

- 11 (a) Creating and preserving affordable homeownership opportunities, including but not limited
12 to owner-occupied rehabilitation; development subsidies; homebuyer assistance; soft
13 second assistance; foreclosure prevention; home weatherization, such as fortified roofing;
14 and shared equity strategies.
- 15 (b) Expanding the supply of affordable rental housing units, including but not limited to
16 affordable multifamily housing financing; strategic investment, acquisition, disposition, or
17 lease of property; and technical support.
- 18 (c) Preserving affordable rental housing units to prevent the future displacement of residents,
19 including but not limited to rental rehabilitation.

20 **Sec. 70-415.340. - Restrictions on fund.**

- 21 (a) Moneys deposited into the fund shall remain therein until spent for the exclusive fund
22 purposes, except as provided in this section. The funds may not be transferred into the
23 general fund or any other funds.
- 24 (b) Portions of the annual appropriation deposited into the fund may be reserved as follows:
- 25 (1) No more than five percent shall be reserved for “rainy day” funds, to be used
26 exclusively in the event of a declared emergency.
- 27 (2) No more than ten percent may be reserved for personnel or professional services to
28 support the administration of the fund.
- 29 (3) The percentage of the annual appropriation remaining after the foregoing
30 reservations are made shall be reserved as “program funds”, to be used for the
31 exclusive fund purposes, with a minimum of forty-five percent of the program
32 funds reserved equally among the three exclusive fund purposes. The remaining
33 fifty-five percent of the program funds shall be further allocated among the three

34 exclusive fund purposes, as recommended by the advisory committee and approved
35 by the council, pursuant to section 70-415.342.

36 (c) Except for expenses from reserves permitted under paragraph (b)(2) above, all funds must
37 be used in accordance with the federal Fair Housing Act's obligation to affirmatively
38 further fair housing, provided at 42 U.S.C. section 3601, *et seq.*

39 (d) All fund expenditures and allocations shall prioritize those projects that provide climate
40 resilient elements, creative and leveraged funding opportunities, and depth and longevity
41 of affordability terms.

42 **Sec. 70-415.341. - Administration of fund.**

43 The director of the department of finance shall administer and maintain the fund in an interest-
44 bearing account, with any interest accruing to the benefit of and to become part of the fund.
45 However, nothing herein shall preclude the city from entering into an agreement with another party
46 or parties to administer some or all of the fund, in accordance with the provisions of this division,
47 with any interest accruing to the benefit of and to become part of the fund. Such party, whether
48 the director of the department of finance or one or more other parties, is hereinafter referred to as
49 the "fund administrator".

50 **Sec. 70-415.342. - Housing trust fund advisory committee.**

51 (a) *Creation and purpose.* No money shall be appropriated from the housing trust fund in any
52 year unless and until the city council appoints or reappoints a housing trust fund advisory
53 committee. In accordance with sections 3-127 and 4-104 of the charter, the advisory
54 committee is limited to counseling and advising the city council and the mayor concerning
55 appropriations from the fund.

56 (b) *Composition.* The advisory committee shall have a total of seven members, all of whom
57 shall be electors of and domiciled in the city and shall possess experience in one or more
58 of the following areas: architecture and preservation, community development,
59 community and housing development finance, economic development, fair housing,
60 populations with special needs, smart growth, sustainable development, and local and
61 regional housing and neighborhood data. The city council shall ensure that all areas of
62 expertise and experience are represented in the membership of the advisory committee.

63 The advisory committee shall consist of the following members:

- 64 (1) One appointee of the mayor;
- 65 (2) One appointee of the city council budget, audit, and board of review committee
66 chair;
- 67 (3) One appointee of the city council community development committee chair;
- 68 (4) One appointee of the city council president, with such appointee having lived
69 experience being unhoused or living in a low-income or other affordable housing
70 unit;
- 71 (5) One appointee of the city council president, with such appointee being an employee
72 or representative of a community land trust organization that owns immovable
73 property within Orleans Parish;
- 74 (6) One appointee of the Louisiana Fair Housing Action Center; and
- 75 (7) One appointee of Southeast Louisiana Legal Services.

76 (c) *Appointment terms.* Appointment nominations shall be submitted by the appointing body
77 to the city council for approval no later than the second council meeting in December. The
78 terms of each member who has been appointed, and of the committee, shall commence

79 January 1 of each year and end on December 31 of the same year. Each advisory committee
80 member may be reappointed. Any vacancy on the advisory committee shall be filled in the
81 manner of the initial term, and such appointments shall be for the remainder of the
82 unexpired term. Members of the advisory committee shall adhere to the requirements of
83 the city code of ethics and the state code of governmental ethics.

84 (d) *Committee duties.*

85 (1) *Quarterly reporting.* The housing trust fund advisory committee shall submit a
86 quarterly report to the city council for its receipt at the first regular council meetings
87 scheduled in January, April, and July. Such reports may be prepared by the
88 advisory committee or the fund administrator(s) and reviewed by the advisory
89 committee prior to submission to the city council. Each quarterly report must
90 include, at a minimum, the following performance measures:

- 91 (i) the balance of the fund;
- 92 (ii) all revenues;
- 93 (iii) all expenditures, including program spending per exclusive fund
94 purpose by dollar and by percentage;
- 95 (iv) the number of households assisted;
- 96 (v) the number of affordable rental units created;
- 97 (vi) the number of affordable rental units preserved;
- 98 (vii) the number of affordable homeownership units (e.g., houses or
99 condominiums) created;
- 100 (viii) the number of affordable homeownership units preserved;

101 (ix) the development status for multifamily housing projects receiving
102 financing assistance; and

103 (x) any other relevant performance data as specified in any applicable
104 cooperative endeavor agreement, notice of funding availability, or
105 otherwise, as requested by the council.

106 (2) *Annual reporting.* In coordination with the fund administrator, the advisory
107 committee shall prepare and submit an annual report to the city council for its
108 receipt at the first regular council meeting in October. The annual report must
109 provide the following:

110 (i) a detailed accounting of all fund revenues and expenditures for the
111 preceding year;

112 (ii) year-long data on the quarterly performance measures required
113 pursuant to paragraph (d)(1) for the preceding year;

114 (iii) a recommended budget for the upcoming fiscal year, specifying
115 the program funds to be allocated among the three exclusive fund
116 purposes and in accordance with this section; and

117 (iv) an implementation plan for all recommended expenditures.

118 The recommended budget must include a minimum of fifteen percent of the
119 program funds assigned to each exclusive fund purpose, with the remaining fifty-
120 five percent of the program funds allocated among one or more of the exclusive
121 fund purposes, in accordance with residents' housing needs.

122 (e) *Fund budget and implementation plan.*

123 (1) Within forty-five days of receipt, the city council shall approve the budget and
124 implementation plan for incorporation in the city’s operating budget ordinances.

125 (2) The council may either approve, by motion, the budget and implementation plan
126 as initially recommended, or it may direct, by motion, the advisory committee to
127 reconsider the initial recommendation with specified modifications.

128 (3) Within ten days of the council motion directing the advisory committee to
129 reconsider the initial recommendation, the advisory committee shall submit to the
130 council its recommended budget and implementation plan, as reconsidered and as
131 modified.

132 (4) If the council fails to act on the budget and implementation plan on or before the
133 second regular council meeting in November, whether it be as initially
134 recommended or as reconsidered and modified, the budget and implementation
135 plan as last submitted by the advisory committee shall be deemed adopted for
136 incorporation into the city’s operating budget ordinances. Nothing herein shall
137 prohibit the council from thereafter amending the operating budget ordinance.

138 (f) *Staffing*. The office of community development shall furnish such services as may be
139 needed by the advisory committee.”

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS _____

PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON _____

APPROVED:
DISAPPROVED: _____

MAYOR

RETURNED BY THE MAYOR ON _____ **AT** _____

CLERK OF COUNCIL

ROLL CALL VOTE:
YEAS:

NAYS:

ABSENT:

RECUSED:

REDLINE VERSION

Sec. 70-415.339. Funding and purpose.

To ensure the availability of affordable housing for low- to moderate-income residents within the city, all funds maintained in the Housing Trust Fund shall be used exclusively for the following purposes (hereinafter referred to as “exclusive fund purposes”):

- (a) Creating and preserving affordable homeownership opportunities, including but not limited to owner-occupied rehabilitation; development subsidies; homebuyer assistance; soft second assistance; foreclosure prevention; home weatherization, such as fortified roofing; and shared equity strategies.
- (b) Expanding the supply of affordable rental housing units, including but not limited to affordable multifamily housing financing; strategic investment, acquisition, disposition, or lease of property; and technical support.
- (c) Preserving affordable rental housing units to prevent the future displacement of residents, including but not limited to rental rehabilitation.

Sec. 70-415.340. Restrictions on fund.

- (a) Funds Moneys deposited into the fund shall remain ~~in the fund~~ therein until spent for the exclusive fund purposes ~~specified in section 70-415.339~~, except as provided in this section. The funds may not be transferred into the general fund or any other funds.
- (b) Portions of the annual appropriation deposited into the fund may be reserved as follows:
 - (1a) No more than five percent shall be reserved for "rainy day" funds, to be used exclusively in the event of a declared emergency.
 - (2b) No more than ten percent may be reserved for personnel or professional services to support the administration of the fund.
 - (3e) The percentage of the annual appropriation remaining after the foregoing reservations are made ~~85 percent of the annual appropriation~~ shall be reserved for as "program" funds", ~~referred to herein as program funds~~, to be used exclusively for the exclusive fund purposes ~~defined in section 70-415.339~~, with a minimum of ~~45~~ forty-five percent of the program funds reserved equally among ~~for each of the three~~ exclusive fund purposes set forth in section 70-415.339, accounting for a total of ~~45~~ 55 fifty-five percent of the program funds. The remaining ~~55~~ fifty-five percent of the program funds shall be further allocated among the three exclusive fund purposes ~~set forth in section 70-415.339~~, as recommended by the advisory committee and approved by the council, pursuant to section 70-415.342.
- (dc) Except for expenses from reserves permitted under paragraph (b)(2) above, all funds must be used in accordance with the federal Fair Housing Act's obligation to affirmatively further fair housing, provided at 42 U.S.C. section 3601, et seq.
- (ed) All ~~expenditures from the fund~~ expenditures and ~~selections for its~~ allocations shall prioritize those projects that provide climate resilient elements, creative and leveraged funding opportunities, and depth and longevity of affordability terms.

Sec. 70-415.341. Administration of fund.

The director of the department of finance shall administer and maintain the fund in an interest-bearing account, with any interest accruing to the benefit of and to become part of the fund. However, nothing herein shall preclude the city from entering into an agreement with another party or parties to administer some or all of the fund, in accordance with the provisions of this division, with any interest accruing to the benefit of and to become part of the fund. Such party, whether the director of the department of finance or one or more other parties, is ~~defined~~ hereinafter referred to as the “fund administrator”.

Sec. 70-415.342. Housing trust fund advisory committee.

- (a) *Creation and purpose.* No money shall be appropriated from the housing trust fund in any year unless and until the city council appoints or reappoints ~~has appointed~~ a housing trust fund advisory committee. In accordance with sections 3-127 and 4-104 of the charter, ~~the~~ advisory committee shall ~~be~~ is limited to counseling and advising the city council and the mayor concerning appropriations from the fund.
- (b) *Composition.* The advisory committee shall have a total of seven members, all of whom shall be electors of and domiciled in the city and shall possess experience in one or more of the following areas: architecture and preservation, community development, community and housing development finance, economic development, fair housing, populations with special needs, smart growth, sustainable development, and local and regional housing and neighborhood data. The council shall ensure that all areas of expertise and experience are represented in the membership of the advisory committee. The advisory committee shall consist of the following members:
- (1) One appointee of the mayor;
 - (2) One appointee of the city council ~~quality of life~~ budget, audit, and board of review committee chair;
 - (3) One appointee of the city council community development committee chair;
 - (4) One appointee of the city council president, with such appointee having lived experience being unhoused or living in a low-income or other affordable housing unit;
 - (5) One appointee of the city council president, with such appointee being an employee or representative of a community land trust organization that owns immovable property within Orleans Parish;
 - (6) One appointee of the Louisiana Fair Housing Action Center; and
 - (7) One appointee of Southeast Louisiana Legal Services.
- (c) *Appointment terms.* Appointment nominations shall be submitted by the appointing body to the city council for approval no later than the second council meeting in ~~January~~ December. The terms of each member who has been appointed, and of the committee, shall commence January 1 of each year and end on December 31 of the same year. Each advisory committee member may be reappointed. Any vacancy on the advisory committee shall be filled in the manner of the initial term, and such appointments shall be for the remainder of the unexpired term. Members of the advisory committee shall adhere to the requirements of the city code ~~and~~ of ethics and the state code of governmental ethics.

(d) *Committee duties.*

- (1) *Quarterly reporting.* The housing trust fund advisory committee shall submit ~~quarter-annual updates~~ **a quarterly report** to the city council **for its receipt at** in the form of a report, to appear on the consent agenda of the **first** following regular council meetings: the first meeting **scheduled** in January, the first meeting in April, the first meeting in July, and the first meeting in October. Such reports shall **may** be prepared by **the advisory committee or** the fund administrator(s) and reviewed by the advisory committee prior to submission to the city council. ~~Upon receipt the council may refer the report to the appropriate committee and request that the advisory committee chair, in coordination with the fund administrator(s), present the report and related updates.~~ Each quarterly report shall **must** include, at a minimum, the following **performance measures**:
- (i) the balance of the fund;
 - (ii) all revenues;
 - (iii) all expenditures, including program spending per **exclusive fund** purpose by dollar and by percentage;
 - (iv) the number of households assisted;
 - (v) the number of affordable rental units created;
 - (vi) the number of affordable rental units preserved;
 - (vii) the number of affordable homeownership units (e.g., houses or condominiums) created;
 - (viii) the number of affordable homeownership units preserved;
 - (ix) the development status for multifamily housing projects receiving financing assistance; and
 - (x) any other relevant performance data as specified in any applicable cooperative endeavor agreement, notice of funding availability, or otherwise, as requested by the council.
- (2) *Annual reporting and budget.* ~~In addition to submitting a quarterly report~~ **In coordination with the fund administrator,** the advisory committee shall **prepare and** also submit an annual report to **the city council for its receipt** ~~appear on the consent agenda of~~ **at** the first regular council meeting in October, and shall present such report to the public at a relevant committee meeting. The annual report, which may satisfy the October quarterly reporting requirement, shall **must** include, at a minimum, the following:
- (i) a detailed accounting of all fund revenues and expenditures ~~over~~ **for** the preceding year;
 - (ii) year-long data on the quarterly performance measures ~~provided in~~ **required pursuant to paragraph** (d)(1) for the preceding year;

- (iii) a recommended proposed budget for the upcoming fiscal year, specifying the program funds to be allocated per purpose among the three exclusive fund purposes and in accordance with this section; and
- (iv) an implementation plan for all proposed recommended expenditures, as well as any other information requested by the council recommended expenditures.

The recommended budget must include a A minimum of 15 fifteen percent of the program funds shall be assigned to each exclusive fund purpose, and the advisory committee shall allocate with the remaining 55 fifty-five percent of the program funds to one or more of the exclusive fund purposes, in accordance with residents' housing needs, which shall also be documented in the annual report. The proposed budget and implementation plan shall be subject to review and approval of the city council. In the event that the council wishes to alter or modify the proposed budget or any portion thereof, it may do so but only by a majority vote of all members of the council. After such vote, the proposed budget as so altered or modified shall be resubmitted to the advisory committee for its concurrence or rejection and subsequent alteration or modification. The advisory committee shall notify the city council in writing of its actions, including any budget as modified, in time for publication on the consent agenda of the following regular council meeting. At such meeting, the city council shall vote by motion to approve the original proposed budget or the budget as modified, and this vote will establish the final and conclusive budget for the upcoming fiscal year.

(e) Fund budget and implementation plan.

- (1) Within 45 days of receipt, the council shall approve the budget and implementation plan for incorporation into the city's operating budget ordinances.
- (2) By motion, council may approve the budget and implementation plan as initially recommended or may direct the advisory committee to reconsider the initial recommendation with specified modifications.
- (3) Within 10 days of the council motion directing the advisory committed to reconsidered modifications, the committee shall submit to the council its recommended budget and implementation plan as reconsidered and modified.
- (4) If the council fails to act on the budget and implementation plan on or before the second regular council meeting in November, whether it be as initially recommended or as reconsidered and modified, the budget and implementation plan as last submitted by the advisory committee shall be deemed adopted for incorporation into the operating budget ordinances. Nothing herein shall prohibit the council from thereafter amending the operating budget ordinance.

(f) Staffing. The office of community development shall furnish such services as may be needed by the advisory committee."