

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**

**RESOLUTION No. 2018-32**

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**A RESOLUTION CONFIRMING SANTA FE COUNTY'S COMMITMENT TO  
FAIR HOUSING, ESTABLISHING A CITIZEN PARTICIPATION PLAN,  
ESTABLISHING A RESIDENTIAL ANTI-DISPLACEMENT AND  
RELOCATION ASSISTANCE PLAN, ADOPTING A SECTION 3 PLAN,  
CONFIRMING ITS COMMITMENT TO ABIDE BY RELEVANT  
PROCUREMENT POLICIES AND REGULATIONS, ALL AS REQUIRED BY  
THE UNITED STATES HOUSING AND URBAN DEVELOPMENT (HUD)  
BLOCK GRANT PROGRAM REQUIREMENTS**

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**WHEREAS**, Santa Fe County (County) in its acceptance of HUD Community Development Block Grant (CDBG) funds must adopt certain federal requirements; and

**WHEREAS**, the County desires to ensure compliance with federal requirements by adopting the requisite policies and/or certifications; and

**WHEREAS**, a fair housing resolution must be adopted by a recipient of CDBG Grant funds at an open public meeting, which publicizes the County's commitment to fair housing; and

**WHEREAS**, the Civil Rights Act of 1968 (Fair Housing Act) and the Fair Housing Amendments Act of 1988 declare a national policy to prohibit discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing or in the provision of brokerage services, on the basis of race, color, religion, sex, disability, familial status or national origin; and

**WHEREAS**, fairness and citizen participation is the foundation of the American system and reflects traditional American values; and

**WHEREAS**, discriminatory housing practices undermine the strength and vitality of America and its people; and

**WHEREAS**, the Fair Housing Policy attached hereto as Exhibit A demonstrates the County's commitment to the principle of fair housing, and describes actions the County shall undertake to affirmatively further fair housing; and

**WHEREAS**, a Citizen Participation Plan encourages public input and ensures that a grantee receiving CDBG funds is using various methods to reach the public; and

**WHEREAS**, the Citizen Participation Plan attached hereto as Exhibit B meets the federal requirements applicable to Grantees receiving CDBG funds; and

**WHEREAS**, the Housing and Community Development Act of 1974 specifies that a grantee under the CDBG program must certify that it has in effect and is following a “Residential Anti-Displacement and Relocation Assistance Plan”; and

**WHEREAS**, the County as a CDBG Grant recipient must certify to the New Mexico Department of Finance and Administration, Local Government Division, that it has and is following a Residential Anti-Displacement and Relocation Assistance Plan such a Plan; and

**WHEREAS**, the County Residential Anti-Displacement and Relocation Assistance Plan is attached hereto as Exhibit C; and

**WHEREAS**, Section 3 is a provision of the HUD Act of 1968 that helps foster local economic development, neighborhood economic improvement, and individual self-sufficiency; and

**WHEREAS**, the County as a Grantee of the CDBG program is required to adopt a “Section 3 Plan” by resolution annually for CDBG projects; and

**WHEREAS**, a Section 3 Plan is attached hereto as Exhibit D; and

**WHEREAS**, as a CDBG grant recipient the County is required to adhere to a procurement policy and comply with applicable federal procurement requirements found in 24 C.F.R. PART 85 (Administrative Requirements for HUD CDBG Grant recipients); and

**WHEREAS**, the Board of County Commissioners adopted a procurement policy through Resolution No. 2006-60, “A RESOLUTION ADOPTING SANTA FE COUNTY PURCHASING REGULATIONS AND POLICY MANUAL,” as amended under Resolutions Nos. 2007-113, 2009-91, 2009-102, 2010-208 and 2012-57; and

**WHEREAS**, the County commits to abide by the applicable provisions of 24 C.F.R. Part 85 and County procurement policies, as amended from time to time, and to periodically evaluate the need to update those policies.

**NOW, THEREFORE, BE IT RESOLVED** by the Board as follows:

1. The Fair Housing Policy, attached hereto as Exhibit A, is adopted as a County policy.
2. The Citizen Participation Plan, attached hereto as Exhibit B, is adopted as a County policy.
3. The Residential Anti-Displacement and Relocation Assistance Policy, attached hereto as Exhibit C, is adopted as a County policy.

4. The Section 3 Plan, attached hereto as Exhibit D, is adopted as a County policy.
5. The County shall abide by its procurement regulations, as amended from time to time, will periodically evaluate the need to amend and update its procurement regulations, and, to the extent required by law, shall comply with the applicable procurement regulations contained in 24 C.F.R. Part 85.

PASSED, APPROVED, AND ADOPTED THIS 27<sup>th</sup> DAY OF March, 2018.

**BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**

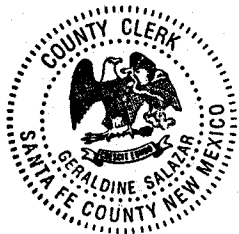
By: Anna C. Hansen  
Anna C. Hansen, Chair

ATTEST:

Geraldine Salazar Date: 3/28/2018  
Geraldine Salazar, Santa Fe County Clerk

APPROVED AS TO FORM:

R. Bruce Frederick  
R. Bruce Frederick, Santa Fe County Attorney



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC RESOLUTIONS  
PAGES: 14

I Hereby Certify That This Instrument Was Filed for  
Record On The 28TH Day Of March, 2018 at 02:54:04 PM  
And Was Duly Recorded as Instrument # 1853496  
Of The Records Of Santa Fe County

Deputy Estrella Martinez Witness My Hand And Seal Of Office  
Geraldine Salazar  
County Clerk, Santa Fe, NM

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Exhibit  
A

**SANTA FE COUNTY HOUSING AUTHORITY  
FAIR HOUSING POLICY**

It is the policy of the Santa Fe County Housing Authority to comply fully with all Federal, State and local nondiscrimination laws and with rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. The Housing Authority will comply with all laws relating to Civil Rights, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- Any applicable State laws or local ordinances and any legislation protecting individual rights of tenants, applicants or staff that may subsequently be enacted

The Santa Fe County Housing Authority shall not discriminate because of race, color, sex, religion, familial status, disability, national origin, marital status, or sexual orientation in the leasing, rental, or other disposition of housing or related facilities, including land, that is part of any project or projects under the Housing Authority's jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended, or in the use or occupancy thereof.

**Steps to Overcome the Effects of Impediments to Fair Housing Choice (as identified in the Jurisdiction's Analysis of Impediments to Fair Housing Choice)**

In an effort to overcome the effects of impediments to fair housing choice and to promote fair housing rights, the Santa Fe County Housing Authority will take the following steps:

- Compile and distribute information regarding Fair Housing issues and resolutions to residents and applicants. Applicants will receive this information when they apply for assistance, and residents will receive this information during the recertification process. Information will also be made available in the lobby of the Housing Authority's Administrative Offices.
- Provide Section 8 Landlord Orientations in an effort to educate current and potential landlords about the program, fair housing and the eviction process. The orientations will be done in collaboration with the Santa Fe Civic Housing Authority and the Tenant/Landlord Hotline staff.
- At least bi-annually, provide Fair Housing information to residents via a monthly newsletter.
- At least annually, disseminate Fair Housing information to Section 8 participants and landlords.
- In an effort to strengthen education and outreach to increase the knowledge about fair housing choice, provide annual Fair Housing and Equal Opportunity training

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to Housing Authority staff and public housing residents. This training will be provided by the local Fair Housing and Equal Opportunity office (FHEO).

- The Housing Authority will also work with local entities to develop resources that support fair housing activities and improve enforcement.

In addition to the steps listed above, the Santa Fe County Housing Authority will post Fair Housing and Equal Opportunity information on the bulletin board in the lobby of the Administrative Offices.

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Exhibit  
B

**SANTA FE COUNTY  
CITIZEN PARTICIPATION PLAN**

In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, the County of Santa Fe, Santa Fe, New Mexico, has prepared and adopted this Citizen Participation Plan.

Objective A

The County of Santa Fe will provide for and encourage citizen participation within its areas of jurisdiction with particular emphasis on participation by persons of low and moderate income.

1. Develop press releases on County meetings, actions and hearings and circulate to newspapers, radio and television media.
2. Develop and maintain listings of groups and representatives of low and moderate income persons and include on mailing lists for announcements, notices, press releases, etc.

Objective B

The County of Santa Fe will provide citizens with reasonable and timely access to local meetings, information and records relating to the proposed and actual use of Community Development Block Grant (CDBG) funds.

1. Public Notices, press releases, etc., should allow for a maximum length of notice to citizens.
2. Appropriate information and records relating to the proposed and actual use of CDBG funds must be made available upon request to all citizens. Excluding any information privileged under the New Mexico Inspection of Public Records Act or other law.
3. Meetings, hearings, etc., should be conducted at times and locations conducive to public attendance.

Objective C

The County of Santa Fe will provide for technical assistance to groups and representatives of low to moderate-income persons that request assistance in developing proposals. (Special note: the level and type of assistance is to be determined by the County).

1. Low/moderate income groups should be advised that technical assistance, particularly in the area of community development, is available from Santa Fe County upon request.
2. The County of Santa Fe will document all technical assistance provided to such groups and have documentation available for review.

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Objective D

The County of Santa Fe will provide for public hearings to obtain citizen participation and respond to proposals and questions at all stages of the CDBG Program.

1. Santa Fe County will advise citizens of the CDBG Program objectives, range of activities that can be applied for and other pertinent information.
2. Santa Fe County will conduct a minimum of two public hearings:
  - a. One public meeting will be held for the purpose of obtaining the views of citizens on community development and housing needs to include the needs of low to moderate income people. This hearing will take place prior to the selection of this project to be submitted to the State for CDBG funding assistance.
  - b. A second public hearing will be held for the purpose of gaining citizen input on the particular application to be submitted to the State for CDBG funding consideration.
3. Santa Fe County will review program performance, past use of CDBG funds and make available to the public its community development and housing needs including the needs of low and moderate income families and the activities to be undertaken to meet such needs.
4. CDBG public hearing notices will be published in the non-legal section of newspapers or in other local media. Evidence of compliance with these regulations will be provided with each CDBG application, i.e., hearing notice, minutes of public meetings, list of needs and activities to be undertaken, etc. Amendments to goals, objectives and applications are also subject to public participation.

Objective E

Santa Fe County will provide for timely written answers to written complaints and grievances within 15 working days where practicable.

1. Santa Fe County will adopt complaint handling procedures to ensure that complaints or grievances are responded to within 15 working days, if possible.
2. Procedures will allow for appeal of a decision to a neutral authority.
3. A detailed record of all complaints/grievances and responses will be filed in one central location with easy public access provided.

Objective F

Santa Fe County will identify how the needs of non English speaking residents will be met in the case of public hearings where a significant number of residents can be reasonably expected to participate.

1. Santa Fe County Project Facilities and Management Department will identify areas where large majorities of non English speaking persons reside and make appropriate provisions when issues affecting these areas are to be discussed at public meetings, hearings, etc. Appropriate provisions will include having interpreters available at the meetings and/or having briefing materials available in the appropriate language.
2. Maintain records/rosters of public hearing attendees and proceedings to verify compliance with this objective.

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Exhibit  
C

**SANTA FE COUNTY  
RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION  
ASSISTANCE PLAN**

Section 509 of the Housing and Community Development Act of 1987 (Public Law 100-242, approved February 5, 1988) amended section 104 of the Housing and Community Development Act of 1974 (the Act) by adding a new subsection (d).

The new subsection 104(d) of the Act provides that a grant under section 106 (CDBG Programs) may be made only if the grantee certifies that it is following a residential antidisplacement and relocation plan.

Local governments, recipients under the State CDBG Program, must make this certification to the State.

Accordingly this Plan represents the effort of Santa Fe County to comply with the requirements of Section 104(d) of the Act and is certified herewith:

**PLAN AND CERTIFICATION**

Santa Fe County herewith certifies that it will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as a low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended.

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to the conversion. Before obligating or expanding funds that will directly result in such demolition or conversion, the County will make public and submit to the Local Government Division of the Department of Finance and Administration the following information in writing:

1. A description of the proposed activity;
2. The location on a map and the approximate number of units, described by size (number of bedrooms), that will be demolished or converted;
3. A time schedule for commencement and completion of the demolition or conversion;
4. The location on a map and the approximate number of dwelling units described by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source(s) of funding and a time schedule for the provision of replacement units; and

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6. The basis for concluding that each replacement unit will remain a low/moderate-income dwelling unit for ten (10) years from the date of initial occupancy.

The County will provide relocation assistance to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

To the extent which the County participates in Federal Assistance Programs wherein the following antidisplacement strategies can be applied, and consistent with the goals and objectives of activities assisted under the Act, the County will take the following steps to minimize the displacement of persons from their homes (this listing not all inclusive):

#### **DISPLACEMENT STRATEGY**

##### **A. Steps to Minimize or Prevent Displacement**

1. Plan, organize and stage the rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation so as to provide the greatest convenience, safe and economically sound rehabilitation effort possible.
2. Assist in the identifying and locating of temporary relocation facilities in order to house families whose displacement will be of short duration, so that they can move back to their neighborhood after rehabilitation or new construction.
3. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent the placing of undue financial burdens on long-established owners or tenants of multi-family buildings.
4. Counsel and advise homeowners and renters to understand the range of assistance that may be available to meet and protect their housing rights and interests.
5. In cooperation with neighborhood organizations, continuously review neighborhood development trends, identify displacement problems, and identify individuals facing displacement who need assistance.

##### **B. Actions to Assist Displaced Persons to Remain in their Present Neighborhood**

1. Provide lower-income housing in the neighborhood through HUD housing programs; purchase units as is; rehabilitate vacant units; or construct housing units.
2. Give priority in assisted housing units in the neighborhood to area residents facing displacement.

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3. Target Section 8 existing programs and certificates to households being displaced, and recruit area landlords to participate in the program.
4. Target Section 8 existing programs and certificates to households being displaced, and recruit area landlords to participate in the program.
5. Provide counseling and referral services to assist displacees in finding alternate housing in the neighborhood.
6. Work with area landlords and real estate brokers to locate vacancies for households facing displacement.

C. Actions to Otherwise Mitigate Adverse Effects of Displacement

1. Use of public funds, such as CDBG, to pay moving costs and provide relocation payments, or to the extent permissible by local or state law, require private developers to provide compensation to persons displaced by development activities.
2. Give displacees priority in obtaining subsidized housing.
3. Provide counseling and referral services to assist displacees to locate elsewhere in the community.

It shall be the policy of Santa Fe County that all persons displaced by the CDBG activity shall be relocated into housing that is:

- a) Decent, safe and sanitary;
- b) Adequate in size to accommodate the occupants;
- c) Functionally equivalent;
- d) In an area not subject to adverse environmental conditions.

Exhibit

D

**SANTA FE COUNTY HOUSING SERVICES DIVISION  
SECTION 3 PLAN**

The Santa Fe County Housing Services Division (SFCHSD) is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low-income residents of the community.

The Santa Fe County Housing Services Division has appointed the Housing Development Project Manager as the Section 3 Coordinator to advise and assist key personnel and staff on Section 3, to officially serve as focal point for Section 3 complaints, and to perform on-site monitoring of prime contractors and sub-contractors to insure the implementation and enforcement of the Section 3 plans. The approval or disapproval of the Section 3 plan is the ultimate responsibility of the Santa Fe County Housing Services Division. Documentation of efforts will be retained on file for monitoring by the state.

The following procedures have been established to ensure that the objectives of Section 3 are met to the greatest extent feasible.

**1. HIRING**

- a. Posting of vacant positions within the SFCHSD shall appear in the monthly newsletter and will be posted within the administrative office.
- b. Preference shall apply in hiring lower income persons residing in Santa Fe County. This means that if two equally qualified persons apply and one is a low-income resident of Santa Fe County and one is not, the low-income resident will be hired.
- c. Records of hiring will be maintained which shall include the position, number of applicants, number of positions filled, positions filled by lower income residents.

**2. CONTRACTING**

- a. The SFCHSD shall identify, compile and maintain a vendors list of businesses, suppliers and contractors located in Santa Fe County, to include small local businesses.
- b. The vendors on the list shall be contacted for bids or quotes whenever supplies, services or construction is required.
- c. Preference shall be given to small local businesses. This means if identical bids/quotes are received from a small Santa Fe County business and another business entity, the contract shall be awarded to the business located within Santa Fe County.

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3. TRAINING

- a. The SFCHSD shall maintain a list of all training programs operated by the SFCHSD agencies and shall direct them to assure the inclusion of low-income to Santa Fe County residents. The SFCHSD shall also direct all HOME sponsored training to assure the inclusion of low-income Santa Fe County residents.

4. HOME Contracts, Construction Contracts and Modernization Contracts

Bid proposals and contracts shall include the following Section 3 language:

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the U. S. Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given to lower income residents of the project areas, and contracts for work in connection with the project be awarded to business concerns residing in the project area.
- b. The parties to this contract shall comply with the provisions of the Section 3 plan and the regulations issued by the Secretary of Housing and Urban Development as set forth in 24 CFR and all applicable rules and orders of the Department issued prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability that would prevent them from complying with these requirements.
- c. The contractor shall send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or worker's representative of his commitments under the Section 3 clause, and shall post copies of the notice in conspicuous places available to employees and applicants of employment or training.
- d. The contractor shall include this Section 3 clause in every subcontract for work in connection with the project and shall, at the discretion of the applicant for, or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR 135. The contractor shall not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135, and shall not contract with any subcontractor unless the subcontractor has complied with the requirements of these regulations.

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- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

The Santa Fe County Housing Services Division shall require each contractor to prepare a written Section 3 plan as part of their bids on all jobs exceeding \$100,000.00. All Section 3 plans shall be reviewed by the SFCHSD Equal Opportunity Section 3 Compliance Officer and retained for monitoring by the state.

The Santa Fe County Housing Services Division shall maintain all necessary reports and shall insure that all contractors and subcontractors submit required reports.

#### LOWER INCOME CLARIFICATION

A family who resides in Santa Fe County and whose income does not exceed the income limit for the size of family as per the Section 8 Income Limit for Santa Fe County. Information contained in our Section 3 files reflect the status of the SFCHSD employees regarding lower income considerations based on their salary paid by the SFCHSD.

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