

**BERNALILLO COUNTY**

**BOARD OF COUNTY COMMISSIONERS**

**ORDINANCE NO. \_\_\_\_\_**

**BERNALILLO COUNTY AFFORDABLE HOUSING PROGRAM ORDINANCE  
AN ORDINANCE ESTABLISHING AN AFFORDABLE HOUSING PROGRAM  
PURSUANT TO THE AFFORDABLE HOUSING ACT; DEFINING TERMS;  
ESTABLISHING APPLICATION REQUIREMENTS AND REVIEW CRITERIA; AND  
ESTABLISHING PROCEDURES TO ADMINISTER AN AFFORDABLE HOUSING  
PROGRAM**

**WHEREAS**, Bernalillo County (the “County”) is a unit of local government under the Constitution and laws of the State of New Mexico (the “State”); and

**WHEREAS**, under an exception to the “anti-donation” clause as set forth in Article IX Section 14 of the New Mexico Constitution, County is not prohibited from:

- A. Donating land it owns for the construction on it of affordable housing;
- B. Donating an existing building owned by County for conversion or renovation into affordable housing; or
- C. Providing or paying the costs of infrastructure necessary to support affordable housing projects;
- D. Donation for the costs of acquisition, development, construction, financing and operating or owning affordable housing; or
- E. The costs of financing or infrastructure necessary to support affordable housing;

**WHEREAS**, the Affordable Housing Act, NMSA 1978, Section 6-27-1 et seq. (the “Act”) implements the provision of Subsections E and F of Section 14, Article 9 of the New Mexico Constitution; and

1           **WHEREAS**, the Bernalillo County Board of Commissioners (“Commission”), the  
2 governing body of Bernalillo County desires to implement an affordable housing program for  
3 Bernalillo County.

4           **WHEREAS**, the New Mexico Mortgage Finance Authority (“MFA”) has reviewed and  
5 approved the form and terms of this Ordinance prior to final adoption hereof.

6           **NOW THEREFORE**, be it ordained by the governing body of Bernalillo County, State  
7 of New Mexico.

8   **Section 1.     SHORT TITLE.**

9   This article may be cited as the “Bernalillo County Affordable Housing Ordinance.”

10 **Section 2.     PURPOSE.**

11 This ordinance is adopted to implement Bernalillo County’s Affordable Housing Program (the  
12 “Program”). In accordance with N.M. Constitution Article IX, Section 14, the Affordable  
13 Housing Act, NMSA 1978, Section 6-27-1 et seq. (the “Act”) and New Mexico Mortgage  
14 Finance Authority Act Rules, the purpose of the Bernalillo County Affordable Housing  
15 Ordinance is to:

16       A. Establish procedures to ensure that both State and local housing assistance grantees are  
17       Qualifying Grantees who meet the requirements of the Act and the Rules promulgating  
18       pursuant to the Act both at the time of the award and throughout the term of any grant or  
19       loan under the Program;

20       B. Establish an application and award timetable for State housing assistance grants or loans  
21       to permit the selection of the Qualifying Grantee(s) by County;

22       C. Create an evaluation process to determine:

23           (i)     The financial and management stability of the Applicant;

- 1           (ii)     The demonstrated commitment of the Applicant to the community;
- 2           (iii)    A cost-benefit analysis of the project proposed by the Applicant;
- 3           (iv)     The benefits to the community of a proposed project;
- 4           (v)      The type or amount of assistance to be provided;
- 5           (vi)     The scope of the Affordable Housing Project;
- 6           (vii)    Any substantive or matching contribution by the Applicant to the proposed
- 7                 project;
- 8           (viii)  A performance schedule for the Qualifying Grantee with performance criteria;
- 9                 and
- 10          (ix)     Any other rules or procedures the County believes are necessary for a full review
- 11                 and evaluation of the Applicant and application or which MFA believes is necessary
- 12                 for a full review of County's evaluation of the Applicant.

13          D. Requiring Grantee; long-term affordability of County's Affordable Housing Projects so  
14                 that a Project cannot be sold shortly after completion and taken out of the affordable  
15                 housing market to ensure a quick profit for the Qualifying Grantee;

16          E. Require that County enter into a contract with the Qualifying Grantee consistent with the  
17                 Act, which contract shall include remedies and default provisions in the event of the  
18                 unsatisfactory performance by the Qualifying Grantee and which contract shall be subject  
19                 to the review of MFA in its discretion;

20          F. Require that a grant or loan for a Project must impose a contractual obligation of the  
21                 Qualifying Grantee that the affordable housing units in an Project be occupied by Persons  
22                 of Low and Moderate Income;

- 1 G. Provide for adequate security against the loss of public funds or property in the event that
- 2 the Qualifying Grantee abandons or otherwise fails to complete the Project;
- 3 H. Require review and approval of a housing grant project budget by County and/or MFA
- 4 before any expenditure of grant funds or transfer of granted property;
- 5 I. Require that a condition of grant or loan approval be proof of compliance with all
- 6 applicable State and local laws, rules and ordinances;
- 7 J. Provide definitions for “low-income and moderate-income” and setting out requirements
- 8 for verification of income levels;
- 9 K. Provide County with a valid Affordable Housing Program; and
- 10 L. Require that County have an existing valid affordable housing plan or housing elements
- 11 contained in this plan are met prior to making and authorizing a housing assistance grant.

12 **Section 3. GENERAL DEFINITIONS.**

13 The following words and terms shall have the following meanings.

- 14 A. “Act” shall mean the Affordable Housing Act, NMSA 1978, Section 6-27-1 et seq.
- 15 B. “Affordable” shall mean consistent with minimum rent and/or income limitations set
- 16 forth in the MFA Act, and in guidelines established by MFA.
- 17 C. “Affordable Housing” means residential housing primarily for Person or Households of
- 18 Low or moderate Income and whose monthly cost does not exceed 30% of household’s
- 19 gross monthly income.
- 20 D. “Affordable Housing Funds” shall mean any or all funds awarded or to be awarded,
- 21 loaned or otherwise distribute under the Act for payment of the costs of infrastructure for
- 22 Affordable Housing under an Affordable Housing Plan.

1 E. “Affordable Housing Plan” or “Plan” shall mean a housing plan that is a product of  
2 detailed research and analysis of the community and housing profile, including a review  
3 of land use and policy regarding land use, which produces a housing needs assessment  
4 for low and moderate income households in that locality.

5 F. “Affordable Housing Program” or “Program” shall mean any Programs County and/or  
6 MFA establish pursuant to the Act or the Plan.

7 G. “Affordable Housing Project” or “Project” shall mean an affordable housing project is  
8 “[a]ny work or undertaking, whether new construction, acquisition of existing residential  
9 housing, remodeling, improvement, Rehabilitation or conversion approved by Bernalillo  
10 County Government and/or MFA for the primary purposes as allowed by the Act.

11 H. “Affordability Period” shall mean:

12 (i) If the fair market of any Housing Assistance Grant or the total amount of  
13 Affordable Housing Funds that have been awarded, loaned, donated or otherwise  
14 conveyed to the Qualifying Grantee is less than \$15,000, then the Affordability  
15 Period shall be not less than five (5) years.

16 (ii) If the Fair market value of any Housing Assistance Grant or the total amount of  
17 Affordable Housing Funds is at least \$15,000 but less than \$40,000, then the  
18 Affordability Period shall be not less than ten (10) years.

19 (iii) If the fair market value of any Housing Assistance Grant or the total amount of  
20 Affordable Housing Funds is at least \$40,000 but less than \$100,000, then the  
21 Affordability Period shall be not less than fifteen (15) years.

1 (iv) If the fair market value of any Housing Assistance Grant or the total amount of  
2 Affordable Housing Funds is \$100,000 or greater, then the Affordability Period shall  
3 be not less than twenty (20) years.

4 I. "Applicant" shall mean, subject to further qualifications in Section 5.C., and individual; a  
5 governmental housing agency; regional housing authority; a for-profit organization,  
6 including a corporation, limited liability company, partnership, joint venture, syndicate or  
7 association or a nonprofit organization meeting the appropriate criteria of County and/or  
8 MFA.

9 J. "Application" shall mean an application to participate in one or more Affordable Housing  
10 Programs or Affordable Housing Projects under the Act submitted by an Applicant to  
11 Bernalillo County and/or MFA.

12 K. "Builder" shall mean an individual or entity licensed as a general contractor to construct  
13 Residential Housing in the State that satisfies the requirements of a Qualifying Grantee  
14 and has been approved by County and/or MFA to participate in an Affordable Housing  
15 Program. The term shall also include an individual or entity that satisfies the  
16 requirements of a Qualifying Grantee and has been approved by County and/or MFA to  
17 participate in an Affordable Housing Program, who is licensed as a general contractor in  
18 the State, provided such individual or entity contracts with a general contractor in the  
19 State to construct Residential Housing.

20 L. "Building" shall mean a structure capable of being renovated or converted into  
21 Affordable Housing or a structure that is to be demolished and is located on land donated  
22 for use in connection with an Affordable Housing Project.

1 M. “County” shall mean Bernalillo County, New Mexico, a unit of local government under  
2 the Constitution and laws of the State of New Mexico.

3 N. “Congregate Housing Facility” shall mean Residential Housing designed for occupancy  
4 by more than four Persons of Low or Moderate Income living independently of each  
5 other. The facility may contain group dining, recreational, health care or other communal  
6 living facilities and each unit in a Congregate Housing Facility shall contain at least its  
7 own living, sleeping, and bathing facilities.

8 O. “Federal Government” shall mean the United States of America and any agency or  
9 instrumentality corporate or otherwise of the United States of America.

10 P. “Household” shall mean one or more persons occupying a housing unit.

11 Q. “Housing Assistance Grant” means the donation, provision, or payment by County or  
12 MFA of:

13 (i) Land upon which the affordable housing will be constructed;

14 (ii) An existing building that will be renovated, converted, or demolished and  
15 reconstructed as Affordable Housing; or

16 (iii) The costs of acquisition, development, construction, financing and operating or  
17 owning affordable housing; or

18 (iv) The costs of financing or infrastructure necessary to support Affordable Housing.

19 R. “HUD” shall mean the United States Department of Housing and Urban Development;

20 S. “Infrastructure Improvement” includes, but is not limited to:

21 (i) Sanitary sewage systems, including collection, transport, storage, diversion,  
22 detention retention, dispersal, use and discharge;

- 1           (ii)     Drainage and flood control systems, including collection, transport, diversion,  
2                     storage, detention, retention, dispersal, use and discharge;
- 3           (iii)    Water systems for domestic purposes, including production, collection, transport,  
4                     diversion, storage, treatment, transport, delivery, connection and dispersal;
- 5           (iv)     Areas for motor vehicle use for road access, ingress, egress and parking;
- 6           (v)     Trails and areas for pedestrian, equestrian, bicycle or other non-motor vehicle use  
7                     for access, ingress, egress and parking;
- 8           (vi)    Parks, recreational facilities and open space areas for the use of residents for  
9                     entertainment, assembly and recreation;
- 10          (vii)   Landscaping, including earthworks, structures, plants, trees and related water  
11                    delivery systems;
- 12          (viii)   Electrical transmission and distribution facilities;
- 13          (ix)     Natural gas distribution facilities;
- 14          (x)     Lighting systems;
- 15          (xi)    Cable or other telecommunications lines and related equipment;
- 16          (xii)   Traffic control systems and devices including signals, controls, markings and  
17                    signs;
- 18          (xiii)   Inspection, construction management and related costs in connection with the  
19                    furnishing of the items listed in this subsection;

20          T. “Infrastructure Purpose” shall mean:

- 21           (i)     Planning, design engineering, construction, acquisition or installation of  
22                     infrastructure, including the costs of applications, impact fees and other fees, permits  
23                     and approvals related to the construction, acquisitions or installation of the

1 infrastructure, provided County may determine it appropriate to reduce or give  
2 building permit fees, sewer and water hookup fees, and other fees with respect to an  
3 Affordable Housing Project for which Affordable Housing Funds and/or Housing  
4 Assistance Grants are awarded, loaned, donated or otherwise distributed under the  
5 Act;

6 (ii) Acquiring, converting, renovation or improving existing facilities for  
7 infrastructure, including facilities owned, leased or installed by the owner;

8 (iii) Acquiring interests in real property or water rights for infrastructure, including  
9 interests of the owner; and

10 (iv) Incurring expenses incident to and reasonably necessary to carry out the purposes  
11 specified in this subsection.

12 U. "MFA" shall mean the New Mexico Mortgage Finance Authority.

13 V. "MFA Act" shall mean the Mortgage Finance Authority Act, enacted as Chapter 303 of  
14 the Laws of 1975 of the State of New Mexico, as amended (NMSA 1978, Sections 58-  
15 18-1 through 58-18-27).

16 W. "Mortgage" shall mean a mortgage, mortgage deed, deed of trust or other instrument  
17 creating a lien, subject only to tile exceptions as may be acceptable to County and/or  
18 MFA, on a fee interest in real property located within the State or on a leasehold interest  
19 that has a remaining term at the time of computation that exceeds or is renewable at the  
20 option of the lessee until after the maturity day of the Mortgage Loan.

21 X. "Mortgage Lender" shall mean any bank or trust company, mortgage company, mortgage  
22 banker, national banking association, savings bank, savings and loan association, credit  
23 union, building and loan association and any other lending institution; provided that the

1 mortgage lender maintains an office in the State, is authorized to make mortgage loans in  
2 the State and is approved by County and/or MFA and either the Federal Housing  
3 Authority, Veterans Affairs, Federal National Mortgage Association (“Fannie Mae”), or  
4 Federal Home Loan Mortgage Corporation (“Freddie Mac”).

5 Y. “Mortgage Loan” shall mean a financial obligation secured by a Mortgage, including a  
6 Mortgage Loan for a Project.

7 Z. “Multiple Family Housing Project” shall mean Residential Housing that is designed for  
8 occupancy by more than four persons or families living independently of each other or  
9 living in a Congregate Housing Facility, at least sixty percent (60%) of whom are Persons  
10 of Low or Moderate Income who are elderly and handicapped as determined by County  
11 and/or MFA, provided that the percentage of low-income persons and families shall be at  
12 least the minimum, if any, required by federal tax law.

13 AA. “Multi-Family Housing Program” shall mean a program involving a Congregate  
14 Housing Facility, a Multiple Family Housing Project or a Transitional Housing Facility.

15 BB. “Persons of Low or Moderate Income” shall mean persons and families within  
16 Bernalillo County earn up to 80% of the Area Median Income and who are determined by  
17 Bernalillo County and/or MFA to lack sufficient income to pay enough to cause private  
18 enterprise to build an adequate supply of decent, safe and sanitary residential housing in  
19 Bernalillo County or in an area reasonably accessible to Bernalillo County. For purposes  
20 of the definition, the word “families” shall mean a group of persons consisting of, but not  
21 limited to, the head of household; his or her spouse, if any; and children, if any, who are  
22 allowable as personal exemptions for Federal income tax purposes.

23 CC. “Ordinance” shall mean this Ordinance (No. ).

1 DD. "Policies and Procedures" shall mean Policies and Procedures of MFA, including  
2 but not limited to, Mortgage Loan Purchasing, Selling, Servicing and Reservation  
3 Procedures, which MFA may update ad revise from time to time MFA deems  
4 appropriate.

5 EE. "Public Service Agencies" shall include, but are not limited to, any entities that  
6 support Affordable Housing and which believe that the program or project proposed by  
7 the Applicant is worthy and advisable, but which are not involved, either directly or  
8 indirectly, in the Affordable Housing Program or Project for which the Applicant is  
9 applying.

10 FF. "Qualifying Grantee" means;

11 (i) An individual who is qualified to receive assistance pursuant to the Act and is  
12 approved by County; and

13 (ii) A governmental housing agency, regional housing authority, corporation, limited  
14 liability company, partnership, joint venture, syndicate, association or a nonprofit  
15 organization that:

16 (a) Is organized under State or local laws and can provide proof of such organization.

17 (b) If a non-profit organization, has no part of its net earnings inuring to the benefit of  
18 any member, founder, contributor, or individual; and

19 (c) Is approved by County.

20 GG. "Recertification" shall mean the recertification of Applicants and/or Qualifying  
21 Grantees participating in any Affordable Housing Programs or in any programs under the  
22 Act as determined necessary from time to time by County and/or MFA.

1       HH.       “Rehabilitation: shall mean the substantial renovation or reconstruction of an  
2               existing single-family residence or a Multi-Family Housing project, which complies with  
3               requirements established by JFA. Rehabilitation shall not include routine or ordinary  
4               repairs, improvements or maintenance, such as interior decorating remodeling or exterior  
5               painting, except in conjunction with other substantial renovation or reconstruction.

6       II.        “Residential Housing” shall mean any building, structure or portion thereof that is  
7               primarily occupied, or designed or intended primarily for occupancy, as a residence by  
8               one or more Households and any real property that is offered for sale or lease for the  
9               construction or location thereon of such a building, structure or portion thereof.

10       “Residential Housing” includes congregate housing, manufactured homes and housing  
11       intended to provide or providing transitional or temporary housing for homeless persons.

12       JJ.        “Residential Use” shall mean that the structure or the portion of the structure to  
13               benefit from the Affordable Housing Funds or Housing Assistance Grant is designed  
14               primarily for use as the principal residence of the occupant or occupants and shall  
15               exclude vacation or recreational homes.

16       KK.        “RFP” shall mean any request for proposal made by County.

17       LL.        “Rules” shall mean the New Mexico Mortgage Finance Authority Affordable  
18               Housing Rules adopted pursuant to NMSA 1978, Section 6-27-8(B), as amended.

19       MM.        “State” shall mean the State of New Mexico.

20       NN.        “Transitional Housing Facility” shall mean residential housing that is designed for  
21               temporary or transitional occupancy by Persons of Low or Moderate Income or special  
22               needs.

23       **Section 04.    REQUIREMENTS FOR GOVERNMENTAL ENTITIES.**

1 This Ordinance is created and shall be administered in accordance with the Affordable Housing  
2 Act, NMSA 1978, Section 6-27-1 et seq., and in accordance with MFA Affordable Housing Act  
3 Rules. All Affordable Housing contributions authorized by this Ordinance will be in compliance  
4 with the Act and Plan and any recipients of all such contributions will comply with MFA  
5 Affordable Housing Rules.

6 **Section 05. GENERAL REQUIREMENTS.**

7 The following requirements shall apply to all Housing Assistance Grants and/or Affordable  
8 Housing Funds awarded loaned or otherwise distributed by County under the Act to Qualifying  
9 Grantee.

10 A. All affordable housing contributions authorized by this Ordinance shall be in compliance  
11 with the Bernalillo County Affordable Housing Plan, New Mexico Mortgage Finance  
12 Authority Act Rules and the Affordable housing Act.

13 B. Request for Proposals. County, in its discretion, may issue one or more RFP's to solicit  
14 applications or shall otherwise identify a Qualifying Grantee for the use of any  
15 Affordable Housing Funds or Housing Assistance Grants to be awarded, loaned, donated  
16 or otherwise distributed under the Act.

17 C. Applicant Eligibility. The following Applicants are eligible under the Act to apply for  
18 Affordable Housing Funds or a Housing Assistance Grant to provide housing or related  
19 services to Persons of Low or Moderate Income in the community.

20 (i) All individuals who are qualified to receive assistance pursuant to the Act, the  
21 Rules, and this Ordinance that are approved by County.

22 (ii) All regional housing authorities and any governmental housing agencies;

1 (iii) All for-profit organizations including any corporation, limited liability company,  
2 partnership, joint venture, syndicate or association;

3 (iv) All non-profit organizations meeting the following requirements:

4 (a) A primary mission of the non-profit organization must be to provide housing or  
5 housing-related services to Persons of Low or Moderate Income; and

6 (b) The non-profit organization must have received its 501(c)(3) designation prior to  
7 submitting an application;

8 (c) Have no part of its net earnings inuring to the benefit of any member, founder,  
9 contributor or individual;

10 (v) All non-individual Applicants must:

11 (a) Be organized under State or local laws and provide proof of such organization and  
12 approved by County;

13 (b) Have a functioning accounting system that is operated in accordance with  
14 generally accepted accounting principles or has a designated entity that will  
15 maintain such an accounting system consistent with generally accepted  
16 accounting principles;

17 (c) Have among its purposes significant activities related to providing housing or  
18 services to Persons or Households of Low or Moderate Income; and;

19 (d) Have no significant outstanding or unresolved monitoring findings from County,  
20 MFA, or its most recent independent financial audit, or if it has any such  
21 Findings, it has a certified letter from County, MFA, or auditor stating that the  
22 Findings are in the process of being resolved.

23 D. Applications.

1 (i) Process for Applying. Applicants wishing to apply for a Housing Assistance  
2 Grant, including the use of any Affordable Housing Funds, or to participate in any  
3 Affordable Housing Program are required to submit to County the following (as  
4 applicable):

5 (a) One original Application, together with all required schedules, documents, or  
6 such other information which may be required by County or in any RFP;

7 (b) A proposal describing the nature and scope of the Affordable Housing Project  
8 proposed by the Applicant and which describes the type and/or amount of  
9 assistance which the Applicant proposes to provide to Persons of Low or  
10 Moderate Income;

11 (c) Executive summary and project narrative(s) that address the evaluation criteria  
12 set forth in any RFP issued by County for the Affordable Housing Funds or the  
13 Housing Assistance Grant;

14 (d) A proposed budget for the Affordable Housing Project or for a Housing  
15 Assistance Grant;

16 (e) Current independent financial audit;

17 (f) If the Applicant is a non-profit organization;

18 (i) Proof of 501(c)(3) tax status;

19 (ii) Documentation that confirms that no part of its net earnings inures to the  
20 benefit of any member, founder, contributor or individual;

21 (g) If an Applicant is a legal entity, including a non-profit organization:

- 1 (i) A current annual budget for the Applicant is applying for a Housing  
2 Assistance Grant, or as otherwise may be required by County and/or MFA in  
3 its discretion;
- 4 (ii) An approved mission statement that the Applicant has among its purposes  
5 significant activities related to providing housing or housing-related services  
6 to Persons or Households of Low or Moderate Income.
- 7 (iii) A list of members of the Applicant's current board of directors or other  
8 governing body, including designated homeless participation, when required  
9 by County and/or MFA;
- 10 (iv) Evidence (or a certification as may be allowed by County and/or MFA)  
11 that the Applicant has a functioning accounting system that is operated in  
12 accordance with generally accepted accounting principles; or has a designated  
13 entity that will maintain such an accounting system consistent with generally  
14 accepted accounting principles;
- 15 (v) Evidence that the Applicant has no significant outstanding or unresolved  
16 monitoring findings from County, MFA, or its most recent independent  
17 financial audit; or if it has any significant outstanding or unresolved  
18 monitoring findings from County, MFA, or its most recent independent  
19 financial audit, it has a certified letter from County, MFA, or the auditor  
20 stating that the findings are in the process of being resolved;
- 21 (vi) An organizational chart, including job titles and qualifications for the  
22 Applicant's employees or as otherwise may be required by County and/or  
23 MFA in its discretion. Job descriptions may be submitted as appropriate;

1           (vii) Documentation that the Applicant is duly organized under State or local  
2           law and certification that the Applicant is in good standing with any State  
3           authorities, including the Public Regulation Commission and the Secretary of  
4           State;

5           (h) Information as may be required by County in order for it to determine the  
6           financial and management stability of the Applicant;

7           (i) Information as may be required by County in order for it to determine the  
8           demonstrated commitment of the Applicant to the community;

9           (j) A completed cost-benefit analysis of the Affordable Housing Project proposed by  
10          the Applicant. Any cost-benefit analysis must include documentation that clearly  
11          evidences that there is or will be a direct benefit from the project proposed by the  
12          Applicant to the community and/or to the purported beneficiaries of the project,  
13          consistent with the provisions of the Act;

14          (k) Information supporting the benefits to the community of the Affordable Housing  
15          Project proposed by the Applicant;

16          (l) Proof of substantive or matching funds or contributions and/or in-kind donations  
17          to the proposed Affordable Housing Projects in connection with the Application  
18          for funds under the Act. Nothing contained herein shall prevent or preclude and  
19          Applicant from matching or using local, private, or federal funds in connection  
20          with a specific Housing Assistance Grant or a grant of Affordable Housing Funds  
21          under the Act;

1 (m) Any certifications or other proof which County may require in order for County to  
2 confirm that the Applicant is in compliance with all applicable federal, State and  
3 local laws, rules and ordinances;

4 (n) A verification signed by the Applicant before a notary public that the information  
5 provided, upon penalty or perjury, is true and correct to the best of the Applicant's  
6 information knowledge, and belief;

7 (o) Certifications as may be required by the County and signed by chief executive  
8 officer, board president, or other authorized official of the Applicant, provided  
9 that County at its discretion may waive any of the foregoing requirements not  
10 deemed applicable;

11 (p) Applicant shall submit adequate information, as required by County and/or MFA,  
12 of the Affordable Housing Project proposed by the Applicant. The information  
13 provided must clearly evidence the need for the subsidy that the value of the  
14 housing assistance grant reduces the housing costs to Persons of Low or Moderate  
15 Income, and that there is or will be direct benefit from the project proposed by the  
16 Applicant to the community and/or to the purported beneficiaries of the project,  
17 consistent with the provisions of the Act.

18 (i) Additional Requirements for Multi-Family Housing Projects. Applicants  
19 who are submitting applications in connection with a Multi-Family Housing  
20 Program must also submit the following additional information:

21 (a) A verified certificate that, among other things:

22 (ii) Identifies every Multi-Family Housing Program, including every assisted  
23 or insured project of HUD, RHS, FHA and any other state or local

1                   government housing finance agency in which such Applicant has been or is a  
2                   principal;

3                   (iii) Except as shown on such certificate, state that:

4                   (A) No mortgage on a project listed on such certificate has ever been in  
5                   default, assigned to the Federal Government or foreclosed, nor has any  
6                   mortgage relief by the mortgagee been given;

7                   (B) There has not been a suspension or termination of payments under any  
8                   HUD assistance contract in which the Applicant has had a legal or  
9                   beneficial interest;

10                  (C) Such Applicant has not been suspended debarred or otherwise restricted  
11                  by an department or agency of the Federal Government or any state  
12                  government from doing business with such department or agency because  
13                  of misconduct or alleged misconduct; and

14                  (D) The Applicant has not defaulted on an obligation covered by a surety or  
15                  performance bond.

16                  If such Applicant cannot certify to each of the above, such Applicant shall submit a signed  
17                  statement to explain the facts and circumstances that such Applicant believes will explain the  
18                  lack of certification. County may then determine if such Applicant is or is not qualified.

19                  (b) The experience of the Applicant in developing, financing and managing  
20                  Multiple Family Housing Projects; and

21                  (c) Whether the Applicant has been found by the United States Equal  
22                  Employment Opportunity Commission of the New Mexico Human rights  
23                  Commission to be in noncompliance with any applicable civil rights laws.

1 (iv) Additional Requirements for Mortgage Lenders. If the Applicant is a  
2 Mortgage Lender, County shall consider, among other things;

3 (a) The financial condition of the Applicant;

4 (b) The terms and conditions of any loans to be made;

5 (c) The aggregate principal balances of any loans to be made to each  
6 Applicant compared with the aggregate principal balances of the loans to  
7 be made to all other Applicants;

8 (d) County's assessment of the ability of the Applicant or its designated  
9 servicer to act as originator and servicer of Mortgage Loans for any Multi-  
10 Family Housing Programs or other programs to be financed; and

11 (e) Previous participation by the Applicant in MFA's programs, HUD,  
12 Federal Housing Authority, or Rural Housing Service programs.

13 (v) Submission Procedure.

14 (a) Time, Place and Method of Submission Delivery.

15 (i) If County has issued an RFP, all Applications must be received by  
16 County no later than the deadline set forth in the RFP; otherwise all  
17 Applications must be received by County by the deadline the County  
18 has established in connection with the respective award or grant. So  
19 that any Qualifying Grantees may be selected prior to January of the  
20 year in which any MFA Housing Assistance Grant would be made,  
21 County shall issue any RFP's, solicit any Applications, or otherwise  
22 identify any Qualifying Grantees no later than October 15 of any year  
23 in order to allow sufficient time for prospective applicants to respond

1 to any such RFP, solicitation, or otherwise, and further to allow MFA  
2 not less than forty-five (45) days in which to review any such  
3 applications or otherwise determine or confirm that an Applicant is a  
4 Qualifying Grantee under the Act and consistent with the Rules.

5 (ii) Applications shall be submitted by Applicants to County in the  
6 form required by County and shall contain all information which is  
7 required by this Ordinance and any RFP which may have been issued.

8 (b) Additional Factors. The Application procedures shall take into  
9 consideration:

10 (i) Timely completion and submission to County of an Application or  
11 other appropriate response to any solicitation b County;

12 (ii) Timely submission of all other information and documentation  
13 related to the program required by County as set forth in this  
14 Ordinance or as set forth in the Rules;

15 (iii) Timely payment of any fees required to be paid to County at the time  
16 of submission of the Application; and

17 (iv) Compliance with program eligibility requirements as set forth in the  
18 Act, the Rules and this Ordinance.

19 (c) Submission Format.

20 (i) County forms or MFA forms (if available) must be used when  
21 provided and no substitutions will be accepted; however, attachments  
22 may be provided as necessary.

1 (ii) Illegible information, information inconsistent with other  
2 information provided in the application, and/or incomplete forms will  
3 be treated as missing information and evaluated accordingly.

4 (iii) An Applicant's failure to provide or complete any element of an  
5 application, including all requirements of County or as may be listed  
6 on any RFP, may result in the rejection of the Application prior to  
7 review.

8 (iv) County and MFA reserve the right to request further information  
9 from any Applicant so long as the request is done fairly and does not  
10 provide any Applicant an undue advantage over another Applicant.

11 (v) County in its discretion may cancel an RFP or reject any or all  
12 proposals in whole or part submitted by any Applicant.

13 (vi) Neither County nor MFA shall be responsible for any expenses  
14 incurred by an Applicant in preparing and submitting an Application.  
15 However, County or MFA, as applicable may establish and collect fees  
16 from Applicants who file Applications. Notice that fees will be  
17 charged and the amount of any such fees shall be included by County  
18 or MFA, as applicable, in any RFP or otherwise shall be advertised as  
19 part of the Application solicitation process.

20 (vii) Review by County. On receipt of an Application, County shall:

21 (A) Determine whether the Application submitted by the  
22 Applicant is complete and responsive;

1 (B) Determine whether the Applicant is a Qualifying Grantee  
2 as defined herein and in the Act;

3 (C) Review and analyze whether the Applicant has shown a  
4 demonstrated need for activities to promote and provide affordable  
5 housing and related services to Persons or Low or Moderate  
6 Income;

7 (D) Determine whether the Applicant has demonstrated  
8 experience related to providing housing or services to Persons of  
9 Low or Moderate Income, as well as experience and/or the  
10 capacity to administer the Affordable Housing Program or Project  
11 for which the Applicant has applied;

12 (E) Determine whether the Applicant's proposal provides a  
13 plan for coordinating with other services providers in the  
14 community; whether the Applicant's plan addresses how Persons  
15 of Low Income or Moderate Income in need of housing and/or  
16 housing related supportive services can receive supportive services  
17 and referrals to federal, state and local resources; and whether the  
18 Applicant's plan addresses outreach efforts to reach the population  
19 to be served as identified by County in any RFP or otherwise;

20 (F) Determine whether the Applicant has support from Public  
21 Service Agencies, or such other support as may be required by  
22 County and/or MFA in its discretion, for its proposed services in  
23 the community;

1 (G) Ascertain the amount of any matching funds or in-kind  
2 services specific to the program that may be utilized by the  
3 Applicant in connection with the program;

4 (H) Ascertain whether any local, private, or federal funds will  
5 be used by the Applicant in connection with the specific grant for  
6 which the Applicant is applying;

7 (I) Ascertain whether the Applicant has and can demonstrate  
8 the capability to manage the implementation; of the Program for  
9 which the Applicant is applying;

10 (J) If Applicant is prior recipient of either a Housing  
11 Assistance Grant, Affordable Housing Funds and/or other Program  
12 funds, confirm that the Applicant had not outstanding findings or  
13 matters of non-compliance with program requirements from  
14 County or MFA, as applicable or if it has any such findings, it has  
15 a certified letter from County, MFA, or auditory stating that the  
16 findings are in the process of being resolved;

17 (K) If Applicant is prior recipient of either a Housing  
18 Assistance Grant, Affordable Housing Funds and/or other Program  
19 funds, confirm that the Applicant reasonably committed and  
20 expended the funds under the prior Program and/or met anticipated  
21 production levels as set forth in any contract with County or MFA,  
22 as applicable, for those prior Program funds;

1 (L) Evaluate the Applicant’s proposal in part based upon the  
2 Applicant’s current financial audit;

3 (M) Evaluate the Applicant’s proposed budget for the Project  
4 for which the Applicant is applying for Affordable Housing Funds  
5 or a Housing Assistance Grant which proposed budget must be  
6 approved by County before Applicant can be approved as a  
7 Qualifying Grantee and any expenditure of grant funds under the  
8 Act or granted property is transferred to the Applicant;

9 (N) On receipt of an Application from a Guilder, County will  
10 analyze the Builder’s ability to construct and sell sufficient  
11 Residential Housing units to Persons of Low or Moderate Income  
12 within the time or times as may be required by the County;

13 (O) Consider other factors in deems appropriate to ensure a  
14 reasonable geographic allocation for all Affordable Housing  
15 Programs.

16 (viii) Certification by County to MFA. County shall certify an application to  
17 MFA in writing upon:

18 (A) Completion of its review of the Application.

19 (B) Determination that the Application is complete;

20 (C) Determination that the requirements of the Act, the Rules  
21 and this Ordinance have been satisfied; and

22 (D) Determination that the Applicant is Qualifying Grantee.

1           (ix)    Review by MFA. MFA upon its receipt of the certification from County  
2                    may, in its discretion, review the application and any of the materials  
3                    submitted by the Applicant to County. MFA may also request any additional  
4                    information from the Applicant, which it may require in order to determine  
5                    whether the Applicant is a Qualifying Grantee under the Act and the  
6                    Application is complete. MFA will then notify County of its determination of  
7                    whether or not the Application is complete and that the requirements of the  
8                    Act and the Rules have been satisfied and the Applicant is a Qualifying  
9                    Grantee. Unless the period is extended for good cause shown, MFA shall act  
10                  on an Application within forty-five (45) days of its receipt of any Application,  
11                  which MFA deems to be complete, and, if not acted upon, the Application  
12                  shall be deemed to be approved.

13           (x)    Notification of Acceptance. County, upon completion of the review of the  
14                    Application using the criteria as set forth in this Ordinance and/or any FRP  
15                    issued by County and upon its receipt of notification from MFA that it agrees  
16                    that the Application is complete and that the Act and Rules have been satisfied  
17                    and the Applicant is a Qualifying Grantee, shall provide written notice to each  
18                    Applicant of the approval or disapproval of its Application. County's and  
19                    MFA's determination of any Application shall be conclusive.

20        E. Additional Requirements. Upon acceptance, the following additional requirements shall  
21        apply:

22           (i)    Contractual Requirements. The Qualifying Grantee shall enter into one or more  
23                  contracts with County, which contracts (s), shall be consistent with the Act and

1 subject to the review of MFA, in its discretion, and which contracts(s) shall include  
2 remedies and default provisions in the event of the unsatisfactory performance by the  
3 Qualifying Grantee.

4 (ii) Security Provisions; Collateral Requirements. In accordance with the Act, the  
5 Rules and this Ordinance, County shall require the Qualifying Grantee to execute  
6 documents, which will provide adequate security against the loss of public funds or  
7 property in the event the Qualifying Grantee abandons or fails to complete the  
8 Affordable Housing Project, and which shall further provide, as may be permitted by  
9 law, for the recovery of any attorney fees and costs which County and/or MFA may  
10 incur in enforcing the provisions of this Ordinance, the Rules, the Act and/or any  
11 agreement entered into by County and the note, mortgage, loan agreement, land use  
12 restriction agreement, restrictive covenant agreements and/or any other agreement  
13 which County may require in order to allow for any funds which the Qualifying  
14 Grantee may receive under a Housing Assistance Grant or Affordable housing Funds  
15 to be adequately secured and to allow County and MFA to ensure that such funds  
16 shall be utilized by the Qualifying Grantee i accordance with the Act, the Rules and  
17 this Ordinance.

18 (iii) Performance Schedule and Criteria. The Qualifying Grantee shall be required to  
19 abide by a reasonable performance schedule and performance criteria that County, in  
20 its discretion, may establish.

21 (iv) Examination of Books and Records. The Qualifying Grantee shall submit to and  
22 County shall cause to be made such examinations of the books and records of each  
23 Qualifying Grantee as County and/or MFA deems necessary or appropriate to

1 determine the Qualifying Grantee's compliance with the terms of the Act, the Rules,  
2 this Ordinance and any contracts between the Qualifying Grantee and County.

3 County and/or JFA may require each Qualifying Grantee to pay the costs of any such  
4 examination.

5 (v) Infrastructure Cost Reimbursement Contracts.

6 (a) Cost Reimbursements. Payment to a Qualifying Grantee under cost reimbursable  
7 contract provisions shall be made upon County's receipt from the Qualifying  
8 Grantee of certified and documented invoices for actual expenditures allowable  
9 under the terms of any agreement between the Qualifying Grantee and County.

10 (b) Cost Reimbursements for Units of Service. Payment under any unit cost contract  
11 provisions shall be made upon County's receipt from the Qualifying Grantee of a  
12 certified and documented invoice showing the number of units of service  
13 provided during the billing period.

14 (c) Rate at which Costs Incurred. Under unit cost or cost reimbursable contracts, it is  
15 anticipated that costs will be incurred by the Qualifying Grantee at an  
16 approximate level rate during the term of any agreement between the Qualifying  
17 Grantee and County.

18 (d) Invoices. Qualifying Grantee shall not submit invoices more than once a month  
19 unless written approval is obtained in advance from County. Failure to submit  
20 invoices within twenty (20) days of the close of the month for which payment is  
21 sought may result in the non-availability of funds for reimbursement.

22 (e) No Dual Application of Costs. The Qualifying Grantee shall certify that any  
23 direct or indirect costs claimed by the Qualifying Grantee will not be allocable to

1 or included as a cost of any other program, project, contract, or activity operated  
2 by the Qualifying Grantee and which has not been approved by County in  
3 advance, in writing.

4 (f) Prohibition of Substitution of Funds. Any Affordable Housing Funds or other  
5 amounts received by Qualifying Grantee may not be used by Qualifying Grantee  
6 to replace other amounts made available or designated by the State or local  
7 governments through appropriations for use for the purposes of the Act.

8 (g) Cost Allocation. The Qualifying Grantee shall clearly identify and distribute all  
9 costs incurred pertaining to the Affordable Housing Project by a methodology and  
10 cost allocation plan at times and in a manner prescribed by, or acceptable to  
11 County.

12 (vi) Additional information. Qualifying Grantees shall provide County with any and  
13 all information which County reasonably may require in order for it to confirm that  
14 the Qualifying Grantees continue to satisfy the requirements of the Act, the Rules and  
15 this Ordinance throughout the term of any contract and/or any Affordability Period or  
16 otherwise as maybe required by County or MFA in its discretion. At a minimum, on  
17 an annual basis, County shall certify to MFA in writing that to the best of its  
18 knowledge the Qualifying Grantee is in compliance with applicable provisions of the  
19 Act, the Rules and this Ordinance.

20 (vii) Compliance. All projects qualified to receive assistance pursuant to the Act, the  
21 Rules and this Ordinance shall also comply with all requirements, as amended from  
22 time to time.

1 F. Affordable Housing Requirements. All Affordable Housing Funds or Housing  
2 Assistance Grants awarded under the Act are to be used for Qualifying Grantees for the  
3 benefit of Persons of Low or Moderate income subject to the provisions of the Act and  
4 with particular regards to their housing related needs.

5 (i) Single Family Property. Qualifying Grantees shall agree that they shall maintain  
6 any single-family property which has been acquired, rehabilitated, converted, leased,  
7 repaired, constructed, or which property has otherwise benefited from Affordable  
8 Housing Funds, including but not limited to any loans which have been repaid with  
9 Affordable Housing Funds and which loans previously were secured by such  
10 properties, as Affordable Housing loaned, or otherwise conveyed to the Qualifying  
11 Grantee are unpaid and outstanding or the Affordability Period, whichever is longer.

12 (ii) Multi-Family Property.

13 (a) Single Apartment within a Multi-Family Property. Qualifying Grantees shall  
14 agree that if any single apartments are to be rehabilitated, converted, leased,  
15 repaired, constructed, or otherwise are to benefit from Affordable Housing Funds;  
16 those apartments shall be leased to Persons of Low or Moderate Income at the  
17 time of any such award. Qualifying Grantees, who are the landlords and/or  
18 owners of such properties, shall further agree to contribute at least sixty percent  
19 (60%) of the cost of the rehabilitation, conversion, lease, repair, and/or  
20 construction. Qualifying Grantees also shall agree that the Persons of Low or  
21 Moderate Income, who are tenants of those apartments, shall be allowed to remain  
22 tenants for so long as there are not uncured defaults by those tenants under their

1           respective leases and provided that there is no just cause for the landlord to  
2           terminate any Lease Agreement with those tenants.

3           (b) Multiple Apartments Qualifying Grantees shall agree that, if multiple apartments  
4           or an entire multi-family property are to be acquired, rehabilitated, convert, lease,  
5           repaired, constructed, or otherwise are to benefit from Affordable Housing Funds,  
6           including but not limited to any loans which have been repaid with Affordable  
7           Housing Funds and which loans previously were secured by such properties, they  
8           shall maintain not less than sixty percent (60%) of the housing units as Affordable  
9           Housing for so long as any or all of the Affordable Housing funds which have  
10          been awarded, loaned, or otherwise conveyed to the Qualifying Grantee are  
11          unpaid and outstanding or the Affordability Period, whichever is longer.

12          (iii) Non-Residential Property. Qualifying Grantees shall agree that they shall  
13          maintain any non-residential property which has been acquired, rehabilitated,  
14          converted, leased, repaired, constructed, or which property has otherwise benefited  
15          from Affordable Housing Funds, including but not limited to any loans which have  
16          been repaid with Affordable Housing Funds and which loans previously were secured  
17          by such properties, as a facility which provides housing related-services to Persons of  
18          Low or Moderate Income for so long as any or all of the Affordable Housing Funds  
19          which have been awarded, loaned, or otherwise conveyed to the Qualifying Grantee  
20          are unpaid and outstanding or the Affordability Period, whichever is longer.

21          (iv) Housing Assistance Grant Affordability Requirements. Qualifying Grantees shall  
22          agree that they shall maintain any land or buildings received as a Housing Assistance  
23          Grant either as single-family or multi-family Affordable Housing in accordance with

1 Sections 5.F (i) and (ii) or as a facility which provides housing related-services to  
2 Persons of Low or Moderate Income in accordance with Section 5.F (iii) (as  
3 applicable) for the duration of the Affordability Period. Qualifying Grantees shall  
4 agree that they shall maintain any land or buildings for which they have received the  
5 costs of infrastructure as a Housing Assistance Grant either as single-family or multi-  
6 family Affordable Housing or as a facility which provides housing related-services to  
7 Persons of Low or Moderate Income (as applicable) for the duration of the  
8 Affordability Period. In calculating the Affordability Period for Housing and  
9 Assistance Grants of either land or buildings, the fair market value of the land or  
10 buildings or the costs of infrastructure at the time of the donation by the State or  
11 County shall apply.

12 (v) Affordability Period. County, in its discretion, may increase the Affordability  
13 Period in any contract, note, mortgage, loan agreement, land use restriction  
14 agreement, restrictive covenant agreements and/or any other agreement which County  
15 may enter into with any Qualifying Grantee or beneficiary of the Affordable Housing  
16 Funds or of the Housing Assistance Grant. See definition of Affordability Period in  
17 Section 3.H. of this Ordinance.

18 G. Consent to Jurisdiction. Each Qualifying Grantee shall consent to the jurisdiction of the  
19 courts of the State of New Mexico over any proceeding to enforce compliance with the  
20 terms of the Act, the Rules and this Ordinance and any agreement between the Qualifying  
21 Grantee and County and/or MFA.

22 H. Recertification Procedures.

1 (i) The qualifying Grantee must meet the requirements of the Act, the Rules and this  
2 Ordinance both at the time of any award and throughout the term of any grant and  
3 contract related thereto.

4 (ii) County may establish procedures for recertifying Qualifying Grantees from time  
5 to time.

6 (iii) Qualifying Grantees that fail to satisfy the requirements for Recertification shall  
7 cease to be eligible and shall be denied further participation in Affordable Housing  
8 programs until the requirements of County and MFA are satisfied.

9 I. Compliance with the Law. Qualifying Grantee shall provide County with any  
10 certifications or other proof that it may require in order for County and MFA to confirm  
11 that the Qualifying Grantee and the Qualifying Grantee's proposed Project are in  
12 compliance with all applicable federal, State and local laws, rules and ordinances.

13 J. Extension of Affordable Housing Programs. MFA shall have the power to create  
14 variations or extensions of Affordable Housing Programs, or additional Programs that  
15 comply with the Act and the Rules

16 K. County Grant Requirements.

17 (i) County is authorized to make Housing Assistance Grants under the Act. Upon  
18 determination that County will make a Housing Assistance Grant, including these of  
19 any Affordable Housing Funds, County shall provide MFA with the following:

20 (a) Documentation that confirms that County has an existing valid Affordable  
21 Housing Plan;

22 (b) A copy of the proposed ordinance which provides for the authorization of the  
23 Housing assistance Grant, including the use of any Affordable Housing Funds,

1 together with a written certification that the proposed grantee is in compliance  
2 with the Act and the Rules so that MFA may confirm both that the ordinance is in  
3 compliance with the Act, that the Application is complete, and that the proposed  
4 grantee is a Qualifying Grantee under the Act and the Rules.

5 (ii) Prior to the submission of the ordinance to the Commission, the Commission  
6 must approve the budget submitted by the Applicant or may assign this responsibility  
7 to other County personnel and/or staff.

8 (iii) An ordinance authorizing County to make a Housing Assistance grant and/or  
9 distribute Affordable Housing Funds:

10 (a) Must authorize the grant, including use of Affordable Housing Funds if any;

11 (b) Must state the requirements and purpose of the grant; and

12 (c) Must authorize the transfer or disbursement to the Qualifying Grantee only after a  
13 budget is submitted and approved;

14 (d) Must comply with the Rules, as amended;

15 (e) May provide for matching or using local, private or federal funds wither through  
16 direct participation with a federal agency pursuant to federal law or through  
17 indirect participation through MFA.

18 (iv) MFA shall act to approve the proposed Housing Assistance grant authorized by  
19 County within forty-five (45) days of its receipt of the documentation required above  
20 in this Section 5.K (i), (ii) and (iii).

21 (v) County, in its discretion, may also hold any award of Affordable Housing Funds  
22 or any Housing Assistance Grant made by County in suspense pending the issuance  
23 by County of an RFP or pending the award of the Affordable Housing Funds or does

1 the Housing Assistance Grant by County to the Qualifying Grantee without the  
2 issuance of an RFP by County. Any award of Affordable Housing Funds or a  
3 Housing Assistance Grant by County shall subject the Qualifying Grantee of the  
4 award or grant to the oversight of County and MFA under this Ordinance and the  
5 Rules.

6 L. Upon amendment of this Ordinance, it must be submitted to MFA for review of any and  
7 all changes for determination that the amended ordinance remains in compliance with the  
8 Act, these Rules, and other applicable law.

9 **Section 06. DISCRIMINATION PROHIBITED.**

10 The development, construction, occupancy and operation of an Affordable Housing Project  
11 financed or assisted under the Act shall be undertaken in a manner consistent with principles of  
12 non-discrimination and equal opportunity, and County shall require compliance by all Qualifying  
13 Grantees with all applicable Federal and State laws and regulations relating to affirmative action,  
14 non-discrimination and equal opportunity.

15 **Section 07. ADMINISTRATION.**

16 County and MFA shall administer any Affordable Housing programs in accordance with  
17 provisions of the Act, the Rules, Bernalillo County Affordable Housing Plan, this Ordinance, any  
18 applicable state and federal laws and regulations as each of which may be amended or  
19 supplemented from time to time. County and MFA, in establishing, funding and administering  
20 the Affordable Housing Programs and by making executing, delivering and performing any  
21 award, contract, grant or any other activity or transaction contemplated by the Act, shall not  
22 violate any provision of law, rule or regulation or any decree, writ, order, injunction, judgment,

1 determination or award and will not contravene the provisions of or otherwise cause a default  
2 under any of its agreements, indentures, or other instruments to which it may be found.

3 **Section 08. TERMINATION.**

4 The Commission may repeal this ordinance and terminate County’s Affordable Housing program  
5 and any or all contracts undertaken in its authority. Termination shall be by ordinance at a public  
6 hearing or in accordance with the terms of the contract. If an ordinance or a contract is repealed  
7 or terminated, all contract provisions of the contract regarding termination shall be satisfied.

8 **Section 09. REPEALER.**

9 All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent with this Ordinance  
10 are repealed by this Ordinance but only to the extent of that inconsistency. This repealer shall  
11 not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, previously  
12 repealed.

13 **Section 10. SEVERABILITY.**

14 If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be  
15 invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause or  
16 provision shall not affect any of the remaining provisions of this Ordinance.

17 **Section 11. EFFECTIVE DATE.**

18 Introduction, Publication, Adoption and Required Text. At a first meeting where an ordinance is  
19 to be considered, the proposed ordinance and any amendments thereto shall be introduced on the  
20 agenda as a “First Reading.” At a subsequent meeting the Commission will consider “Approval  
21 for Publication.” After publication for a minimum of thirty (30) days, “Final Action” may be  
22 taken on the ordinance, which shall include a vote on the adoption. Steps one and two may be  
23 combined at the first meeting, but under no circumstances shall Final Action be taken until

1 publication has occurred for a minimum of thirty (30) days. The County Clerk shall assign each  
2 ordinance a number. The enacting or ordaining clause of any proposed ordinance shall be “”BE  
3 IT ORDAINED BY THE BOARD OF COUNT COMMISSIONERS OF BERNALILLO  
4 COUNTY, NEW MEXICO this \_\_\_\_ day of \_\_\_\_ (month), \_\_\_\_ (year).”  
5 This Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by  
6 the signature of the County Clerk and it shall be in full force an effective 30 days after it has  
7 been so recorded in accordance with NMSA 1978, Section 4-37-9 (1997).

8 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
9 **BERNALILLO COUNTY, NEW MEXICO** this \_\_\_\_ day of \_\_\_\_\_, 2015.

10  
11

12 **APPROVED AS TO FORM**

**BOARD OF COUNTY COMMISSIONERS**

13 \_\_\_\_\_  
14 Theresa Baca Sandoval,  
15 Interim County Attorney

\_\_\_\_\_

Maggie Hart Stebbins, Chair

16 \_\_\_\_\_  
17 \_\_\_\_\_

\_\_\_\_\_

Art De La Cruz, Vice Chair

18 \_\_\_\_\_  
19 \_\_\_\_\_

\_\_\_\_\_

Debbie O’Malley, Member

20 **ATTEST:**

21 \_\_\_\_\_  
22 \_\_\_\_\_  
23 Maggie Toulouse Oliver, County Clerk

\_\_\_\_\_

Lonnie C. Talbert, Member

24 \_\_\_\_\_

\_\_\_\_\_

Wayne A. Johnson, Member