



**TOWN OF TAOS  
RESOLUTION 09-44**

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF TAOS TO  
WAIVE CERTAIN REQUIREMENTS OF TOWN OF TAOS ORDINANCE  
NO. 05-03 (AFFORDABLE HOUSING PROGRAM) AND ORDINANCE  
NO. 05-04 (CHAMISA VERDE AFFORDABLE HOUSING PROJECT) TO  
PERMIT SALE OF CHAMISA VERDE HOME OWNED BY HABITAT  
FOR HUMANITY TO A QUALIFIED LOW INCOME BUYER**

**WHEREAS**, the Town of Taos has adopted an Affordable Housing Program pursuant to the New Mexico Affordable Housing Act, NMSA 1978, Section 6-27-1 through 6-27-8 with the goal of augmenting the welfare of the residents of Taos by making affordable housing available to low and moderate income households; and,

**WHEREAS**, in furtherance of its Affordable Housing Program, the Town of Taos Council on June 28, 2005 adopted Ordinance No. 05-03, 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, and Ordinance No. 05-04, An Ordinance Authorizing the Use of Affordable Housing Funds to be Awarded, Loaned or Otherwise Distributed Pursuant to the Affordable Housing Act for the Chamisa Verde Subdivision Program and the Related Chamisa Verde Subdivision (Phase I) Plan; Approving the Chamisa Verde Subdivision (Phase I) Plan; Defining Terms; and Authorizing the Expenditure of Affordable Housing Funds in Connection Therewith; and,

**WHEREAS**, on or about March 28, 2007, as part of and in furtherance of its Affordable Housing Program and the Affordable Housing Act, the Town conveyed Lot 41 of the Chamisa Verde Subdivision (street address 1251 Sunset Street, Taos, New Mexico) ("Lot 41") to Habitat for Humanity, Inc., a non-profit corporation whose mission is to assist low income families in constructing and owning affordable homes; and,

**WHEREAS**, pursuant to the Affordable Housing Act and the Town's Affordable Housing Program, the Town of Taos provided financial assistance in the form of a no-interest loan to Habitat for Humanity, Inc. in connection with the conveyance of the foregoing property to Habitat for Humanity of Taos, Inc.; and,

**WHEREAS**, Habitat for Humanity, Inc. has constructed a home on Lot 41 and wishes to sell the home to a qualified low income family; and,

**WHEREAS**, Habitat for Humanity, Inc. has entered into an agreement with a potential low-income homebuyer for the sale of the home on Lot 41 to that person; and

**WHEREAS**, the Town wishes to facilitate the sale of the home on Lot 41 owned by Habitat for Humanity of Taos to a qualified low-income homebuyer if such homebuyer meets all relevant criteria and qualifications established by or under the Affordable Housing Act and the Rules of the New Mexico Mortgage Finance Authority (NMMFA) promulgated pursuant to that Act without imposing additional requirements that may be overly burdensome or inconsistent with either the Act or NMMFA's Rules; and

**WHEREAS**, certain provisions of Town of Taos Ordinance No. 05-03 and/or Ordinance No. 05-04, including but not necessarily limited to the requirement in Ordinance No. 05-04 Section 6H that a homebuyer must provide a down payment of at least two percent of the purchase price, may be overly burdensome or inconsistent with the Act or with NMFA Rules; and,

**WHEREAS**, Town Staff are currently in the process of proposing revisions to Ordinances Nos. 05-03 and 05-04 to better harmonize them with the Act and NMFA Rules but have not yet completed such proposed revisions or submitted them to the Governing Body; and,

**WHEREAS**, the Town's Governing Body does not wish to impede a sale of a Chamisa Verde Affordable Housing home from Habitat for Humanity of Taos to a buyer who is qualified under the Act and MFA Rules to purchase such a house, in addition to the safety and security of the Chamisa Verde Subdivision and its residents, as well as the Youth and Family Center,

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Taos:

1. The requirement in Ordinance No. 05-04 Section 6H that a homebuyer must provide a down payment of at least two percent of the purchase price is waived with respect to the sale by Habitat for Humanity of Taos, Inc. of the home located on Lot 41 of the Chamisa Verde Subdivision to a low income homebuyer who is qualified under the Affordable Housing Act and the Rules of the New Mexico Mortgage Finance Authority, is hereby waived.

2. The Town's Code Administrator (Director of the Community and Economic Development Department) is hereby authorized to administratively waive any other requirement of Ordinance No. 05-03 or Ordinance No. 05-04 that is overly burdensome or is inconsistent with the Affordable Housing Act or the Rules of the New Mexico Mortgage Finance Authority and would, if enforced, prevent the sale of the Habitat for Humanity home located on Lot 41 of the Chamisa Verde Subdivision to a low income homebuyer who is qualified under such Act and Rules.

**PASSED, APPROVED and ADOPTED**, this 11<sup>th</sup> day of August, 2009, at the regular meeting of the Town Council.

Mayor Pro Tem Rudy C. Abeyta	<u>yes</u>
Councilmember A. Eugene Sanchez	<u>yes</u>
Councilmember Amy J. Quintana	<u>yes</u>
Councilmember Michael A. Silva	<u>yes</u>

**TOWN OF TAOS**

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**Darren M. Cordova, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

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**Renee Lucero, Town Clerk**

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**Allen Ferguson, Jr., Town Attorney**