing Inventory, and the proposed \$10 million Regional Housing Choice Revolving Fund, which was later established by Metro Council ordinance adopting a June, 2008 budget amendment, and committing \$1 million in seed money from Metro limited duration funds, contingent on a \$9-19 million match from public, private, and charitable partners, and

WHEREAS, the national economic crisis and associated collapse of the housing boom made it impossible to complete the matching program needed to establish the Regional Housing Choice Revolving Fund; and

WHEREAS, on June 25, 2009, the Metro Council adopted the Metro FY 2009-10 budget via Resolution No. 09-1215B (“Adopting the Annual Budget for Fiscal Year 2009-10, Making Appropriations, Levying Ad Valorem Taxes, Authorizing an Interfund Loan and Declaring an Emergency”), and determined to use the remaining limited duration fund to provide regional funding for affordable housing, to accomplish some key objectives of the regional housing choice implementation strategy; and

WHEREAS, the Metro Council has identified \$850,000 of limited duration funds that is available for loans for a term up to five years that aid in the construction of ownership or rental housing for persons and families of below average incomes in the centers, corridors and station areas designated for growth in Metro’s 2040 Regional Framework Plan, with such available for uses such as pre-development work, land acquisition and construction; and

WHEREAS, in determining that providing regional funding for affordable housing is a matter of metropolitan concern, Metro will not exercise any authority to direct or regulate local government efforts to provide such funding, in order to avoid providing or regulating any existing service provided by local governments; and

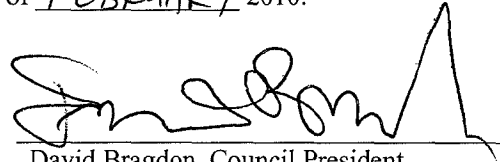
WHEREAS, pursuant to Section 7(3) of the Metro Charter, “Assumption of Other Service Functions, the [Metro] Council shall seek the advice of the [Metro Policy Advisory Committee] MPAC before adopting an ordinance authorizing provision or regulation by Metro of a service, which is not a local government service”; and

WHEREAS, in accord with the provisions of the Metro Charter, MPAC’s advice has been sought for this ordinance, and MPAC advises approval; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

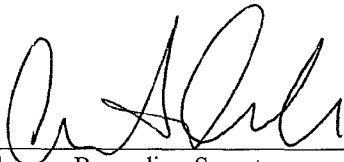
1. In accord with Section 4 of the Metro Charter, Metro Council finds that providing Metro funding for increasing the Metro Area’s supply of affordable housing is a function of metropolitan concern.
2. In accord with Section 7(1) of the Metro Charter, this finding is supported and justified by the legislation cited in the preceding recitals and by Metro Council’s findings contained in the Regional Housing Choices Implementation Strategy report accepted by the Metro Council in March 2006, which recommended that Metro should direct effort towards development of new resources for affordable housing and advocate for increased funding at the Federal, State, and regional levels.
3. The Metro Council finds that Metro should not exercise any authority to direct or regulate local government efforts to provide such funding and therefore finds that Metro is not providing or regulating any existing service provided by local governments. In accord with Section 7(2) of the Metro Charter, Metro Council finds that this ordinance is therefore not subject to approval by either the Metro Policy Advisory Committee or the voters of the Metro Area.
4. In accord with Sections 4 and 7 of the Metro Charter, Metro Council hereby undertakes jurisdiction over increasing the Metro Area’s supply of affordable housing, by utilizing Metro funds to provide short-term loans to assist in the development of additional affordable housing in the Metro Area.

ADOPTED by the Metro Council this 11 day of FEBRUARY 2010.



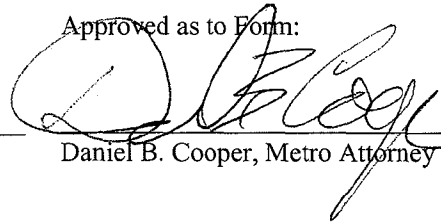
David Bragdon, Council President

Attest:

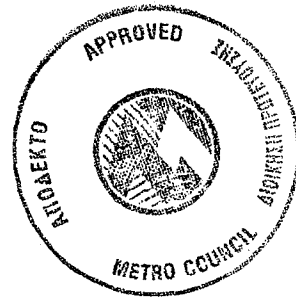


Tony Andersen, Recording Secretary

Approved as to Form:



Daniel B. Cooper, Metro Attorney



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DETERMINING THAT) ORDINANCE NO. 10-1231B
PROVIDING FINANCIAL RESOURCES TO)
INCREASE THE SUPPLY OF AFFORDABLE)
HOUSING IS A MATTER OF METROPOLITAN) Introduced by Councilor Robert Liberty
CONCERN)

WHEREAS, Section 4 of the Metro Charter, entitled “Jurisdiction of Metro,” provides that, “Metro has jurisdiction over matters of metropolitan concern. Matters of metropolitan concern include the powers granted to and duties imposed on Metro by current and future state law and those matters the Council by ordinance determines to be of metropolitan concern. The Council shall specify by ordinance the extent to which Metro exercises jurisdiction over matters of metropolitan concern”; and

WHEREAS, Section 7 (1) of the Metro Charter, entitled “Assumption Ordinance,” provides that “The Council shall approve by ordinance the undertaking by Metro of any function not authorized by Sections 5 and 6 of this charter. The ordinance shall contain a finding that the function is of metropolitan concern and the reasons it is appropriate for Metro to undertake it”; and

WHEREAS, Fundamental 7 of the Metro Council’s Regional Framework Plan charges Metro to “Enable communities to provide diverse housing options for all residents by providing a mix of housing types as well as affordable housing in every jurisdiction”; and

WHEREAS, Chapter 1.3.1 Housing Choice of Metro’s Regional Framework Plan ~~states that it is the policy of the Metro Council to encourage affordable housing opportunities in the Metro Area by addressing current and future supply of affordable housing production goals; and provides:~~

“1.3.1 Provide housing choices in the region, including single family, multi-family, ownership and rental housing, and housing offered by the private, public and nonprofit sectors.

1.3.2 As part of the effort to provide housing choices, encourage local governments to ensure that their land use regulations:

a. Allow a diverse range of housing types;

b. Make housing choices available to households of all income levels; and

c. Allow affordable housing, particularly in Centers and Corridors and other areas well-served with public services.

1.3.3 Maintain voluntary affordable housing production goals for the region, to be revised over time as new information becomes available and displayed in Chapter 8 (Implementation), and encourage their adoption by the cities and counties of the region.

1.3.4 Encourage local governments to consider the following tools and strategies to achieve the affordable housing production goals:

- a. Density bonuses for affordable housing;
- b. A no-net-loss affordable housing policy to be applied to quasi-judicial amendments to the comprehensive plan;
- c. A voluntary inclusionary zoning policy;
- d. A transferable development credits program for affordable housing;
- e. Policies to accommodate the housing needs of the elderly and disabled;
- f. Removal of regulatory constraints on the provision of affordable housing; and
- g. Policies to ensure that parking requirements do not discourage the provision of affordable housing.”; and

WHEREAS, Title 7 Housing Choice of Metro Code Chapter 3.07 Urban Growth Management Functional Plan, Metro Code Section 3.07.750 Technical Assistance, encourages cities and counties to take advantage of the programs of technical and financial assistance provided by Metro to help achieve the goal; and

WHEREAS, on January 25, 2007, the Metro Council amended and adopted the Regional Framework Plan and the Metro Code, via Ordinance No. 06-1129B, which took effect on April 25, 2007 (“For the Purpose of Amending the Regional Framework Plan to Revise Metro Policies on Housing Choice and Affordable Housing and Amending Metro Code Sections 3.07.710 through 3.07.760 to Implement the New Policies”); and

WHEREAS, the Metro Council has acknowledged that continued and accelerated population growth is likely to negatively affect the availability and affordability of housing in the Metro Area, and that the lack of sufficient funding for affordable housing remains a major barrier to the production of affordable housing; and

WHEREAS, it is the Metro Council’s goal that the Metro Area grow and reinvest in ways that assure a high quality of life for residents of all incomes, races and ethnicity, including the development and preservation of housing affordable to families and individuals of modest means in mixed-use, walkable neighborhoods close to services and public transit; and

WHEREAS, on June 26, 2008, the Metro Council adopted Metro Resolution No. 08-3940 (“For the Purpose of Affirming a Definition of a “Successful Region” and Committing Metro to Work with Regional Partners to Identify Performance Indicators and Targets and to Develop a Decision-Making Process to Create Successful Communities”), establishing six defining measures of a successful region, one of which ~~is that seeks to minimize geographic concentrations of poverty, by providing affordable housing choices in centers and corridors, such that~~ the benefits and the burdens of growth and change are distributed ~~equitably equally providing affordable housing choices in centers and corridors contributes to this good~~; and

WHEREAS, at regular meetings on November 28, 2007 and February 13, 2008, MPAC [Metro Policy Advisory Committee] discussed Metro’s Housing Need Study, the Metro Region’s Affordable Housing Inventory, and the proposed \$10 million Regional Housing Choice Revolving Fund, which was later established by Metro Council ordinance adopting a June, 2008 budget amendment, and committing

\$1 million in seed money from Metro limited duration funds, contingent on a \$9-19 million match from public, private, and charitable partners, and

WHEREAS, the national economic crisis and associated collapse of the housing boom made it impossible to complete the matching program needed to establish the Regional Housing Choice Revolving Fund; and

WHEREAS, on June 25, 2009, the Metro Council adopted the Metro FY 2009-10 budget via Resolution No. 09-1215B (“Adopting the Annual Budget for Fiscal Year 2009-10, Making Appropriations, Levying Ad Valorem Taxes, Authorizing an Interfund Loan and Declaring an Emergency”), and determined to use the remaining limited duration fund to provide regional funding for affordable housing, to accomplish some key objectives of the regional housing choice implementation strategy; and

WHEREAS, the Metro Council has identified \$850,000 of limited duration funds that is available for loans for a term up to five years that aid in the construction of ownership or rental housing for persons and families of below average incomes in the centers, corridors and station areas designated for growth in Metro’s 2040 Regional Framework Plan, with such available for uses such as pre-development work, land acquisition and construction; and

WHEREAS, in determining that providing regional funding for affordable housing is a matter of metropolitan concern, Metro will not exercise any authority to direct or regulate local government efforts to provide such funding, in order to avoid providing or regulating any existing service provided by local governments; and

WHEREAS, pursuant to Section 7(3) of the Metro Charter, “Assumption of Other Service Functions, the [Metro] Council shall seek the advice of the [Metro Policy Advisory Committee] MPAC before adopting an ordinance authorizing provision or regulation by Metro of a service, which is not a local government service”; and

WHEREAS, in accord with the provisions of the Metro Charter, MPAC’s advice has been sought for this ordinance, and MPAC advises approval; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. In accord with Section 4 of the Metro Charter, Metro Council finds that providing Metro funding for increasing the Metro Area’s supply of affordable housing is a function of metropolitan concern.
2. In accord with Section 7(1) of the Metro Charter, this finding is supported and justified by the legislation cited in the preceding recitals and by Metro Council’s findings contained in the Regional Housing Choices Implementation Strategy report accepted by the Metro Council in March 2006, which recommended that Metro should direct effort towards development of new resources for affordable housing and advocate for increased funding at the Federal, State, and regional levels.
3. The Metro Council ~~finds directs~~ that Metro should not exercise any authority to direct or regulate local government efforts to provide such funding and therefore finds that Metro is not providing or regulating any existing service provided by local governments. In accord with Section 7(2) of the Metro Charter, Metro Council finds that this ordinance is therefore not subject to approval by either the Metro Policy Advisory Committee or the voters of the Metro Area.

4. In accord with Sections 4 and 7 of the Metro Charter, Metro Council hereby undertakes jurisdiction over increasing the Metro Area's supply of affordable housing, by utilizing Metro funds to provide short-term loans to assist in the development of additional affordable housing in the Metro Area.

ADOPTED by the Metro Council this _____ day of _____ 2010.

David Bragdon, Council President

Attest:

Approved as to Form:

Tony Andersen, Recording Secretary

Daniel B. Cooper, Metro Attorney

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DETERMINING THAT) ORDINANCE NO. 10-1231A
PROVIDING FINANCIAL RESOURCES TO)
INCREASE THE SUPPLY OF AFFORDABLE)
HOUSING IS A MATTER OF METROPOLITAN) Introduced by Councilor Robert Liberty
CONCERN)

WHEREAS, Section 4 of the Metro Charter, entitled “Jurisdiction of Metro,” provides that, “Metro has jurisdiction over matters of metropolitan concern. Matters of metropolitan concern include the powers granted to and duties imposed on Metro by current and future state law and those matters the Council by ordinance determines to be of metropolitan concern. The Council shall specify by ordinance the extent to which Metro exercises jurisdiction over matters of metropolitan concern”; and

WHEREAS, Section 7 (1) of the Metro Charter, entitled “Assumption Ordinance,” provides that “The Council shall approve by ordinance the undertaking by Metro of any function not authorized by Sections 5 and 6 of this charter. The ordinance shall contain a finding that the function is of metropolitan concern and the reasons it is appropriate for Metro to undertake it”; and

WHEREAS, Fundamental 7 of the Metro Council’s Regional Framework Plan charges Metro to “Enable communities to provide diverse housing options for all residents by providing a mix of housing types as well as affordable housing in every jurisdiction”; and

WHEREAS, Chapter 1.3.1 Housing Choice of Metro’s Regional Framework Plan states that it is the policy of the Metro Council to encourage affordable housing opportunities in the Metro Area by addressing current and future supply of affordable housing production goals; and

WHEREAS, Title 7 Housing Choice of Metro Code Chapter 3.07 Urban Growth Management Functional Plan, Metro Code Section 3.07.750 Technical Assistance, encourages cities and counties to take advantage of the programs of technical and financial assistance provided by Metro to help achieve the goal; and

WHEREAS, on January 25, 2007, the Metro Council amended and adopted the Regional Framework Plan and the Metro Code, via Ordinance No. 06-1129B, which took effect on April 25, 2007 (“For the Purpose of Amending the Regional Framework Plan to Revise Metro Policies on Housing Choice and Affordable Housing and Amending Metro Code Sections 3.07.710 through 3.07.760 to Implement the New Policies”); and

WHEREAS, the Metro Council has acknowledged that continued and accelerated population growth is likely to negatively affect the availability and affordability of housing in the Metro Area, and that the lack of sufficient funding for affordable housing remains a major barrier to the production of affordable housing; and

WHEREAS, it is the Metro Council’s goal that the Metro Area grow and reinvest in ways that assure a high quality of life for residents of all incomes, races and ethnicity, including the development and preservation of housing affordable to families and individuals of modest means in mixed-use, walkable neighborhoods close to services and public transit; and

WHEREAS, on June 26, 2008, the Metro Council adopted Metro Resolution No. 08-3940 (“For the Purpose of Affirming a Definition of a “Successful Region” and Committing Metro to Work with Regional Partners to Identify Performance Indicators and Targets and to Develop a Decision-Making Process to Create Successful Communities”), establishing six defining measures of a successful region, one of which ~~is that seeks to minimize geographic concentrations of poverty, by providing affordable housing choices in centers and corridors, such that~~ the benefits and the burdens of growth and change are distributed equally providing affordable housing choices in centers and corridors contributes to this good; and

WHEREAS, at regular meetings on November 28, 2007 and February 13, 2008, MPAC [Metro Policy Advisory Committee] discussed Metro’s Housing Need Study, the Metro Region’s Affordable Housing Inventory, and the proposed \$10 million Regional Housing Choice Revolving Fund, which was later established by Metro Council ordinance adopting a June, 2008 budget amendment, and committing \$1 million in seed money from Metro limited duration funds, contingent on a \$9-19 million match from public, private, and charitable partners, and

WHEREAS, the national economic crisis and associated collapse of the housing boom made it impossible to complete the matching program needed to establish the Regional Housing Choice Revolving Fund; and

WHEREAS, on June 25, 2009, the Metro Council adopted the Metro FY 2009-10 budget via Resolution No. 09-1215B (“Adopting the Annual Budget for Fiscal Year 2009-10, Making Appropriations, Levying Ad Valorem Taxes, Authorizing an Interfund Loan and Declaring an Emergency”), and determined to use the remaining limited duration fund to provide regional funding for affordable housing, to accomplish some key objectives of the regional housing choice implementation strategy; and

WHEREAS, the Metro Council has identified \$850,000 of limited duration funds that is available for loans for a term up to five years that aid in the construction of ownership or rental housing for persons and families of below average incomes in the centers, corridors and station areas designated for growth in Metro’s 2040 Growth Concept Regional Framework Plan, with such available for uses such as pre-development work, land acquisition and construction; and

WHEREAS, regardless whether funds are currently available Metro may in the future invest resources in an affordable housing strategy as part of its efforts to implement Metro’s Regional Framework Plan; and

WHEREAS, in determining that providing regional funding for affordable housing is a matter of metropolitan concern, Metro will not exercise any authority to direct or regulate local government efforts to provide such funding, in order to avoid providing or regulating any existing service provided by local governments; and

WHEREAS, pursuant to Section 7(3) of the Metro Charter, “Assumption of Other Service Functions, the [Metro] Council shall seek the advice of the [Metro Policy Advisory Committee] MPAC before adopting an ordinance authorizing provision or regulation by Metro of a service, which is not a local government service”; and

WHEREAS, in accord with the provisions of the Metro Charter, MPAC’s advice has been sought for this ordinance, and MPAC advises approval; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. In accord with Section 4 of the Metro Charter, Metro Council finds that providing Metro funding for increasing the Metro Area's supply of affordable housing is a function of metropolitan concern.
2. In accord with Section 7(1) of the Metro Charter, this finding is supported and justified by the legislation cited in the preceding recitals and by Metro Council's findings contained in the Regional Housing Choices Implementation Strategy report accepted by the Metro Council in March 2006, which recommended that Metro should direct effort towards development of new resources for affordable housing and advocate for increased funding at the Federal, State, and regional levels.
3. The Metro Council ~~finds directs~~ that Metro ~~does should~~ not exercise any authority to direct or regulate local government efforts to provide such funding and therefore finds that Metro is not providing or regulating any existing service provided by local governments. In accord with Section 7(2) of the Metro Charter, Metro Council finds that this ordinance is therefore not subject to approval by either the Metro Policy Advisory Committee or the voters of the Metro Area.
4. In accord with Sections 4 and 7 of the Metro Charter, Metro Council hereby undertakes jurisdiction over increasing the Metro Area's supply of affordable housing, by utilizing Metro funds to provide short-term loans to assist in the development of additional affordable housing in the Metro Area.

ADOPTED by the Metro Council this _____ day of _____ 2010.

David Bragdon, Council President

Attest:

Approved as to Form:

Tony Andersen, Recording Secretary

Daniel B. Cooper, Metro Attorney

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DETERMINING THAT) ORDINANCE NO. 10-1231
PROVIDING FINANCIAL RESOURCES TO)
INCREASE THE SUPPLY OF AFFORDABLE)
HOUSING IS A MATTER OF METROPOLITAN) Introduced by Councilor Robert Liberty
CONCERN)

WHEREAS, Section 4 of the Metro Charter, entitled “Jurisdiction of Metro,” provides that, “Metro has jurisdiction over matters of metropolitan concern. Matters of metropolitan concern include the powers granted to and duties imposed on Metro by current and future state law and those matters the Council by ordinance determines to be of metropolitan concern. The Council shall specify by ordinance the extent to which Metro exercises jurisdiction over matters of metropolitan concern”; and

WHEREAS, Section 7 (1) of the Metro Charter, entitled “Assumption Ordinance,” provides that “The Council shall approve by ordinance the undertaking by Metro of any function not authorized by Sections 5 and 6 of this charter. The ordinance shall contain a finding that the function is of metropolitan concern and the reasons it is appropriate for Metro to undertake it”; and

WHEREAS, Fundamental 7 of the Metro Council’s Regional Framework Plan charges Metro to “Enable communities to provide diverse housing options for all residents by providing a mix of housing types as well as affordable housing in every jurisdiction”; and

WHEREAS, Chapter 1.3.1 Housing Choice of Metro’s Regional Framework Plan states that it is the policy of the Metro Council to encourage affordable housing opportunities in the Metro Area by addressing current and future supply of affordable housing production goals; and

WHEREAS, Title 7 Housing Choice of Metro Code Chapter 3.07 Urban Growth Management Functional Plan, Metro Code Section 3.07.750 Technical Assistance, encourages cities and counties to take advantage of the programs of technical and financial assistance provided by Metro to help achieve the goal; and

WHEREAS, on January 25, 2007, the Metro Council amended and adopted the Regional Framework Plan and the Metro Code, via Ordinance No. 06-1129B, which took effect on April 25, 2007 (“For the Purpose of Amending the Regional Framework Plan to Revise Metro Policies on Housing Choice and Affordable Housing and Amending Metro Code Sections 3.07.710 through 3.07.760 to Implement the New Policies”); and

WHEREAS, the Metro Council has acknowledged that continued and accelerated population growth is likely to negatively affect the availability and affordability of housing in the Metro Area, and that the lack of sufficient funding for affordable housing remains a major barrier to the production of affordable housing; and

WHEREAS, it is the Metro Council’s goal that the Metro Area grow and reinvest in ways that assure a high quality of life for residents of all incomes, races and ethnicity, including the development and preservation of housing affordable to families and individuals of modest means in mixed-use, walkable neighborhoods close to services and public transit; and

WHEREAS, on June 26, 2008, the Metro Council adopted Metro Resolution No. 08-3940 (“For the Purpose of Affirming a Definition of a “Successful Region” and Committing Metro to Work with Regional Partners to Identify Performance Indicators and Targets and to Develop a Decision-Making Process to Create Successful Communities”), establishing six defining measures of a successful region, one of which seeks to minimize geographic concentrations of poverty, by providing affordable housing choices in centers and corridors, such that the benefits and the burdens of growth and change are distributed equally; and

WHEREAS, at regular meetings on November 28, 2007 and February 13, 2008, MPAC [Metro Policy Advisory Committee] discussed Metro’s Housing Need Study, the Metro Region’s Affordable Housing Inventory, and the proposed \$10 million Regional Housing Choice Revolving Fund, which was later established by Metro Council ordinance adopting a June, 2008 budget amendment, and committing \$1 million in seed money from Metro limited duration funds, contingent on a \$9-19 million match from public, private, and charitable partners, and

WHEREAS, the national economic crisis and associated collapse of the housing boom made it impossible to complete the matching program needed to establish the Regional Housing Choice Revolving Fund; and

WHEREAS, on June 25, 2009, the Metro Council adopted the Metro FY 2009-10 budget via Resolution No. 09-1215B (“Adopting the Annual Budget for Fiscal Year 2009-10, Making Appropriations, Levying Ad Valorem Taxes, Authorizing an Interfund Loan and Declaring an Emergency”), and determined to use the remaining limited duration fund to provide regional funding for affordable housing, to accomplish some key objectives of the regional housing choice implementation strategy; and

WHEREAS, the Metro Council has identified \$850,000 of limited duration funds that is available for loans for a term up to five years that aid in the construction of ownership or rental housing for persons and families of below average incomes in the centers, corridors and station areas designated for growth in Metro’s 2040 Regional Framework Plan, with such available for uses such as pre-development work, land acquisition and construction; and

WHEREAS, in determining that providing regional funding for affordable housing is a matter of metropolitan concern, Metro will not exercise any authority to direct or regulate local government efforts to provide such funding, in order to avoid providing or regulating any existing service provided by local governments; and

WHEREAS, pursuant to Section 7(3) of the Metro Charter, “Assumption of Other Service Functions, the [Metro] Council shall seek the advice of the [Metro Policy Advisory Committee] MPAC before adopting an ordinance authorizing provision or regulation by Metro of a service, which is not a local government service”; and

WHEREAS, in accord with the provisions of the Metro Charter, MPAC’s advice has been sought for this ordinance, and MPAC advises approval; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. In accord with Section 4 of the Metro Charter, Metro Council finds that providing Metro funding for increasing the Metro Area’s supply of affordable housing is a function of metropolitan concern.

2. In accord with Section 7(1) of the Metro Charter, this finding is supported and justified by the legislation cited in the preceding recitals and by Metro Council's findings contained in the Regional Housing Choices Implementation Strategy report accepted by the Metro Council in March 2006, which recommended that Metro should direct effort towards development of new resources for affordable housing and advocate for increased funding at the Federal, State, and regional levels.

3. The Metro Council directs that Metro should not exercise any authority to direct or regulate local government efforts to provide such funding and therefore finds that Metro is not providing or regulating any existing service provided by local governments. In accord with Section 7(2) of the Metro Charter, Metro Council finds that this ordinance is therefore not subject to approval by either the Metro Policy Advisory Committee or the voters of the Metro Area.

4. In accord with Sections 4 and 7 of the Metro Charter, Metro Council hereby undertakes jurisdiction over increasing the Metro Area's supply of affordable housing, by utilizing Metro funds to provide short-term loans to assist in the development of additional affordable housing in the Metro Area.

ADOPTED by the Metro Council this _____ day of _____ 2010.

David Bragdon, Council President

Attest:

Approved as to Form:

Tony Andersen, Recording Secretary

Daniel B. Cooper, Metro Attorney

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DETERMINING THAT) ORDINANCE NO. 10-1231
PROVIDING FINANCIAL RESOURCES TO)
INCREASE THE SUPPLY OF AFFORDABLE)
HOUSING IS A MATTER OF METROPOLITAN) Introduced by Councilor Robert Liberty
CONCERN)

WHEREAS, Section 4 of the Metro Charter, entitled “Jurisdiction of Metro,” provides that, “Metro has jurisdiction over matters of metropolitan concern. Matters of metropolitan concern include the powers granted to and duties imposed on Metro by current and future state law and those matters the Council by ordinance determines to be of metropolitan concern. The Council shall specify by ordinance the extent to which Metro exercises jurisdiction over matters of metropolitan concern”; and

WHEREAS, Section 7 (1) of the Metro Charter, entitled “Assumption Ordinance,” provides that “The Council shall approve by ordinance the undertaking by Metro of any function not authorized by Sections 5 and 6 of this charter. The ordinance shall contain a finding that the function is of metropolitan concern and the reasons it is appropriate for Metro to undertake it”; and

WHEREAS, Fundamental 7 of the Metro Council’s Regional Framework Plan charges Metro to “Enable communities to provide diverse housing options for all residents by providing a mix of housing types as well as affordable housing in every jurisdiction”; and

WHEREAS, Chapter 1.3.1 Housing Choice of Metro’s Regional Framework Plan states that it is the policy of the Metro Council to encourage affordable housing opportunities in the Metro Area by addressing current and future supply of affordable housing production goals; and

WHEREAS, Title 7 Housing Choice of Metro Code Chapter 3.07 Urban Growth Management Functional Plan, Metro Code Section 3.07.750 Technical Assistance, encourages cities and counties to take advantage of the programs of technical and financial assistance provided by Metro to help achieve the goal; and

WHEREAS, on January 25, 2007, the Metro Council amended and adopted the Regional Framework Plan and the Metro Code, via Ordinance No. 06-1129B, which took effect on April 25, 2007 (“For the Purpose of Amending the Regional Framework Plan to Revise Metro Policies on Housing Choice and Affordable Housing and Amending Metro Code Sections 3.07.710 through 3.07.760 to Implement the New Policies”); and

WHEREAS, the Metro Council has acknowledged that continued and accelerated population growth is likely to negatively affect the availability and affordability of housing in the Metro Area, and that the lack of sufficient funding for affordable housing remains a major barrier to the production of affordable housing; and

WHEREAS, it is the Metro Council’s goal that the Metro Area grow and reinvest in ways that assure a high quality of life for residents of all incomes, races and ethnicity, including the development and preservation of housing affordable to families and individuals of modest means in mixed-use, walkable neighborhoods close to services and public transit; and

WHEREAS, on June 26, 2008, the Metro Council adopted Metro Resolution No. 08-3940 (“For the Purpose of Affirming a Definition of a “Successful Region” and Committing Metro to Work with Regional Partners to Identify Performance Indicators and Targets and to Develop a Decision-Making Process to Create Successful Communities”), establishing six defining measures of a successful region, one of which seeks to minimize geographic concentrations of poverty, by providing affordable housing choices in centers and corridors, such that the benefits and the burdens of growth and change are distributed equally; and

WHEREAS, at regular meetings on November 28, 2007 and February 13, 2008, MPAC [Metro Policy Advisory Committee] discussed Metro’s Housing Need Study, the Metro Region’s Affordable Housing Inventory, and the proposed \$10 million Regional Housing Choice Revolving Fund, which was later established by Metro Council ordinance adopting a June, 2008 budget amendment, and committing \$1 million in seed money from Metro limited duration funds, contingent on a \$9-19 million match from public, private, and charitable partners, and

~~WHEREAS, the \$9-19 million in expected matching contributions to establish the Regional Housing Choice Revolving Fund were not forthcoming; and~~

~~WHEREAS, the national economic crisis and associated collapse of the housing boom made it impossible to complete the matching program needed to establish the Regional Housing Choice Revolving Fund; and~~

WHEREAS, on June 25, 2009, the Metro Council adopted the Metro FY 2009-10 budget via Resolution No. 09-1215B (“Adopting the Annual Budget for Fiscal Year 2009-10, Making Appropriations, Levying Ad Valorem Taxes, Authorizing an Interfund Loan and Declaring an Emergency”), and determined to use the remaining limited duration fund to provide regional funding for affordable housing, to accomplish some key objectives of the regional housing choice implementation strategy; and

WHEREAS, the Metro Council has identified \$850,000 of limited duration funds that ~~may be made is~~ available ~~to establish a revolving loan fund for loans for a term up to five years that aid in the construction of ownership or rental housing for persons and families of below average incomes in the centers, corridors and station areas designated for growth in Metro’s 2040 Regional Framework Plan for affordable housing, with such available for uses such as to provide short term loans for~~ pre-development work, land acquisition and construction, ~~to be known as the Regional Housing Choice Revolving Loan Fund~~; and

WHEREAS, in determining that providing regional funding for affordable housing is a matter of metropolitan concern, Metro will not exercise any authority to direct or regulate local government efforts to provide such funding, in order to avoid providing or regulating any existing service provided by local governments; and

WHEREAS, pursuant to Section 7(3) of the Metro Charter, “Assumption of Other Service Functions, the [Metro] Council shall seek the advice of the [Metro Policy Advisory Committee] MPAC before adopting an ordinance authorizing provision or regulation by Metro of a service, which is not a local government service”; and

WHEREAS, in accord with the provisions of the Metro Charter, MPAC’s advice has been sought for this ordinance, and MPAC advises approval; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. In accord with Section 4 of the Metro Charter, Metro Council finds that providing Metro funding for increasing the Metro Area's supply of affordable housing is a function of metropolitan concern.
2. In accord with Section 7(1) of the Metro Charter, this finding is supported and justified by the legislation cited in the preceding recitals and by Metro Council's findings contained in the Regional Housing Choices Implementation Strategy report accepted by the Metro Council in March 2006, which recommended that Metro should direct effort towards development of new resources for affordable housing and join all lead advocate for increased funding at the Federal, State, and regional levels.
3. The Metro Council directs that Metro should not exercise any authority to direct or regulate local government efforts to provide such funding and therefore finds that Metro is not providing or regulating any existing service provided by local governments. In accord with Section 7(2) of the Metro Charter, Metro Council finds that this ordinance is therefore not subject to approval by either the Metro Policy Advisory Committee or the voters of the Metro Area.
4. In accord with Sections 4 and 7 of the Metro Charter, Metro Council hereby undertakes jurisdiction over increasing the Metro Area's supply of affordable housing, by utilizing Metro funds to provide short-term loans to assist in the development of additional affordable housing in the Metro Area.

ADOPTED by the Metro Council this _____ day of _____ 2010.

David Bragdon, Council President

Attest:

Approved as to Form:

Tony Andersen, Recording Secretary

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 10-1231B, FOR THE PURPOSE OF DETERMINING THAT PROVIDING FINANCIAL RESOURCES TO INCREASE THE SUPPLY OF AFFORDABLE HOUSING IS A MATTER OF METROPOLITAN CONCERN

Date: January 26, 2009

Prepared by: Kayla Mullis and Ina Zucker

813-7554; 797-1543

BACKGROUND

This ordinance declares affordable housing an issue of metropolitan concern, and authorizes Metro to spend funds to provide short-term loans to assist in the development of additional affordable housing in the Metro area.

The funds in question were approved when the Metro Council adopted the FY2009-10 budget which included the use of remaining limited duration funds to provide regional funding for affordable housing. Specifically the use of these funds was approved to accomplish key objectives of the Regional Housing Choice Implementation Strategy report, accepted by the Metro Council in March 2006, which recommended that Metro develop new resources for affordable housing and advocate for increased funding at federal, state and regional levels. The funds were originally part of \$1 million in seed money that the Metro Council approved for the FY2008-09 budget, and were contingent on finding matching fund of \$9-19 million from public, private and charitable partners. This was known as the Regional Housing Choice Revolving Fund. When the expected matching contributions were not forthcoming, the Metro Council approved use of \$850,000 of the original \$1 million to establish a revolving loan fund for affordable housing that will provide short-term loans for pre-development work, land acquisition and construction. This is now known as the Regional Housing Choice Revolving Loan Fund.

The Metro Council's decision to allocate these funds was rooted in a series of actions that recognize affordable housing supply as an important issue in the region and include:

- Fundamental 7 of the Metro Council's Regional Framework Plan which charges Metro to "enable communities to provide diverse housing options for all residents by providing a mix of housing types as well as affordable housing."
- Chapter 1.3.1 of the Regional Framework Plan which states that it is the policy of the Metro Council to encourage affordable housing opportunities by addressing current and future supply of affordable housing production goals.
- Resolution No. 08-3940, adopted by the Metro Council in June 2008, which established six defining measures of a successful region, one of which seeks to minimize geographic concentrations of poverty by providing affordable housing choices in centers and corridors in order to equitably distribute the benefits and burdens of growth and change.
- Title 7 of the Urban Growth Management Functional Plan, codified to be part of the Metro code in 2007, entitled Housing Choice which establishes voluntary affordable housing production goals to be adopted by local governments, and encourages cities and counties to take advantage of Metro programs to help "achieve the goal of increased production and preservation of housing choices and affordable housing."

Ordinance No. 10-1231 will officially recognize affordable housing as a matter of metropolitan concern, and directs the Metro Council to undertake jurisdiction over increasing the Metro area's supply of affordable housing by utilizing Metro funds to provide short-term loans to assist in developing affordable housing.

ANALYSIS/INFORMATION

1. **Known Opposition:** None known.
2. **Legal Antecedents:** Sections 4 and 7 of the Metro Charter provide that Metro has jurisdiction over "matters of metropolitan concern," including those matters the Council determines to be of metropolitan concern by ordinance. Such an ordinance shall contain a finding that a function is of metropolitan concern and the reasons for which it is appropriate to be undertaken by Metro. As outlined above, the Metro Council has approved legislation supporting affordable housing in accepting the Regional Housing Choices Implementation Strategy report in March 2006, including Fundamental 7 and chapter 1.3 in the Metro Council's Regional Framework Plan, amending the Regional Framework Plan by adopting Title 7 on Housing Choice by ordinance in 2007, by adopting six defining measures of a successful region in 2008 and including a measure that focuses on affordable housing, and by approving the Regional Housing Choice Revolving Fund in the FY 2008-09 budget.
3. **Anticipated Effects:** The Metro Council will undertake jurisdiction over increasing the Metro area's supply of affordable housing by utilizing Metro funds to provide short-term loans to assist in the development of additional affordable housing in the Metro area.
4. **Budget Impacts:** Future revenues and expenditures associated with the implementation of a short-term loan program to assist in development of affordable housing will be determined as part of the budget process.

RECOMMENDED ACTION

The Office of the Metro Attorney and staff recommend the adoption of Ordinance No. 10-1231.