

ORIGINAL

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 12 ("HOUSING") OF THE OAK PARK VILLAGE CODE BY ADDING A NEW ARTICLE 7 ("HOUSING TRUST FUND")

WHEREAS, the Village of Oak Park ("Village") as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, pursuant to its Constitutional home rule powers, the Village has authority to "perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals, and welfare," Ill. Const art. 7 § 6, by adopting ordinances and promulgating rules and regulations that pertain to its government and affairs that protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Village has determined to adopt this Ordinance pursuant to its home rule powers to promote the public health, safety, and welfare of the residents of Oak Park by; creating a funding source which will support affordable housing initiatives; and

WHEREAS, the Housing Trust Fund will provide sustainable financial resources to address the affordable housing needs of eligible households in Oak Park by preserving and producing affordable housing, providing housing-related financial support and services to eligible households and providing financial support for not-for-profit organizations that actively address the affordable housing needs of eligible households.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein as though fully set forth.

Section 2. Chapter 12 ("Housing") of the Oak Park Village Code is amended to add a new Article 7 ("Housing Trust Fund") to read as follows:

ARTICLE 7 HOUSING TRUST FUND

- 12-7-1: Purpose and Intent
- 12-7-2: Definitions
- 12-7-3: Housing Trust Fund Established
- 12-7-4: Housing Programs Advisory Committee Responsibilities
- 12-7-5: Eligibility Requirements
- 12-7-6: Review and Approval of Applications and Programs
- 12-7-7: Conditions

12-7-8: Sources of Funds

12-7-1: PURPOSE AND INTENT: The purpose of this article is to provide sustainable financial resources to address the affordable housing needs of eligible households in Oak Park by preserving and producing affordable housing, providing housing-related financial support and services to eligible households and providing financial support for not-for-profit organizations that actively address the affordable housing needs of eligible households.

12-7-2: DEFINITIONS:

A. The following words and phrases, when used in this article, shall have the following meanings:

AFFORDABLE HOUSING: Housing that has a sales price or rental amount that is within the means of an "Eligible Household" as defined herein. In the case of dwelling units for sale, housing that is affordable means housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit. In the case of dwelling units for rent, housing that is affordable means housing for which the rent and utilities constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit.

APPLICANT: An applicant is any individual or entity, including but not limited to developers, not-for-profit organizations, housing owner/operators, and units of government that applies for a grant, loan, or other resources from the Housing Trust Fund.

ELIGIBLE ACTIVITIES: Eligible Activities shall include those activities that are eligible to receive funding or other resources from the Housing Trust Fund, as set forth in Article 5 of this Chapter.

ELIGIBLE HOUSEHOLD: A household with in income at or below eighty percent (80%) of the Area Median Income (AMI) for for-sale units and at or below sixty percent (60%) of the AMI for rental units.

HOUSING PROGRAMS ADVISORY COMMITTEE: The Village's Housing Programs Advisory Committee as established by chapter 2 ("Administration"), article 31 ("Housing Programs Advisory Committee") of this Code, as amended.

B. To the extent that words or phrases not defined herein are defined in the Village's Zoning Ordinance, such words or phrases shall be deemed to have the meanings set forth therein.

12-7-3: HOUSING TRUST FUND ESTABLISHED:

A. Creation; Management and Administration: There is established a Housing Trust Fund to be held as a separate fund within the Village for the sole purpose of providing and preserving

affordable housing opportunities within the Village. The Village's Chief Financial Officer shall be responsible for the day-to-day investment and fiscal maintenance and management of the Housing Trust Fund. The day-to-day fiscal maintenance and management shall be undertaken pursuant to the approved investment policies and practices of the Village for other similarly held funds. Except for disbursements and other actions taken as part of the day-to-day fiscal maintenance and management of the Housing Trust Fund, the Chief Financial Officer shall not disburse funds held by the Housing Trust Fund except upon the written direction of the Village Board or otherwise pursuant to the provisions of an approved program. The Village's Housing Programs Advisory Committee shall assist the Village Board with the organization, operation, and implementation of the Housing Trust Fund as set forth in this article.

B. Distribution and Use of Housing Trust Fund: Distribution of Housing Trust Fund funds shall be in the form of grants or loans or such other funding mechanisms that support the purposes of the Housing Trust Fund. Any unused Housing Trust Fund funds at the end of a fiscal year shall remain in the Housing Trust Fund for future eligible activities pursuant to the requirements of this article.

12-7-4: HOUSING PROGRAMS ADVISORY COMMITTEE

The Housing Programs Advisory Committee shall make recommendations to the Village Board regarding the following:

1. The goals for the use of Housing Trust Fund resources;
2. The Housing Trust Fund's annual budget, including projected expenditures and revenues;
3. The procedures for reviewing applications and awarding Housing Trust Fund resources to applicants;
4. The criteria to be used by the Housing Programs Advisory Committee, the Village Board, and Village staff in reviewing applications and programs that utilize Housing Trust Fund resources;
5. The procedures to be used for disbursing Housing Trust Fund resources;
6. The review of applications and programs for Housing Trust Fund awards;
7. The procedures to be used to monitor eligible activities funded by the Housing Trust Fund to ensure that Housing Trust Fund resources are used in conformance with all applicable requirements; and
8. The evaluation of Housing Trust Fund activities.

12-7-5: ELIGIBILITY REQUIREMENTS

A. Purpose of Eligible Activity. An applicant shall be required to demonstrate that the requested eligible activity will advance and support the purpose of the Housing Trust Fund as set forth in this article.

B. Eligible Activities. The use of Housing Trust Fund resources shall be limited to the following which shall be considered eligible activities:

1. Production of affordable housing including, without limitation, new construction, rehabilitation, and adaptive re-use;
2. Acquisition and disposition, including, without limitation, vacant land, single-family homes, multi-unit buildings, and other existing structures that may be used in whole or part to provide affordable housing;
3. Grants or loans to not-for-profit organizations that are actively engaged in addressing the housing needs of eligible households;
4. Financial assistance to eligible households to rent dwelling units;
5. Financial assistance to eligible households to purchase dwelling units;
6. Financial or in-kind assistance to preserve and/or maintain existing affordable housing;
7. Weatherization of dwelling units occupied by eligible households; or
8. Emergency repairs to dwelling units occupied by eligible households.

C. Criteria for Award of Housing Trust Fund Resources. Among applications for funding for eligible activities that otherwise meet established program requirements and eligibility criteria, priority shall be given to:

1. Applications that provide for leveraging of funds for projects, i.e., that yield a larger amount of housing provided or a larger dollar value for the level of funding being sought;
2. Applications that provide the longest term of permanent affordability; and
3. Applications that provide housing to serve the needs of households with the lowest incomes.

D. The Village may approve additional criteria and priorities in connection with a specific

program as adopted by the Village Board.

12-7-6: REVIEW AND APPROVAL OF APPLICATIONS AND PROGRAMS

A. The Village Board shall be solely responsible for the approval of all programs and applications that utilize the expenditure of Housing Trust Fund monies. Applications for Housing Trust Fund awards shall be submitted to the Director of Development Customer Services or the Director's designee. Applications or programs that comply with the applicable requirements shall be forwarded to the Housing Programs Advisory Committee, and any applications or programs that do not comply shall be returned to the applicant with a written explanation of why the application will not be considered. The Housing Programs Advisory Committee shall review and make recommendations to the Village Board as to which applications or programs should be awarded funding.

B. The Village Board may in its discretion approve a program that delegates the approval of applications and the dispersal of Housing Trust Fund monies to the Housing Programs Advisory Committee or Development Customer Services Director or the Director's designee, provided that provisions for the disbursement of Housing Trust Fund monies are specifically set forth within the scope of that program, and the program complies with the provisions of this article.

12-7-7: CONDITIONS

As a condition of any Housing Trust Fund award for an eligible activity, an applicant shall execute and record such agreements, conditions, restrictive covenants, and other similar instruments as may be required by the Village to ensure that Housing Trust Fund resources will be used efficiently and for the intended purposes. Among other requirements, such conditions may bind an applicant and an applicable property to the requirements of this article and provide that an award shall be used in strict compliance with the requirements of the this Code and such conditions. The Village may also include a requirement that if a property or development is no longer being used for affordable housing pursuant to the requirements of the specific award, the applicant or successor owner of the property or development shall be required to reimburse the Housing Trust Fund for up to one hundred percent (100%) of the award, plus applicable interest.

12-7-8: SOURCES OF FUNDS

The Village Manager or the Village Manager's designee is authorized to accept funds, property, and other resources from all proper and lawful public and private sources including, without limitation, cash payments in lieu of constructing some or all of the on-site affordable units as required by chapter 12 ("Housing"), article 5 ("Inclusionary Housing") of this Code, as amended, for the benefit of the Housing Trust Fund. The Village Board in its sole discretion may make funds available to the Housing Trust Fund from the Village's general fund as it may deem necessary and appropriate.

Section 3. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

ADOPTED this 2nd day of May, 2022, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman	✓			
Trustee Buchanan	✓			
Trustee Enyia	✓			
Trustee Parakkat	✓			
Trustee Robinson	✓			
Trustee Taglia	✓			
Trustee Walker-Peddakotla	✓			

APPROVED this 2nd day of May, 2022.

Vicki Scaman
Vicki Scaman, Village President

ATTEST

Christina M. Waters
Christina M. Waters, Village Clerk

Published in pamphlet form this 2nd day of May, 2022.

Christina M. Waters
Christina M. Waters, Village Clerk