Housing and Community Development Committee
March 11, 2015 5:30 p.m.
City Hall Room 209

1. Agenda

   Documents: 03.11.2015 AGENDA.PDF

2. Minutes From Previous Meeting (February 11, 2015

   Documents: 2-11-15 MINUTES FOR CMTE APRVL.PDF

3. Guidance For Staff Regarding Proposed Inclusionary Zoning Ordinance

   Documents: MEMORANDUM - IZ HOUSING DEVELOPMENT.PDF

4. Guidance For Staff Regarding Proposed Ordinance Changes To Encourage Housing Development

   Documents: MEMORANDUM - ENCOURAGING HOUSING DEVELOPMENT.PDF

5. FY 15-16 Housing Program Budget

   Documents: 03.11.15 HOUSING PROGRAM BUDGET.PDF

6. FY 15-16 Housing Trust Fund Annual Plan

   Documents: 03.11.15 HOUSING TRUST FUND ANNUAL PLAN.PDF

7. Fy 15-16 Affordable Housing Development HOME Funds Application

   Documents: 03.11.15 AHD HOME FUNDS APPLICATION MEMO.PDF

8. Commercial Broker Agreement - Portland Technology Park

   Documents: 3-5-2015 MEMO TO HCDC - PORTLAND TECH BROKER BROKER.PDF

9. Executive Session

   Executive Session: Pursuant to 1 M.R.S.A. 405(6)(C) and (F) and 5 M.R.S.A. 13119-a, the Committee will go into executive session to provide guidance to staff regarding:

   a. Direction to proceed with property acquisitions to support the relocation of Public Services operations out of Bayside - See enclosed confidential memorandum from Greg Mitchell

   b. Direction on possible tenant lease negotiations related to City-owned Spring Street Parking Garage commercial space.

10. 2015 HCDC Work Plan

    Documents: HCDC 2015 WORK PLAN FOR 03.11.15.PDF

HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

DATE: **March 11, 2015 (Wednesday)**
TIME: **5:30 p.m. – 7:30 p.m.**
LOCATION: **Room 209, Second Floor**
Portland City Hall

A G E N D A

1. Review and accept Minutes of previous meeting held on February 11, 2015.

2. Review and guidance to staff regarding proposed Inclusionary Zoning ordinance – See enclosed memorandum from Jeff Levine.

3. Review and guidance to staff regarding proposed ordinance changes to encourage and enable additional housing development – See enclosed memorandum from Jeff Levine.

4. Review and recommendation to City Council of FY 15-16 Housing Program Budget – See enclosed memorandum from Mary Davis.

5. Review and recommendation to City Council of FY 15-16 Housing Trust Fund Annual Plan – See enclosed memorandum from Mary Davis.

6. Review and approval of FY 15-16 Affordable Housing Application – See enclosed memorandum from Mary Davis.

7. Review and vote to authorize commercial broker agreement for sale of property at Portland Technology Park – See enclosed memorandum from Greg Mitchell

8. **Executive Session**: Pursuant to 1 M.R.S.A. 405(6)(C) and (F) and 5 M.R.S.A. 13119-a, the Committee will go into executive session to provide guidance to staff regarding:

   a. Direction to proceed with property acquisitions to support the relocation of Public Services operations out of Bayside - See enclosed confidential memorandum from Greg Mitchell
   b. Direction on possible tenant lease negotiations related to City-owned Spring Street Parking Garage commercial space.

9. 2015 **HCDC Work Plan for Review and Discussion** – See enclosed Memorandum from Jeff Levine, Greg Mitchell and Mary Davis.

Public Comment will be accepted on action items. **Councilor Kevin Donoghue, Chair**

Next Meeting Date: March 25, 2015

Housing & Community Development Committee

Minutes of February 11, 2015 Meeting

A meeting of the Portland City Council's Housing and Community Development Committee (HCDC) was held on Wednesday, February 11, 2015 at 5:30 p.m. in Room 209 on the second floor of Portland City Hall. Present from the HCDC was its Chair Councilor Kevin Donoghue, and members Councilors David Marshall and Nick Mavodones. Committee member Councilor David Brenerman arrived later in the meeting as noted herein. City staff present included Housing & Community Development Division Director Mary Davis, Associate Corporation Counsel Michael Goldman, Planning Division Director Alex Jaegerman, Planning and Urban Development Director Jeff Levine, Economic Development Director Greg Mitchell, and Senior Executive Assistant Lori Paulette.

Chair Donoghue opened the meeting introducing the Committee members, noting that Councilor Brenerman would be joining the meeting later as he is on his way from a meeting in Augusta.

Item 1: Review and accept Minutes from previous meeting held on January 28, 2015.

On motion made and seconded, the Committee voted unanimously to accept the minutes as published.

Item 2: Review and vote to recommend to City Council Purchase and Sale Agreement for sale of City Property at 71 Hanover Street.

Mr. Mitchell said that he is bringing this to the HCDC for a vote to recommend to the City Council approval of a Purchase and Sale Agreement (PSA) with BoPo, LLC for City property at 71 Hanover Street, currently home of the Public Services' sand/salt operations. Under direction of this Committee, staff issued an RFP for its sale which resulted in one proposal being received, that from BoPo, LLC (a/k/a Bayside Bowl). The proposal is for an expansion of Bayside Bowl, as well as the new home to Portland Community Squash. This will make the property a destination place for the Bayside neighborhood. The proposal meets the conditions of the RFP. The RFP set a minimum purchase price of $340,000 and sold in an "as is where is" condition. After the HCDC packet went out, Mr. Mitchell noted that a couple of edits were added to the PSA in the packet.

Mr. Goldman highlighted the edits to the PSA, which included amending the $5,000 limit on damages that the City would be liable for if it breached its agreement. This has been increased to $15,000. In addition, the environmental indemnity language has been amended to apply to laws governing hazardous wastes and materials, including, without limitation, the matters identified in the Tewhey Report on the property.

Chair Donoghue opened the meeting for public comment.

Steven Scharf, High Street, said that this is a good proposal and purchase price. He asked for clarification as to when Public Services would need to vacate the property – June 30 or June 15.

Robert Hains/Holm Avenue said that he was concerned with selling Public Services' property piece meal. He did agree, though, that this is a very good project for the subject property. Regarding Portland Community Squash and it being a 501(C)(3), he thought the PSA should include a condition that if the property were to be sold to a non-profit, that non-profit would pay taxes.

Justin Alfond, owner of Bayside Bowl, said that he looks forward to this project; it is a good first project as Public Services begins its move out of Bayside. As the owner of Bayside Bowl, he assured the Committee that he had no intention of selling to Portland Community Squash. Regarding timing, he would plan to get all approvals done in time for this year's construction season, with the goal for the expansion to be completed November 2015. The date of June 15 for Public Services to vacate the property is doable, but preference would be for it to be out mid-April.

Chair Donoghue, noting no further public comment, closed the public comment session.

Regarding the date for Public Services to vacate the premises, Mr. Goldman indicated that this is June 15, 2015; however, the PSA also notes that the City will endeavor to be out prior to that deadline. Regarding the 501(C)(3), Mr. Goldman said that there could be verbiage added to the PSA to reflect that if the property were to be sold to a 501(C)(3), that 501(C)(3) would make a payment in lieu of taxes to the City.

A motion was then made and seconded to recommend to the City Council approval of the PSA in substantially the form as presented.

Mr. Goldman described the amendments as noted in the <u>attached</u> updated/redlined PSA, specifically:

1. Section #5: "Possession"; motion made, seconded, passed unanimously to accept amendment;
2. Section #8: "Default and Remedies"; motion made, seconded, passed unanimously to accept amendment;
3. Section #11: "Environmental Indemnification"; motion made, seconded, passed unanimously to accept amendment;

4. Add verbiage regarding the possibility of a sale to a non-profit, which non-profit would then make payment in lieu of taxes; motion made, seconded, passed unanimously to accept amendment.

Chair Donoghue then asked for a vote on the main motion, and it passed unanimously. The Chair noted that he looked forward to this project being the momentum for more development opportunities in Bayside.

Item #3: Review of Response to 65 Munjoy Street RFP

Ms. Davis that under the direction of this Committee, City staff issued an RFP for the sale of 65 Munjoy Street (former Adam's School parking lot). The City received one response from Adam's Apple LLC to create an 8-unit residential condominium development to be offered for sale to 100% to 120% AMI residents – in the range of $225,000 to $298,000 sales price depending on number of bedrooms. There will be 6 parking spaces under the building. The proposal is in line with the results of the feasibility study of the lot. There is no purchase price for the land due to environmental remediation work that will need to be done by the purchaser. The Proposer is also requesting a subsidy of $300,000 from the City's Housing Trust Fund (HTF) to cover the financing gap for the project. Ms. Davis closed saying that staff is looking for guidance as to whether to move forward with negotiations and bring back a PSA for HCDC review and recommendation to the City Council.

Mr. Levine said that the $300,000 subsidy request is due to higher construction costs than anticipated, particularly for a small piece of property. There is approximately $640,000 in the HTF.

Chair Donoghue asked if the R-6 zone didn't change, would this project be possible. Mr. Levine said that it comes close to meeting one space per unit required now, and there might be some density issues.

Chair Donoghue asked about the cost for environmental cleanup, and Ms. Davis said that environmental clean-up costs are fairly accurate in the range of $98,000 to $150,000.

Chair Donoghue opened the meeting for public comments.

Adam's Apple representative Peter Bass introduced himself and his partner Ethan Boxer Macomber highlighting their development experience. Mr. Bass then described the current proposed project, the local team for the project, the high quality design of the project, and how it integrates with the neighborhood. Parking will be off-street under the housing units as noted earlier by staff. It will be energy efficient, durable, and low maintenance, with modern construction which costs more upfront.

Adam's Apple project architect Evan Carroll of Bild Architecture then described the project and orientation of the construction site, egress, units, shared stairwell, conservative design similar to the surrounding area, energy efficiency, and the project's sustainability.

Sean Keay, Estimator from Wright Ryan Construction, then described higher than normal construction costs for contamination, urban conditions, and excavation needed on the street.

Mr. Macomber said the project team was diligent in providing construction cost estimates. The condominium units will be affordable to those at 100%-120% AMI, with 90 year deed restrictions. Public benefits include converting this property into privately owned and associated property taxes; jobs during construction; and, 8 new housing units whose occupants will support businesses in the area. Mr. Macomber said that they will be selling units at a price below market. With purchasing the land for $1.00, this will assist with environmental cleanup costs. Regarding the subsidy requested, the team tried to make this request as low as it could, but that is the project gap, which equals $37,500 per unit subsidy. This, compared with the previous housing unit development on the Adams School property at $118,000 per unit, is relatively small and reasonable. The timeline would be to get all approvals in time for this construction season. They would work with staff to get a PSA in a form to be presented as soon as possible to this Committee.

Carol McCracken of Munjoy Hill asked about closet space for the units, and Mr. Bass indicated that there was ample closet space in each unit.

Robert Hains said that affordable housing is subsidized housing to make it happen, and that $1 for the land is fine considering the environmental cleanup needed.

(Councilor Brenerman joined the meeting at this time.)

Seeing no further public comment, the Chair closed the public comment session.

Councilor Mavodones asked about shoring up street and adjacent properties, particularly if they had contacted those abutters. Mr. Bass indicated that they have not contacted the abutters yet, but this will occur in order to assess those foundations.

Councilor Mavodones said that they have an impressive team and design, and recommended reaching to out to neighbors soon.

Ms. Davis noted that she noticed the neighbors within a 500-foot radius of the subject property, as well as interested parties, regarding this meeting.

Chair Donoghue asked about range of 100% to 120% AMI and sales price, and Mr. Macomber indicated that 120% is close to the market, but that 100% to 120% AMI is not really served in this area. He added that Avesta Housing will certify buyers, taking into consideration their assets. He then described the analysis to be undertaken for this certification. Any resale would be under the same guidelines as the original buyer.

Councilor Mavodones asked about the $37,500 subsidy per unit, compared with the $100,000+ subsidy for the previous Adams School development. Mr. Levine said that that subsidy was all Federal and State fund subsidies. Should the HCDC support the proposal, staff would work on using as little HTF funds as possible. He also noted that he has worked on other projects that have asset restrictions for affordable home ownership.

Councilor Marshall said that he supports the proposal.

Chair Donoghue, noting consensus for staff to come back to this Committee with a PSA, thanked the Proposer and staff for their work to get this to this point.

Item #4: Review and recommendation to issue revised RFP for 65 Hanover/52 Alder Street

Ms. Davis said that, based on guidance received at the last HCDC meeting, the draft RFP has been revised. It is more generic to include options for home ownership, rental units, and commercial uses. The scoring has also been revised, with preference to home ownership for those earning up to 100% AMI, with 90-year deed restrictions in that regard. City subsidy noted in the RFP is the value of the land only. A proposer could use HOME Funds if the proposal was 80% AMI or under.

Chair Donoghue asked for clarification on scoring, and Ms. Davis referred the Committee to page 8 of the draft RFP and described the point system.

Chair Donoghue opened the meeting for public comment.

Sean Kerwin of 18 Parris Street said that it was good for the RFP to be more general in nature, allowing for uses in the B2b zone. The RFP now has points for each home ownership unit available to households earning up to 100% AMI. The prior RFP had 120%, which he preferred and questioned the reduced AMI.

Robert Hains of Holm Avenue noted that as long as Public Services is located in Bayside, he questioned who would be attracted to homeownership there. It would make more sense to him to hold the property until all of Public Services becomes available. He also questioned the Land Bank votes and how it fits, or does not fit, into future development there.

Steven Scharf, High Street, noted that this property seems to be more for commercial use than for housing. Also, with an assessed value of approximately $800,000, Mr. Scharf indicated that it should be sold and not given away. Regarding affordable condominium units for those earning up to 100% AMI, he questioned those buying it at a certain price and then having to sell it at a certain price, noting he was not sure if it would work. In addition, he suggested that the RFP contain verbiage of the timetable for the Public Services uses to be relocated by a certain timeframe, as well as to have a diagram of the property as an exhibit to the RFP.

A woman spoke saying that this area has a lot of potential, and there is a need for home ownership. With home ownership needing a financial return upon sale, she questioned whether deed restrictions discussed would be a disincentive to potential purchasers.

Steve Hirshon, Bayside resident, said that he is pleased with the proposal from Bayside Bowl for 71 Hanover Street. For the subject property, he would like to see home ownership guidelines be for those earning between 80%-120% AMI. He would also like to see, as a next step, the City doing an asset plan for the remainder of the Public Services property. As an aside, he noted a New York friend who visited this area and thought Bayside was the best location.

Carol McCracken of Munjoy Hill inquired if the City has identified a place to move the Public Services uses currently in the property.

Chair Donoghue, noting no further public comment, closed the public comment session.

Mr. Mitchell indicated that the Public Services uses in the subject property are planned to be moved to 212 Canco Road some time in 2015.

Ms. Hill-Christian also noted that the Finance Committee would be taking up purchase options for the 212 Canco Road property at its meeting tomorrow.

There was discussion about the subsidy of land versus sale, and whether housing uses would have more points in the scoring versus a commercial use.

Mr. Levine said that affordable housing proposals generally need some kind of subsidy, with this RFP noting the land would be the only subsidy. Regarding verbiage for proposals offering cash for the land, this could be added to the RFP. Mr. Levine also agreed that the scoring as it is now on p. 8 does provide that housing proposals would score higher than commercial proposals.

There was discussion about parking in lieu of fees, and Ms. Davis indicated that this is not specific in the RFP, but that this could also be added to highlight that option.

There was discussion about housing units offered to those earning anywhere between 80% to 120% AMI, with consensus being that up to 100% AMI would be best, with those units offered for sale needing deed restrictions for resale.

Councilor Brenerman asked about the 212 Canco Road property, and Ms. Hill-Christian said that the City currently has a lease/purchase option for that property. The uses at the subject property would be relocated to 212 Canco Road.

Councilor Mavodones commented that in the narrative of the RFP, verbiage should be added regarding the overall plan for Public Services. In the meantime, he suggested that the creation of a mini master plan for the remaining Public Services property would be helpful.

Councilor Marshall said that he liked more options in the RFP as it is now. If commercial use is proposed, the City could perhaps see more funds for the purchase of the property. It is a valuable piece of property, but, again, appreciated the options in the RFP.

There was discussion regarding housing proposals versus commercial proposals, and that the scoring criteria appears to have housing proposals able to score more points, as home ownership has been identified as a need in the area, but mixed use would also be good. The Committee suggested edits to the scoring, on p. 8 of the draft RFP, particularly, increasing I(2) from 20 to 25 points and add a cash purchase to the verbiage, while taking out the five points in I(1)(3), as this is stated earlier in I(1).

There was discussion about mixed uses for the site, and Mr. Jaegerman offered adding mixed uses in I(4), pursuant to the *Bayside Vision*.

Councilor Brenerman said that the timeline as to when the City intends to move out should be added to the narrative, and Chair Donoghue suggested the parking in lieu fee be added to the narrative or other appropriate section staff feels best.

On motion made then made and seconded, the Committee voted unanimously to authorize staff to issue the RFP, with the updates discussed today.

Item #5: Executive session: Pursuant to 1 M.R.S.A. 405(6)(C) and (F) and 5 M.R.S.A. 13119-A, the Committee will go into executive session to discuss amendments to the Ready Company Lease at the Portland Ocean Terminal.

Chair Donoghue asked if there was any public comment regarding going into executive session.

Robert Hains noted that the reason seemed broad, and Mr. Mitchell noted that is for amendments to Ready Brothers existing lease at the Portland Ocean Terminal. For terms to be amended, City staff needs guidance from the Committee.

On motion then made and seconded, the Committee voted unanimously at approximately 7:30 p.m. to go into executive session pursuant to 1 M.R.S.A. 405(6)(C) and (F) and 5 M.R.S.A. 13119-A, to discuss possible amendments to the Ready Company Lease at the Portland Ocean Terminal.

At approximately 8:00 p.m., the Committee came out of executive session and the meeting the adjourned.

Respectfully,

Lori Paulette

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PURCHASE AND SALE AGREEMENT

THIS AGREEMENT for the purchase and sale of real estate made this ______ day of February, 2015 by and between the CITY OF PORTLAND, a body politic and corporate located in Cumberland County, Maine, (hereinafter referred to as "SELLER"), and BOPO, LLC, a Maine limited liability company with a mailing address of 58 Alder Street, Portland, Maine, (hereinafter referred to as "BUYER").

RECITALS

WHEREAS, the SELLER is the owner of certain land located 71 Hanover Street in Portland, Maine, as more specifically described in Exhibit A, attached hereto and incorporated herein (the “Premises”), and as generally depicted in the plan attached as Exhibit B and incorporated herein; and

WHEREAS, the SELLER desires to sell the Premises and has published a certain “Request for Proposals For the Sale and Reuse of Property Located at 71 Hanover Street, RFP #5215” (the “RFP”), a copy of which is attached hereto as Exhibit C and incorporated herein, and the provisions of which shall survive closing; and

WHEREAS, the BUYER has submitted a proposal in response to the RFP (the “Proposal”), a copy of which is attached hereto as Exhibit D and incorporated herein; and

WHEREAS, after reviewing all proposals submitted in response to the RFP, the SELLER has selected the BUYER as the successful bidder; and

WHEREAS, BUYER desires to purchase and develop the Premises in accordance with the terms of the Proposal, and the SELLER desires to sell the Premises to the BUYER so that the BUYER may do so.

NOW THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties, intending to be legally bound, hereby agree as follows:

1. **RECITALS INCORPORATED BY REFERENCE**. The recitals set forth above are hereby incorporated herein by reference and made a part of this agreement. The restatement in this document of any term of the RFP or Proposal shall not be deemed to waive any term not so restated. If any disagreement is found between the RFP or the Proposal and this document, then this document shall govern; and the RFP shall govern over the Proposal, to the extent they disagree; provided, however, that this

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document and its attachments shall be construed to be supplemental to one another to the extent possible.

2. **SALE.** SELLER agrees to sell the Premises to BUYER, and BUYER agrees to buy the Premises in accordance with the terms and conditions set forth in this Agreement. This Agreement is for the sale of land only and does not include the structures, concrete block walls, or any other personal property on the Premises (the "Retained Property"), to which the SELLER shall retain title, and which Seller shall fully remove at SELLER'S sole cost, risk and expense as set forth in Section 5 below.

3. **CONSIDERATION**. The consideration for the Premises shall be Three Hundred Forty Thousand Eighteen Dollars ($340,018.00) (the "Purchase Price") payable as follows:

   a. The SELLER acknowledges receipt of BUYER's deposit in the amount of Thirty-Four Thousand One Dollars and Eighty Cents ($34,001.80) (the "Deposit") paid to it as of the date of this Agreement; and

   b. The BUYER shall pay to the SELLER at closing the remaining Three Hundred Six Thousand Sixteen Dollars and Twenty Cents ($306,016.20) in immediately available funds.

4. **TITLE.** SELLER shall convey the Premises to BUYER at the closing in fee simple with good and marketable and insurable title by a quitclaim deed without covenant acceptable to BUYER. If SELLER is unable to convey title to the Premises in accordance with the provisions of this paragraph, then SELLER shall have a reasonable time period, not to exceed 60 days from the time SELLER receives written notice of a defect, unless otherwise agreed to by both parties, during which it shall make a good faith effort to remedy the defect, after which time, if such defect is not corrected so that there is marketable and insurable title, BUYER may within 2 days thereafter, at BUYER's option, withdraw the Deposit, and neither party shall have any further obligation hereunder. BUYER may, at BUYER's option elect to close notwithstanding any such defects that may exist.

5. **POSSESSION.** Full possession of the Premises will be delivered to Buyer at the transfer of title, free and clear of all tenancies or occupancies by any person or entity. Notwithstanding the previous sentence, in the event that the SELLER is unable to fully remove the Retained Property before the closing date, BUYER and SELLER shall in good faith negotiate and execute a license agreement pursuant to which SELLER shall be allowed to store the Retained Property on the Premises and continue to operate its sand and salt operations from the Premises until no later than June 15, 2015, provided, however, that SELLER shall endeavor to remove the Retained Property at the earliest date feasible prior to June 15, 2015. Such license agreement shall provide that SELLER shall ~~vacate the Premises and fully remove the Retained Property on or before~~be entitled to store the Retained Property and continue to operate its sand and sale operations from the Premises until the earlier of June 15, 2015, or the date that it removes the Retained Property from the Premises. Such agreement shall also include the following indemnification provision: "SELLER

subject to and limited by the defenses, immunities and limitations of liability available to SELLER under the Maine Tort Claims Act, 14 M.R.S. § 8101 et seq., shall indemnify and hold Buyer harmless from any claims, damages, demands or liabilities resulting from SELLER's exercise of its rights under this license agreement, including without limitation, claims for personal injury, property damage and for the cost of removal including mechanic's lien claims, provided that such claims, damages, demands, or liabilities are caused by any negligent act or omission of the SELLER or its agents, employees or contractors. The license agreement shall also provide that SELLER shall cause its contractors or employees removing the Retained Property to deliver to Buyer, no later than 10 days after the completion of the removal of the Retained Property, a waiver of any and all mechanic's liens associated with the cost of the removal of the Retained Property.

6. **INSPECTIONS**. At reasonable times upon reasonable prior notice prior to Closing, and with SELLER's consent, BUYER, its agents, contractors and any prospective lender or investor of BUYER shall have the right to enter the Premises and perform, at BUYER's expense, any and all inspections, tests, surveys or other due diligence inquiries with respect to the Premises as BUYER deems necessary or appropriate. BUYER agrees to return the Premises as nearly as possible to its original condition after all of such tests and inspections. SELLER shall cooperate with BUYER in such inspections. BUYER shall complete any such inspections within 60 days of the date first set forth above (the "Inspection Period"). In the event that an inspection reveals defects or conditions which are unacceptable to BUYER, BUYER may, prior to the end of the Inspection Period, terminate this Agreement and receive back the Deposit.

7. **REAL ESTATE TAXES, PRORATIONS AND TRANSFER TAX.** BUYER shall be liable for all real estate taxes beginning as of the start of fiscal year 2016 and continuing thereafter. Because the Property is currently owned by the City of Portland, which is exempt from real estate taxes, no taxes were assessed or will be due for any portion of fiscal year 2015 and no taxes will be prorated at the closing. Any utilities for the Property shall be prorated as of the closing. The Maine real estate transfer tax shall be paid for by Buyer in accordance with 36 M.R.S.A. § 4641-A. SELLER is exempt from paying the transfer tax pursuant to 36 M.R.S.A. § 4641-C. The recording fee for the deed of conveyance and any expenses relating to BUYER's financing or closing shall be paid for by BUYER.

8. **DEFAULT AND REMEDIES**. In the event that BUYER defaults hereunder for a reason other than the default of the SELLER, SELLER shall retain the deposit, it being understood, however, the SELLER's acceptance thereof shall not constitute a waiver of any other legal or equitable remedy available to SELLER. In the event SELLER defaults under this Agreement, and if BUYER is not then in default hereunder, BUYER shall have the right to pursue specific performance, but at all times may elect in substitution therefor, as its sole remedy, the right to a return of its deposit, together with reimbursement, in an amount not to exceed Fifteen ~~Five~~ Thousand Dollars ($15,000.00) of reasonable, documented, out-of-pocket costs or expenses incurred by BUYER in connection with its purchase of the Premises, including fees of inspectors, attorneys, or other professionals engaged by BUYER in connection with its purchase of the Premises.

9. **RISK OF LOSS.** The risk of loss or damage to the Premises by fire or otherwise, until transfer of title hereunder, is assumed by the SELLER. The Premises is to be delivered in substantially the same condition as of the date of this Agreement unless otherwise stated. In the event SELLER is not able to deliver the Premises as stated, BUYER may terminate this Agreement and receive a refund of the Deposit.

10. **PROPERTY SOLD "AS IS, WHERE IS**." BUYER acknowledges that BUYER has had an opportunity to inspect the Premises, and to hire professionals to do so, and that Premises will be sold "as is, where is" and "with all faults." SELLER, and its agents, make no representations or warranties with respect to the accuracy of any statement as to boundaries or acreage, or as to any other matters contained in any description of the Premises, or as to the fitness of the Premises for a particular purpose, or as to development rights, merchantability, habitability, or as to any other matter, including without limitation, land use, zoning and subdivision issues or the environmental, mechanical, or structural condition of the Premises. Acceptance by BUYER of the Deed at closing and payment of the purchase price shall be deemed to be full performance and discharge by the SELLER of every agreement and obligation contained herein.

11. **ENVIRONMENTAL INDEMNIFICATION**. BUYER covenants and agrees, at BUYER's sole cost and expense, to indemnify, defend, and hold SELLER harmless from and against any and all claims, damages, losses, liabilities, obligations, settlement payments, penalties, assessments, citations, directives, claims, litigation, demands, defenses, judgments, costs, or expenses of any kind, including, without limitation, reasonable attorneys', consultants', and experts' fees incurred in investigating, defending, settling, or prosecuting any claim, litigation or proceeding, that may at any time be imposed upon, incurred by or asserted or awarded against SELLER and relating directly or indirectly to the violation of or compliance with any federal, state, or local environmental laws, rules, or regulations governing the release, handling or storage of hazardous wastes or hazardous materials and affecting all or any portion of the Premises, including without limitation the environmental matters identified in the Tewhey Report identified in and attached to the RFP. ~~.~~

12. **RIGHTS OF SELLER TO REPURCHASE PROPERTY**. If development of the Premises in substantially the form set forth in the Proposal, including the securing of a certificate of occupancy, is not complete within 18 months after the closing, the Seller shall have the right, but not the obligation, to repurchase the Premises at the Purchase Price.

13. **CLOSING**. Time is of the essence in the performance of this agreement. The closing shall be held at City Hall at a time agreeable to the parties on or before seventy-five (75) days after the date first set forth above.

14. **ENTIRE AGREEMENT.** This Agreement represents the entire and complete Agreement and understanding between the parties and supersedes any prior agreement or understanding, written or oral, between the parties with respect to the

acquisition or exchange of the Property hereunder. This Agreement cannot be amended except by written instrument executed by SELLER and BUYER.

15. **HEADINGS AND CAPTIONS.** The headings and captions appearing herein are for the convenience of reference only and shall not in any way affect the substantive provisions hereof.

16. **BINDING EFFECT**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, administrators, successors and assigns.

17. **TIME.** The SELLER and BUYER each confirm and agree that each of the time periods set forth herein are essential provisions of the terms of this Agreement.

18. **GOVERNING LAW**. This Agreement shall be construed in all respects in accordance with, and governed by, the laws of the State of Maine. All parties hereto hereby consent to the exclusive jurisdiction of the Superior Court for the County of Cumberland in the State of Maine, for all actions, proceedings and litigation arising from or relating directly or indirectly to this Agreement or any of the obligations hereunder, and any dispute not otherwise resolved as provided herein shall be litigated solely in said Court. If any provision of this Agreement is determined to be invalid or unenforceable, it shall not affect the validity or enforcement of the remaining provisions hereof.

19. **NOTICE**. All notices, demands and other communications hereunder shall be in writing and shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the first business day after mailing if mailed to the party to whom notice is to be given by first class mail, postage prepaid, certified, return receipt requested, addressed to the recipient at the addresses set forth below. Either party may change addresses for purposes of this paragraph by giving the other party notice of the new address in the manner described herein.

FOR THE SELLER:	City of Portland ATTN: CITY MANAGER 389 Congress Street Portland, ME 04101
With a copy to:	The Office of the Corporation Counsel at the same address.
FOR BUYER:	BOPO LLC Attention: Justin Alfond 58 Alder Street Portland, Maine 04101
With a copy to:	Gary D. Vogel, Esq. Drummond Woodsum 84 Marginal Way, Suite 600

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Portland, ME 04101-2480

20. **SIGNATURES; MULTIPLE COUNTERPARTS.** This Agreement may be executed in any number of counterparts and by different parties in separate counterparts. Each counterpart when so executed shall be deemed to be an original and all of which together shall constitute one and the same agreement. A signature in a faxed, pdf or other reproduced or electronic document shall be considered the equivalent of an original signature.

21. **BROKERS.** Seller and Buyer each represents and warrants that neither has dealt with a real estate broker in connection with this transaction. Buyer agrees to indemnify and hold harmless Seller from any claims made by any broker should Buyer's representation in this paragraph be false. Subject to the limitations of liability set forth in the Maine Tort Claims Act, Seller agrees to indemnify and hold harmless Buyer from any claims made by any broker should Seller's representation in this paragraph be false. The foregoing indemnities shall include all legal fees and costs incurred in defense against any such claim, and shall survive closing.

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IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the day and year first written above.

CITY OF PORTLAND

______________________ ______________________________________

WITNESS Sheila Hill-Christian
Its Acting City Manager

BOPO, LLC

______________________________ ______________________________________

WITNESS Justin Alfond
Its Manager

Approved as to Form:

____

Corporation Counsel's Office

Portland, Maine
Yes. Life's good here.
Jeff Levine, AICP
Director, Planning & Urban Development Department

Memorandum

To: Housing and Community Development Committee

From: Jeff Levine, Director

Date: March 5, 2015

Re: Proposed Inclusionary Zoning Ordinance- Next Steps

As part of the proposed "encourage and ensure" approach to addressing housing issues, staff has continued to work on the outline of an Inclusionary Zoning Ordinance. Staff has started with the draft developed by the Housing and Equity Working Group of the India Street Neighborhood Advisory Council. Based on input from HCDC in February, we will be adjusting the ordinance to the so-called "10/10/100" goals:

- Inclusionary requirements start in a ten unit development
- Ten percent (or equivalent) of the units would be affordable
- Affordability would be set at "workforce" levels of 100% of area median income (as opposed to the 80% AMI level commonly used.)

At the Housing Forum, there was support for this approach to a new ordinance, at least as a starting point. The Chamber of Commerce's housing working group meetings, which I attend, include a variety of viewpoints on this issue, ranging from the view that there should not be an inclusionary ordinance to the view that such an ordinance is common nationally and is seen as a "best practice" as part of a set of tools.

Based on this input, I have revised the draft ordinance from the India Street process to incorporate those new numbers. However, there remain a few policy issues that still require direction:

✓ ***"Cashout" or Fee-in-Lieu Options:*** The draft ordinance from the India Street process allows cash-out in lieu of units for projects below 20 units, and for partial requirements. That is generally the state of the practice in many inclusionary ordinances. One thing we have heard in the process to date is an interest in being somewhat more flexible in permitting fee-in-lieu. Options that have been raised include allowing a fee at any level; having more flexibility for fee-in-lieu for ownership projects than for rental projects; and various options related to the fee level.

  Given that the City has an existing Housing Trust Fund and would have the capacity to utilize fees in lieu, I would recommend that we consider some flexibility on this issue. It's important to keep in mind that the fee-in-lieu is theoretically supposed to cover the cost of creating an affordable unit at the target income levels. While it is hard to find a specific number that meets that goal, we generally find that the cost of producing an affordable unit is about $125,000.

We offer three options for consideration and discussion to help resolve this issue:

A. *Fee-in-Lieu allowed for any sized development with a cash-out cost at the true net development cost of producing units ($125,000, indexed);*
B. *Fee-in-Lieu allowed for any size ownership development, and for rental developments up to 20 units, at the cost recommended by the India Street process ($100,000, indexed); or*
C. *Fee-in-Lieu allowed for developments up to 20 units in size, as recommended by the India Street process, at the same cash-out level as the Housing Replacement Ordinance (currently about $64,700 per unit, indexed.)*

- ✓ ***Finishes and sizes of units:*** The India Street process recommended that inclusionary units should be "reasonably compatible in unit type, appearance, construction, and quality of materials with other units." Various approaches are taken in Inclusionary Zoning ordinances, from requiring that inclusionary units be exactly the same in size, distribution and finishes; to a requirement that the number of bedrooms be comparable; to allowing flexibility in terms of finishes as long as the units look the same from the exterior.

We offer three options for consideration and discussion to help resolve this issue:

A. *Inclusionary units shall be the same size and finish as other units, distributed reasonably throughout the development;*
B. *Inclusionary units shall have the same number of bedrooms on average as other units in the development, but can use less expensive finishes as long as they do not appear different from the exterior of the building, and shall be distributed reasonably throughout the development;*
C. *Inclusionary units can be smaller and/or located in less lucrative parts of a development plan, and can use less expensive finishes than the other units in a development.*

Another question that has come up is the administration of an ordinance. I am confident that we have the capacity in our office to administer the ordinance. We would propose a change to the Housing Trust Fund ordinance at some point to leave the option open to use some small portion of the fund for administration of the Inclusionary Zoning ordinance if necessary. Given that the Inclusionary Zoning ordinance would also be a major source of revenue for the Housing Trust, we think that is a prudent option. HCDC would still have to approve such use of the funds on an annual basis as part of the Housing Trust annual plan. This possibility does argue for slightly higher fee-in-lieu levels.

Once these issues are resolved, I believe I am ready to finalize a draft ordinance for consideration by the Planning Board and, ultimately, the City Council, if that is the guidance from your Committee.

Portland, Maine

Yes. Life's good here.

Jeff Levine, AICP
Director, Planning & Urban Development Department

Memorandum

To: Housing and Community Development Committee

From: Jeff Levine, Director

Date: March 5, 2015

Re: Proposed ordinance changes to encourage/enable housing development

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As part of the proposed "encourage and ensure" approach to addressing housing issues, staff has developed a list of possible changes that would loosen restrictions on housing development while still preserving City residents' quality of life. These proposed changes are based on an earlier list handed out at the Housing Forum, as well as input from that forum and from the Chamber of Commerce's ongoing housing working group meetings.

These changes have been prioritized in terms of timeframes for implementation. Staff is seeking input as to this list, with the understanding that, most likely, only some of these items will end up being fully developed or enacted:

HOUSING PRODUCTION STRATEGIES COMPLETE OR IN PROCESS

1. Revisions to the B-2 zoning district for 500 acres in key commercial corridors/nodes
2. Revisions to the R-6 zoning district for 530 acres of residential land on the Peninsula
3. Rezoning 10 acres of land along the eastern waterfront to B-6 to allow for multifamily housing development

IMMEDIATE TERM HOUSING PRODUCTION STRATEGIES

4. Eliminate Parking Requirements for Residential Uses in B3, B5, B6, and B7
5. Eliminate Residential Density Limits in B1 and B2

SHORT TERM HOUSING PRODUCTION STRATEGIES

6. Harmonize off-peninsula residential parking requirements with those of the peninsula
7. Allow the use of the fee in lieu of parking in all off-peninsula (citywide) business zones
8. Update definitions & dimensional standards to promote the viability of lodging houses
9. Amend Downtown Height Overlay Map where to increase 45' heights

MEDIUM TERM HOUSING PRODUCTION STRATEGIES

10. Allow 1 ADU per owner-occupied single-family homes in all IR zones if leased annually
11. Begin R5 rewrite to reflect current patterns & legalize most nonconforming structures

12. Begin R3 rewrite to reflect current patterns & legalize most nonconforming structures
13. Consider rewriting R7 zone & consider applying it to the zoning map in downtown R6s

PRESERVATION STRATEGIES FOR FURTHER DISCUSSION

14. Limit the removal of dwelling units from the rental market in favor of vacation rentals
15. Limit the conversion of rental housing into condominiums
16. Look at Housing Trust Fund ordinance for revisions to reflect its role in these efforts

One item that was mentioned at the Housing Forum to encourage additional housing was a so-called "Linkage Fee" for commercial development. Many cities have a requirement that commercial developments pay a per-square-foot fee into a Housing Trust to encourage housing production. These requirements are based on studies that document that commercial development causes a need for additional housing development. For example, the Linkage Fee requirement in Somerville, MA, is $5.15 per square foot of commercial development. We do not recommend including a Linkage Fee in this package at this time.

Portland, Maine
RESURGAM CITY OF PORTLAND, MAINE
Yes. Life's good here.
Jeff Levine, AICP
Director, Planning & Urban Development Department

City of Portland Public Forum on Housing Production and Affordability
February 25, 2015

RECOMMENDATION:
ENCOURAGE HOUSING DEVELOPMENT

Completed
- ✓ Zoning change to 500 additional acres of land for additional housing density
- ✓ Comprehensive rewrite of the B-2 zoning districts (along Forest Avenue and elsewhere) to more than double the number of housing units that can be built
- ✓ Changes to the B-1 neighborhood business districts

Under Way
- ✓ Zoning changes to an additional 500 acres of land for additional housing density
- ✓ Comprehensive rewrite of the R-6 (Peninsula residential) zoning district to significantly increase number of housing units that can be built. This process included a three month outreach phase during which staff met with neighborhood groups
- ✓ Rezoning of the Portland Companies site to permit multifamily housing development on that 10 acre site
- ✓ Form Based Code in the India Street neighborhood will focus on the built form rather than the number of units in a residential development
- ✓ Looking at excess City-owned land for housing development

Proposed
- ✓ Exploration of ways that accessory dwelling units and reuse of existing buildings can help produce additional housing with minimal impacts
- ✓ Changes to the density bonus provisions to make them more effective
- ✓ Exploring how zoning affects use of "microhouses" and recommending changes
- ✓ B-3 height increases
- ✓ Relax residential parking requirements in B-3, 4, 5, 6 and 7 zones
- ✓ Look at density limits for number of units generally
- ✓ Look at a one space per unit requirement off-Peninsula
- ✓ Look at short-term rentals and how they impact the housing market

RECOMMENDATION: ENSURE HOUSING DEVELOPMENT

DRAFT Inclusionary Zoning Ordinance

Purpose

The City believes that it is in the public interest to promote an adequate supply of affordable housing for its residents. The purpose of this division, therefore, is to require developers to include units of affordable housing within development projects, thereby mitigating the limited supply of affordable housing, and by doing so, promoting the health, safety, and welfare of Portland citizens.

Definitions

a) Affordable housing unit shall be a dwelling unit for which:
   a. The rent does not exceed 30% of the annual income for a household earning less than 100% of area median income for the Greater Portland Metropolitan Statistical Area as defined by the U.S. Department of Housing and Urban Development or
   b. Where the purchase price will not result in mortgage payments that exceed 30% of annual income for households earning less than 100% of area median income for the Greater Portland Metropolitan Statistical Area as defined by the U.S. Department of Housing and Urban Development.
   c. Annual rent increases for that unit are limited in perpetuity by deed restriction or other legally binding agreement to the percentage increase in the U.S. Department of Housing and Urban Development Greater Portland Metropolitan Statistical Area median income figures for a household of that size, or
   d. The resale price is limited by deed restriction or other legally binding agreement for all future sales of the unit to the percentage increase in the U.S. Department of Housing and Urban Development Greater Portland Metropolitan Statistical Area median income figures for a household of that size.

Applicability

This division shall apply to development projects that:

a) Are permissible under the provisions of this chapter in the zone in which they are proposed
b) Will be a multi-family dwelling as defined in section 14-47, and will not be located in an R-1 or R-2 zone
c) Reserve
d) Create ten or more new dwelling units for rent or for sale through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements.
e) Have not received, prior to the adoption of this ordinance, a Level III site plan approval, a Master Plan approval or a Building Permit.

Requirement of Inclusion of Affordable Housing Units

Such development projects shall set aside at least ten percent (10%) of the units in the project as affordable housing.

Standards

Projects shall not be segmented or phased to avoid compliance with these provisions and affordable units shall be provided in proportion to the development of market rate units.

Affordable housing units shall be integrated with the rest of the development and shall be reasonably compatible in unit type, appearance, construction, and quality of materials with other units as determined by the planning authority.

In-lieu Fees

Projects may pay a fee in lieu of providing affordable housing except that for developments of twenty (20) units or greater, all of the required affordable units shall be incorporated within the development and shall not be eligible for the substitution of the fee in lieu provision. In-lieu fees shall be paid into the Housing Trust Fund as defined in Sec. 14-489. The fee for affordable units not provided shall be equal to the number of required affordable units not provided multiplied by $100,000. Beginning on January 1, 2016 and annually thereafter, the amount of the in-lieu fee shall be adjusted by multiplying this amount originally deposited for each unit by a fraction, the denominator of which shall be the “Consumer Price Index for Urban Wage Earners and Clerical Workers (“CPI-W”), U.S. City Average, “All Items Index,” as published by the United States Bureau of Labor Statistics (“the Index”) for January 1, 2015 Year, and the numerator of which shall be the index for the same month in each subsequent year. In the event that the Index is not then in existence, the parties shall use such equivalent price index as is published by any successor governmental agency then in existence; or, if none, then by such equivalent price index, in lieu of and adjusted to the Index. If the Index shall cease to use 1982-84 equals 100 as the basis of calculation, or if a substantial change is made in the terms or number of items contained in the Index, the Base Index shall be adjusted to conform to such change, using such computation thereof, if available, as shall be employed by the United States Department of Labor in computing same. Notwithstanding anything herein to the contrary, contributions made after January 1, 2016 shall not be less than the amount originally required to be deposited pursuant to this sub-section.

Incremental Unit Fee

A development with ten units will be subject to the provision of one complete affordable unit, or 100% of the required fee in lieu of providing the affordable unit within the project. Each additional unit in excess of ten will be subject to an incremental 10% fee per unit in addition to the provision of the required affordable unit, or an incremental fee per unit in addition to the 100% fee in lieu of the one unit. A development with more than 20 units will be subject to an incremental 10% fee per unit in addition to the provision of the required affordable units. [See chart below]

	OPTION 1	OPTION 2	
# of Units	Required Affordable Unit	In-Lieu Fees	Incremental Unit Fee %
10	1	100%	n/a
11	1 + Incremental Fee	100% + Incremental Fee	10%
12	1 + Incremental Fee	100% + Incremental Fee	20%
13	1 + Incremental Fee	100% + Incremental Fee	30%
14	1 + Incremental Fee	100% + Incremental Fee	40%
15	1 + Incremental Fee	100% + Incremental Fee	50%
16	1 + Incremental Fee	100% + Incremental Fee	60%
17	1 + Incremental Fee	100% + Incremental Fee	70%
18	1 + Incremental Fee	100% + Incremental Fee	80%
19	1 + Incremental Fee	100% + Incremental Fee	90%
20	2	n/a	n/a
21+	2 + Incremental Fee	n/a	10%
30	3	n/a	n/a
31+	3 + Incremental Fee	n/a	10%
40	4	n/a	n/a
41+	4 + Incremental Fee	n/a	10%

Mary Davis
Division Director, Housing & Community Development Division

TO: Councilor Donoghue, Chair
Members of the Housing and Community Development Committee

FROM: Mary Davis, Division Director
Housing and Community Development Division

DATE: March 6, 2015

SUBJECT: 2015-2016 Housing Program Budget

I. SUMMARY OF ISSUE – Review and recommendation to the City Council of the 2015-2016 Housing Program Budget.

II. REASON FOR SUBMISSION - The Housing and Community Development Committee recommends the Housing Program Budget to the City Council for final approval.

III. INTENDED RESULT - HOME Program: The Home Investments Partnerships Program (HOME) was established by Congress in 1992. Since 1992, the City of Portland and the Cumberland County HOME Consortium have received over $18 million dollars in HOME funding. In 2009 the City became the lead entity in the Cumberland County HOME Consortium. The Consortium is a partnership of the communities in Cumberland County that administers HOME Program funds in Cumberland County. The creation of the consortium expanded the financial resources for affordable housing activities in the region. The City retains independent operation of its HOME program. Because the City serves as the "Lead Entity" and City staff administers the County portion of the funding, all administrative funds are retained by the City. The County's Municipal Oversight Committee controls the allocation of County's portion of the HOME funds.

The budget proposal is based on a final HUD HOME allocation of $820,832, of which $347,236 is reserved for County project. The budget proposal was developed after a historical review of HOME funding allocations, previous year's budget allocations, program expenditures and program income (loan repayments) received. Currently, the City's HOME Program is divided into four funding categories:

1. Administration
2. Housing Rehabilitation
3. Tenant Based Rental Assistance (TBRA)
4. Affordable Housing Development [including the required Community Housing Development Organization (CHDO) set-aside mandated by HUD]

Mary Davis
Division Director, Housing & Community Development Division

CDBG/Housing Development Fund: Housing and Community Development Division did not request funding in the FY 15/16 CDBG process. Staff and housing program costs normally funded through CDBG, are being funded through the Housing Development Fund (HDF). HDF is the program income account funded by CDBG housing loan repayments. Currently, the HDF fund is divided into two funding categories, administration and housing rehabilitation.

IV. FINANCIAL IMPACT - This budget is based on the CDBG and HOME Program Allocations from the U.S. Department of Housing and Urban Development and the HDF Program Income Account.

V. STAFF ANALYSIS AND RECOMMENDATION – The proposed Housing Program Budget can be adjusted as necessary throughout the year with appropriate analysis and public notice as required by our HUD Consolidated Plan. This budget, as may be amended by the Housing and Community Development Committee, will be forwarded to the full City Council for two Public Hearings, as part of the overall HCD budget. The final budget allocations and Annual Action Plan are submitted to HUD on May 15 for the fiscal year beginning July 1, 2015.

There are two versions of the Housing Program Budget presented here. Budget (2) does not include funding for the TBRA Program. The TBRA Program is administered by the City's Social Service Office. Under current eligibility guidelines, the Social Service Office has been unable to assist as many individuals as originally anticipated and therefore the TBRA Program has balance remaining in the FY 14/15 budget. In the context of the proposed changes to the General Assistance Program at the State level, we are seeking additional guidance from HUD regarding residency status of TBRA program participants, and are hoping to expand the program criteria. Budget (1) includes an allocation for TBRA.

At this time staff is requesting Committee approval and recommendation to the City Council of the FY 15/16 Housing Program Budget with the flexibility to forward one of the two proposed budgets shown below to the City Council. If HUD approves our request to amend the program criteria, staff will forward budget (1) shown below. If HUD does not approve are amendment, staff will forward budget (2) shown below.

Mary Davis
Division Director, Housing & Community Development Division

(1). FY 15/16 Housing Program Budget with TBRA funding

	HOME	CDBG	HDF	Lead Safe Housing PI	Housing Trust Fund
Administration	$102,083	$0.00	$39,860	$0.00	n/a
Housing Rehab	$150,000	$0.00	$225,586	n/a	n/a
TBRA	$130,00	$0.00	$0.00	n/a	n/a
Affordable Housing Dev.	$226,262	$0.00	$0.00	n/a	$643,551
CHDO	$65,252	n/a	n/a	n/a	n/a
Lead Paint Remediation	$0.00	$0.00	n/a	$280,413	n/a
Totals	**$673,597**	**$0.00**	**$265,446**	**$280,413**	**$280,413**

(2). FY 15/16 Housing Program Budget without TBRA funding

	HOME	CDBG	HDF	Lead Safe Housing PI	Housing Trust Fund
Administration	$102,083	$0.00	$39,860	$0.00	n/a
Housing Rehab	$180,000	$0.00	$225,586	n/a	n/a
TBRA	$0.00	$0.00	$0.00	n/a	n/a
Affordable Housing Dev.	$326,262	$0.00	$0.00	n/a	$643,551
CHDO	$65,252	n/a	n/a	n/a	n/a
Lead Paint Remediation	$0.00	$0.00	n/a	$280,413	n/a
Totals	**$673,597**	**$0.00**	**$265,446**	**$280,413**	**$280,413**

Portland, Maine
Yes. Life's good here.
Mary Davis
Division Director, Housing & Community Development Division

TO: Councilor Donoghue, Chair
Members of the Housing and Community Development Committee

FROM: Mary Davis, Division Director
Housing and Community Development Division

DATE: March 6, 2015

SUBJECT: 2015-2016 Housing Trust Fund Annual Plan

I. SUMMARY OF ISSUE

Review and recommendation to the City Council of the 2015-2016 Housing Trust Fund Annual Plan.

II. REASON FOR SUBMISSION

The Housing Trust fund is established by Section 14-489 of the City's Code of Ordinances. Section 14-489 (e) states that "the city council shall adopt a housing trust fund annual plan" and that the "housing committee of the city council or such other committee as the council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action."

III. INTENDED RESULT

The Annual Plan will establish the priorities in which the current balance of the Housing Trust Fund will be allocated.

IV. COMMITTEE GOAL/COUNCIL GOAL ADDRESSED

Promote Housing Availability – Provide increased availability in all segments of the housing market while insuring that there is a suitable balance of housing opportunities among those sectors.

V. FINANCIAL IMPACT

This budget is based on the current balance in the Housing Trust Fund. These funds were generated primarily through fees generated by the Housing Replacement Ordinance. As of March 6, 2015, the balance of the Housing Trust Fund is $643,551.

V. STAFF ANALYSIS AND RECOMMENDATION

City Ordinance requires that the Housing Trust Fund Annual Plan include a description of the programs to be funded, a budget for each program and identify how the funds will be distributed among very-low (at or below 50% of the area median income), low (at or below 80% of the area median income) and moderate income (at or below 120% of the area median income) households.

The Housing Trust Fund is a valuable tool that can assist the City in meeting the goal of providing increased availability in all segments of the housing market. While the City has other resources such as the HUD HOME and CDBG Programs, those funds are limited in amount and scope. The proposed Housing Program budget for FY 2015-2016 includes $391,514 in HOME funding for affordable housing development, $180,000 for housing rehabilitation and $225,586 in CDBG housing program income for housing rehabilitation. The HOME program restricts rental housing assistance to households at or below 60% of the area median income and home ownership assistance to households at or below 80% of the area median income. The CDBG program is restricted to households at or below 80% of the area median income. City Ordinance allows the Housing Trust Fund to assist households at or below 120% of area median income.

The purpose of the Housing Trust Fund is the "…promotion, retention and creation of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the City." and "To serve as a vehicle for addressing very low, low and median income housing needs…". Currently, the Housing Trust Fund revenue is generated by the Housing Preservation and Replacement Ordinance. Affordability restrictions are required. In the case of rental or cooperative units, the units must remain affordable for the life of the housing unit which is presumed to be a minimum of thirty (30) years. Homeownership units must include resale restrictions that maintain an "equitable balance" between the interests of the owner and the City. These restrictions must be documented and recorded in the Cumberland County Registry of Deeds.

Staff Recommendation - For FY 2015-2016, Housing Trust Fund resources should be focused on opportunities where other funding sources do not work or are not effective. Housing Trust Fund investment should be focused on projects designed to create workforce housing targeted to households earning 100% of the area median income and rental housing projects targeted to very-low income households (at or below 50% of the area median income). Until additional sources of funding for the Housing Trust Fund are identified, the City should act prudently when deciding to invest the funds currently available.

Staff is requesting committee approval and recommendation to the City Council of the proposed 2015-2016 Housing Trust Fund Annual Plan and the Application for Affordable Housing Development utilizing Housing Trust Funds.

Attachments:
Copy of Chapter 14, Division 31, Sec. 14-489 of the City Code of Ordinances.
Application for Affordable Housing Development - HTF

any bonus received pursuant to this subsection, may not exceed the maximum height recommended for the location of the project pursuant to a height study that has been adopted as part of the city's comprehensive plan.

(Ord. No. 98-06/07, 12-4-06; Ord No. 240-09/10, 6-21-10)

DIVISION 31. HOUSING TRUST FUND

Sec. 14-489. Housing trust fund.

(a) *Purpose.* The purpose of enacting this section is:

1. To establish a City of Portland housing trust fund for the promotion, retention and cration of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the City.

2. To serve as a vehicle for addressing very low, low, and median income housing needs through a combination of funds as set out in section 14-483 of this chapter.

(b) *Definitions.*

Very low income household. A household having an income not exceeding fifty (50%) percent of median income for area of residence as set forth in regulations promulgaged from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. section 1437 et seq.

Low income household. A household having an income not exceeding eighty (80%) percent of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

Moderate income household. A household having an income not exceeding one hundred twenty (120%) percent of median income for area of residence as set forth in regulations promulgated from time to time by the United Sates Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

(c) *Establishment of the housing trust fund.* The city council shall establish a special revenue account under the name

"City of Portland Housing Trust Fund." Deposits into the fund shall include:

1. Contributions from the city's housing replacement ordinance under 14-483(i);

2. Funds appropriated to be deposited into the fund by vote of the city council;

3. Voluntary contributions of money or other liquid assets to the fund;

4. Any federal, state or private grant or loan funds provided to the fund:

5. Interest from fund deposits and investments; and

6. Repayments of loans made from the fund.

(d) *Management of the trust fund.* The city manager, or his or her designee, shall serve as the manager of the housing trust fund. The responsibilities of the manager, subject to the orders of the city council, shall include:

1. Maintaining the financial and other records of the housing trust fund;

2. Disbursing and collecting housing trust fund monies in accordance with the housing trust fund annual plan; and

3. Monitoring the use of monies distributed to successful applicants for housing trust fund support to assure on-going compliance with the purposes of the fund and the conditions under which these monies were granted or loaned.

(e) *Housing trust fund annual plan.* Each fiscal year, the city council shall adopt a housing trust fund annual plan. The city manager shall submit to the city council a recommended housing trust fund annual plan, utilizing the revenues of the housing trust fund as well as any other funds the manager may propose as appropriate. The housing committee of the city council or such other committee as the council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action.

The housing trust fund annual plan shall include:

1. A description of all programs to be funded in part or in full by the housing trust fund;

2. A description of how funds from the housing trust fund will be distributed among very-low-income, low-income and moderate income households; and

3. The amount of funds budgeted for programs funded in part or in full from the housing trust fund.

Priority for the expenditure of funds collected pursuant to the housing replacement ordinance (see Sec. 14-483) shall be given to the creation of new housing stock, through either new construction or conversion of non-residential buildings to residential use.

(f) *Distribution and use of the housing trust fund's assets.*

1. All distribution of principal, interest or other assets of the housing trust fund shall be made in furtherance of the public purposes set out in section 14-483.

2. During each year, the housing trust fund shall disburse as grants or loans so much of the housing trust fund's assets as the city council in its discretion has approved in the housing trust fund annual plan.

3. Funds shall not be used for city administrative expenses.

4. Funds shall not be used for property operating expenses or supporting services.

5. No grants or loans shall be awarded by the housing trust fund to corporations, partnerships or individuals who are delinquent, at the time of application in the payment of property taxes or other fees to the city of Portland, who Have been convicted of arson, who have been convicted of discrimination in the sale or lease

of housing under the fair housing laws of the State of Maine, or who have pending violations of current city electrical, plumbing building or housing codes or zoning ordinances.

(g) *Term of affordability.*

1. Whenever funds from the housing trust fund are used for the acquisition, construction or substantial rehabilitation of an affordable rental or cooperative unit, the City of Portland shall impose enforceable requirements on the owner of the housing unit that the unit remain affordable for the remaining life of the housing unit, assuming good faith efforts by the owner to maintain the housing unit and rehabilitate it as necessary. The remaining life of the housing unit shall be presumed to be a minimum of thirty (30) years.

2. Whenever funs from the housing trust fund are used for the acquisition, construction or substantial rehabilitation of ownership housing, the city of Portland shall impose enforceable resale restrictions on the owner to keep the housing unit affordable for the longest feasible time, while maintaining and equitable balance between the interests of the owner and the interests of the city of Portland.

3. The affordability restriction requirements described in this section shall run with the land and the city of Portland shall develop appropriate procedures and documentation to enforce these requirements and shall record such documentation in the Cumberland County Registry of Deeds.

(Ord. No. 281-09/10, 7-19-10)

Sec. 14-490. Reserved.

ARTICLE IV. SUBDIVISIONS*

***Cross reference(s)**--Ordinances dedicating or accepting any plat or subdivision in the city saved from repeal, § 1-4(h).

State law reference(s)--Land subdivisions, 30-A M.R.S.A. § 4403.

City of Portland

Affordable Housing Development

Housing Trust Fund Application

July 1, 2015 – June 30, 2016

Applications will be accepted until all budgeted funds have been allocated.

TABLE OF CONTENTS

I. GENERAL INFORMATION

A. Availability of Funding

The City of Portland has made the development of affordable housing a priority for the use of its Housing Trust Fund, as is identified in Section 14-489 of the City of Portland's Code of Ordinances and the Housing Trust Fund Annual Plan adopted by the City Council on XXXXX, 2015.

The City of Portland's Division of Housing and Community Development Division uses an application process to ensure that public funds are utilized for maximum public benefit while accomplishing specific objectives and providing fair access to all applicants. The City of Portland reserves the right to partially fund application requests or deny any application that does not meet the application criteria.

The City of Portland is making available up to $XXX in FY 2015-2016 Housing Trust Funds.

B. General Guidelines

Proposals shall provide residential units available to households earning up to 100% of area median income. Mixed income projects serving households that are very low, low, and moderate income are eligible. Projects with mixed unit types including efficiencies, one, two and three bedroom units are also eligible. The minimum term of affordability is 90 years, to be secured by a land use restriction covenant in the deed.

This application outlines the selection criteria which all projects applying for these funds must meet, as well as scoring factors which will be used by the City of Portland to evaluate the applications.

C. Requirements

Environmental Review Requirements

All funded projects will require a Phase I Environmental Assessment to be reviewed by the City to ensure compliance with the State Historic Preservation Office, the City's Historic Preservation Ordinances and other environmental regulations.

Lead-Based Paint

All residential rehabilitation and construction activities must comply with 24 CFR Part 35 and Section 401(b) of the Lead-Based Paint Poisoning Prevention Act.

Handicapped Accessibility

All funded projects must be accessible to handicapped persons.

Fair Housing and Equal Opportunity

Discrimination based on race, color, national origin, religion, sex or age is prohibited.

D. Goals for The Distribution of Housing Trust Funds (HTF)

The goal for the distribution of HTF funds is to promote and finance the development of affordable housing in the City of Portland. Proposed projects must be appropriate for the City of Portland and consistent with the City of Portland's Comprehensive Plan. The City of Portland seeks development projects with a high standard of quality, design, and livability. Development projects should not require a contract or conditional zone (although other rezoning consistent with the City's Comprehensive Plan may be considered). Developments should promote efficient use of land, locations proximate to shopping, work places and community facilities. They should also incorporate high standards of energy efficiency and "green" design criteria.

II. SCOPE OF SERVICES

A. General Specifications

All applications submitted for this funding must meet the following selection criteria to be considered further in the review process.

Eligible Projects

1) Projects must create residential housing options which promote economic diversity in the neighborhood in which the development is located. New construction or conversion of non-residential property to housing is eligible.

2) All projects must provide residential units to households earning no more than 100% of area median income.

3) Projects receiving funding through this application must include a written occupancy policy that prohibits smoking in the units and the interior common areas of the project in addition to including a non-smoking clause in the lease for every household and making educational materials on tobacco treatment programs available to residents through the residence service coordinator, occupancy specialist, or property manager, such as the phone number for the statewide Maine Tobacco HelpLine.

B. Site Information and Criteria

1) Site Control: Applications under this application require site control by the applicant. Land or buildings proposed as part of a project under this application must have site control at the time the application is submitted in the form of title, purchase and sale agreement, option, long-term lease for a minimum of 90 years, or other acceptable method. At a minimum, site control must extend through November 1, 2015.

2) Local Approvals: Local land use approval is not required prior to submittal of the application. However, the applicant must submit an analysis of the project in relation to local land use regulations and site feasibility. Projects must not require a contract or conditional zone (although other rezoning consistent with the City's Comprehensive Plan may be considered).

C. Financial Feasibility

Applications must be developed in accordance with the underwriting guidelines of the primary funding source, including adequate cash flow and debt coverage ratio. All projects will be reviewed for the proposed use of HTF funds compared to other resources. Applicants must describe the proposed mortgage and security position for the City of Portland's funding.

D. Market Demand

Applicants must provide an analysis and discussion of market demand justifying the need for the proposed project.

E. Applicant Capacity

All applicants must demonstrate capacity to develop, own and manage the proposed project. In the case of an application for home ownership housing, applicants must demonstrate capacity to market the units for the sale. All applications must provide evidence of a development team with the capacity to successfully complete the project including:

1) Key staff members assigned to the project with the abilities and experience to successfully complete the project within the proposed timeframe.

2) An architect, general contractor and professionals on the team with the experience and capacity to complete the project.

3) A management team with qualified personnel and the capacity and experience to operate, manage and maintain the affordable rental property of size and mix of the proposed project and/or effectively market affordable home ownership housing.

4) Qualified staff with the capacity to perform ongoing property ownership requirements such as budgeting, tax accounting and oversight of management and maintenance.

5) A portfolio of current affordable housing projects that are financially sound and meeting their established goals.

6) Support Services: Applications containing rental units targeted to special needs populations must include commitments for support services to be provided to the residents.

F. Term of Affordability

All rental housing projects must have a minimum affordability period of 90 years, secured by a land use restriction covenant in the deed. All home ownership projects must impose enforceable resale restrictions to keep the housing unit permanently affordable, while maintaining an equitable balance between the interests of the owner and the interests of the City of Portland. Affordability plans must be approved by the City of Portland.

G. Design Compatibility

Projects must be designed to contribute to the character of their neighborhood and adhere to the following general guidelines.

Project designs should:

1) Comply with the City's Green Building Ordinance.

2) Establish a building form, scale, massing and rhythm appropriate for the surrounding neighborhood.

3) Provide a quality design that, where possible, reinforces the public realm of open space, sidewalks and streets through appropriately scaled entries that orient to the street instead of interior blocks or parking lots, and incorporate porches, fenestration, landscaping, and architectural details.

4) Meet the accessibility requirements of the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973. Provide for universal accessibility to the extent possible.

5) Provide visual and acoustical privacy between units while maximizing natural light and ventilation within units.

H. Timeframe

The applicant must describe projected dates by which commitments will be obtained; the closing will take place, construction start-up, substantial completion, final completion and occupancy. Timeframes must be realistic and achievable. All funded projects must be able to start construction within 12 months of notice of award.

III. APPLICATION REQUIREMENTS

Complete responses to this application, should include one (1) original printed version of the application with original signatures **plus** one (1) full electronic version, submitted via email, USB drive or CD. Printed version must be signed by an officer or employee having authority to bind the organization.

Applications must be submitted electronically and in paper form to:

City of Portland: Housing and Community Development Division
Attention: Mary Davis
389 Congress Street, Room 312
Portland, ME 04101
mpd@portlandmaine.gov
207-874-8711

A. Project Summary

A brief description of the project, no longer than two pages, to include the number and type of units, tenants or owners to be served, special features, the impact on the neighborhood and other ways the application meets the selection criteria and preference guidelines.

Photographs and maps of the site and area are required.

Note: All respondents should investigate legal and zoning requirements for proposed projects prior to submission of application.

B. All Applications Must Provide The Following:

1) Evidence of site control

2) Conceptual architectural and site plans

3) A project schedule showing critical path events and their timeframe for completion;

4) Map showing location of site

5) Corporation/partnership articles and by-laws

6) Organization's DUNS Number

7) Most recent audit or federal tax returns for the last three years, and financial statements for the last two years

8) A brief development team summary, including:

- The type of organization/ownership structure
- The names of Board of Directors, Corporate Officers, or Owners, as appropriate
- Name, title and relevant experience of individuals involved in managing the business entity and this proposed project. A copy of the 501(3)(c) exemption certification
- Brief description of similar projects completed

- A list of all projects currently in development with status and projected timeframe

9) A sources and uses funding statement

10) Preliminary operating budget identifying rents and expenses for the first year

11) A 15-year operating pro forma for the project

12) Evidence of financial commitments, or explanation of the ability and timing to secure those commitments. A statement describing the applicant's capacity for and experience in raising the type of capital needed to finance projects of this size and type.

13) Projects serving special needs populations must provide evidence of commitments of support services, and a description of the service provider and funding cycle for those services.

14) Applicant must include a management plan for the long-term management of the project including manager's experience and capacity.

15) Applicant must include a marketing plan for the sale of home ownership units.

16) An analysis and discussion of market demand justifying the need for the proposed project.

IV. SELECTION PROCESS

Selection criteria will be used in reviewing and scoring the applications.

A. Point System for Evaluating and Scoring Applications (Max 100)

Proposed use of funds to achieve the City of Portland's goals and address demonstrated need. 30 points

Maximum points will be awarded for those applications that demonstrate sufficient market demand, create housing options which promote economic diversity in the neighborhood in which the development is located, and include a policy prohibiting smoking.

Financial feasibility, including cost, development budget operating pro forma and the provision of secured and leverage funds. 25 points

Maximum points will be awarded for those applications that include a complete set of financial documents to support the financing request, contain a realistic set of sources and uses development budgets and a pro forma operating budget, include sufficient reserves for operations and maintenance, including pre-funded reserves, and long-term financial sustainability of the project is highly likely.

Applicant's ability to complete project, including development team experience, capacity, project readiness and timeframe for completion. 25 points

Maximum points will be awarded for those applications that demonstrate a development team with a successful track record in projects of similar size, scale, type and complexity to the proposed project and capacity to fulfill their responsibilities and the readiness of the project to proceed.

Impact on surrounding neighborhood, including design compatibility and environmental issues. 20 points

Maximum points will be awarded for those applications where site selection is appropriate for use, the design is consistent with neighborhood design characteristics, amenities and unit design are well thought out and appropriate, where no environmental issues have been identified and meet the requirements of the City of Portland's Green Building Ordinance.

B. Evaluation and Selection Process and Timeframe

Applications will be reviewed by an evaluation team that will include City of Portland staff. The following process will be used:

1) Only complete applications will be reviewed under the scoring factors in order to recommend the most qualified applications based on the information submitted. The application review team may confer with the applicants and/or third parties to clarify or verify information and request additional information.

2) Recommendations, along with all applications and scoring information, will be forwarded to the City Council's Housing and Community Development Committee for review and approval. Their recommendations will be forwarded to the City Council for final review and approval.

3) Applicants will be kept informed throughout the review process, specifically in regard to recommendations and funding levels.

4) The evaluation and review process should be substantially complete within 30 days of receipt of a complete application. Applicants will be notified of their application status as soon as possible.

5) Based on City Council approval, successful applicants will receive a letter of funds reservation. A letter of funds reservation is not a commitment letter but an agreement to set aside budgeted funds for up to six months, to allow the project sponsor to proceed with securing other commitments.

V. Instructions and Other Information

The City of Portland reserves the right, at its sole discretion, to award all, a portion, or none of the available funding from this application, as well as reject any and all applications for city funding, based on the quality and merits of the applications received, or when it is determined to be in the public interest to do so. Furthermore, the City of Portland may extend deadlines and timeframes, as needed.

Confidentiality: Applications received by the City of Portland shall become a matter of public record subject to public inspection, except to the extent, which an applicant designates in writing, proprietary data to be confidential and submits that data under separate cover, such information may be held from public inspection, as provided in Maine law: 5 MRSA Sections 13119-A and 13119-B.

Compliance with Federal Law: The selected applicant will be required to certify that the development and management of the proposed housing will be in compliance with all applicable laws, executive orders, OMB Circulars and federal regulations, including but not limited to: Fair Housing Act, Equal Opportunity and Non-discrimination, National Environmental Policy Act (NEPA), the Uniform Relocation Assistance and Real Property Acquisition Policies Act, the Davis-Bacon Act, the Lead-Based Paint Poisoning Prevention Act, Flood Disaster Protection Act, Conflict of Interest, Contractor Debarment and Cost Principles.

All applications must meet the rules and regulations of the HOME Program as noted in 24 CFR Part 92, as amended, and the requirements of the Consolidated and Further Continuing Appropriations Act of 2012 and 2013

VI. Equal Employment Opportunities

Vendor shall comply fully with the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998, as amended (WIA, 29 CFR part 37); the Nontraditional Employment for Women Act of 1991; title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 37.

VII. Reservation of Rights

The City of Portland reserve the right, at its sole discretion, to award all, a portion, or none of the available funding from this application, as well as reject any and all applications based on the quality and merits of the applications received, or when it is determined to be in the public interest to do so. Furthermore, the City of Portland may extend deadlines and timeframes, as needed.

The City of Portland reserves the right to substantiate any proposers' qualifications, capability to perform, availability, past performance records and to verify that the applicant is current in its financial obligations to the City of Portland.

All materials and equipment used as well as all methods of installation shall comply at a minimum with any and all Federal, OSHA, State and/or local codes, including applicable municipal ordinances and regulations.

The successful applicant shall agree to defend, indemnify and save the City of Portland harmless from all losses, costs or damages caused by its acts or those of its agents, and, before signing the contract, will produce evidence satisfactory to the City of Portland's Corporation Counsel of coverage for General Public and Automobile Liability insurance in amounts not less than $400,000 per person, for bodily injury, death and property damage, protecting the contractor and the City of Portland, and naming the City of Portland as an additional insured from such claims, and shall also procure Workers' Compensation insurance.

Pursuant to City of Portland procurement policy and ordinance, the City of Portland is unable to contract with businesses or individuals who are delinquent in their financial obligations to the City of Portland. These obligations may include but are not limited to real estate and personal property taxes and sewer user fees. Applicants who are delinquent in their financial obligations to the City of Portland must do one of the following: bring the obligation current, negotiate a payment plan with the City of Portland's Treasury office, or agree to an offset which shall be established by the contract which shall be issued to the successful applicant.

The City of Portland, Maine, reserves the right to waive any informalities in applications, to accept any application or portion thereof, and, to reject any and all applications, should it be in the best in the best interest of the City of Portland to do so.

It is the custom of the City of Portland, Maine to pay its bills 30 days following the receipt of correct invoices for all items covered by the approved application.

VIII. APPLICATION SIGNATURE PAGE

THIS PAGE MUST BE INCLUDED

The UNDERSIGNED hereby declares that he/she or they are the only person(s), firm or corporation interested in this application as principal, that it is made without any connection with any other person(s), firm or corporation submitting a application for the same.

The UNDERSIGNED hereby declares that they have read and understand all conditions as outlined in the invitation for bids, and that their application is made in accordance with same.

The UNDERSIGNED hereby declares that any person(s) employed by the City of Portland, Maine, who has direct or indirect personal or financial interest in this application or in any portion of the profits that may be derived there from, has been identified and the interest disclosed by separate attachment. (Please include in your disclosure any interest which you know of. An example of a direct interest would be a City of Portland employee who would be paid to perform services under this application. An example of indirect interest would be a City of Portland employee who is related to any officers, employees, principal or shareholders of your firm or to you. If in doubt as to status or interest, please disclose to the extent known).

The proposer acknowledges the receipt of Addenda numbered ______________________________
If Applicable

COMPANY NAME: ____
(Individual, Partnership, Corporation, Joint Venture)

AUTHORIZED SIGNATURE: ______________________________ DATE: _______________
(Officer, Authorized Individual or Owner)

PRINT NAME & TITLE: ____

ADDRESS: ____

____

TELEPHONE: _______________________________ FAX: ___________________________

E-MAIL: ___________________________FEDERAL TAX ID NUMBER: ___________________

NOTE: All bids must bear the handwritten signature of a duly authorized member or employee of the organization making the bid. This sheet must be signed and returned with the application package.

Portland, Maine

Yes. Life's good here.

Mary Davis
Division Director, Housing & Community Development Division

TO: Councilor Donoghue, Chair
Members of the Housing and Community Development Committee

FROM: Mary Davis, Division Director
Housing and Community Development Division

DATE: March 6, 2015

SUBJECT: Annual Affordable Housing Development HOME Funds Application

SUMMARY - A Housing Investment Policy was approved by the City Council in November 2012. The policy calls for an annual RFP process for the allocation of city resources for the development of affordable housing. On advice from the City's Purchasing Office, it was determined that an application process would work best in awarding funds for affordable housing development. A draft application is attached for your review. Eligible developments include rental housing, new construction, the conversion of non-residential property to housing and the rehabilitation of existing rental units that creates or maintains affordable units.

Developments should promote the efficient use of land, a location proximate to shopping, work places and community facilities and incorporate high standards of energy efficiency, "green" design criteria and should not require a contract or conditional zone.

Affordability restrictions for rental housing include units affordable to households at or below 60% of the area median income for a minimum period of 90 years.

Recommendations, along with all proposals and scoring information, will be forwarded to the Housing and Community Development Committee for review and recommendation to the full City Council for final approval.

COUNCIL GOAL ADDRESSED - Provide increased availability in all segments of the housing market while insuring that there is a suitable balance of housing opportunities among those sectors.

FINANCIAL IMPACT - At this time, the proposed FY 2015-2016 Housing Program Budget includes HUD HOME funds for affordable housing and CHDO development.

STAFF RECOMMENDATION - Staff is seeking HCDC approval of the attached application.

ATTACHMENTS - Draft Application for the Development of Affordable Housing

City of Portland

Affordable Housing Development

HOME Funds Application

July 1, 2015 – June 30, 2016

Applications will be accepted until all budgeted funds have been allocated.

TABLE OF CONTENTS

I. GENERAL INFORMATION

A. Availability of Funding

The City of Portland has made the development of affordable rental housing a priority for the use of its federal housing funds, as is identified in the City of Portland's 2010 and 2015 HUD 5-year Consolidated Plan. To accomplish this priority, the City of Portland will accept applications for the development of affordable rental housing in the City of Portland.

<u>Certified Community Housing Development Organizations (CHDO's) or organizations eligible for CHDO certification are strongly encouraged to apply for these funds</u>. The HUD definition of a CHDO organization is attached as Exhibit #1 entitled Definition of a Community Housing Development Organization (CHDO).

The City of Portland's Division of Housing and Community Development uses an application process to ensure that public funds are utilized for maximum public benefit while accomplishing specific objectives and providing fair access to all applicants. Applications will be accepted until all budgeted funds are allocated. The City of Portland reserves the right to partially fund application requests or deny any application that does not meet the application criteria.

The City of Portland is making available $391,709 in FY 2014-2015 HUD Home Investment Partnership Program (HOME) funds (which includes $71,709 from a mandatory set-aside for CHDO organizations or organizations eligible for CHDO certification) and $391,514 in FY 2015-2016 HUD HOME Investment Partnership Program (HOME) funds (which includes $65,252 from a mandatory set-aside for CHDO organizations or organizations eligible for CHDO Certification).

Total Funding Available: $783,223.

B. General Guidelines

Rental developments shall provide units to households earning up to 60% of area median income and meet the restrictions of the HUD HOME program. Mixed income projects are eligible, however not all units in a mixed income project will be eligible for HOME funding. Projects with mixed unit types including efficiencies, one, two and three bedroom units are also eligible. The minimum term of affordability is 90 years, to be secured by a land use restriction covenant in the deed. The requirements of this application meet or exceed the minimum program requirements for HOME funding.

This application outlines the selection criteria which all projects applying for these funds must meet, as well as scoring factors which will be used by the City of Portland to evaluate the applications.

C. Federal Requirements

Environmental Review Requirements

All funded projects will require that the City of Portland complete an Environmental Review to ensure compliance with the State Historic Preservation Office and local Historic Preservation Ordinances and other environmental regulations.

Federal Labor Standards

As may be applicable, applicants must ensure that they and all subcontractors meet requirements for federal prevailing wage rates specified under the Davis-Bacon Act. The Act requires all laborers and mechanics employed by contractors or subcontractors in the performance of construction work over $2,000, financed in whole or in part with assistance received under HUD programs, shall be paid the prevailing wage as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-5). Projects that include 12 or more HOME-assisted units must meet the requirements of the Davis-Bacon Act.

Lead-Based Paint

All residential rehabilitation and construction activities must comply with 24 CFR Part 35 and Section 401(b) of the Lead-Based Paint Poisoning Prevention Act.

Handicapped Accessibility

All federally funded projects must be accessible to handicapped persons.

Fair Housing and Equal Opportunity

Discrimination based on race, color, national origin, religion, sex or age is prohibited.

D. Goals for The Distribution of HOME Funds

The goal for the distribution of HOME funds is to promote and finance the development of affordable rental housing consistent with the City of Portland's Comprehensive Plan. The City of Portland seeks development projects with a high standard of quality, design, and livability. Projects should not require a contract or conditional zone (although other rezoning consistent with the City's Comprehensive Plan may be considered). Developments should promote efficient use of land, locations proximate to shopping, work places and community facilities. They should also incorporate high standards of energy efficiency and "green" design criteria.

II. SCOPE OF SERVICES

A. General Specifications

All applications submitted for this funding must meet the following selection criteria to be considered further in the review process.

Eligible Projects

1) Projects must create rental housing units which promote economic diversity in the neighborhood in which the development is located. New construction, conversion of non-residential property to housing and rehabilitation of existing rental units that creates or maintains affordable units is eligible.

2) All projects must provide rental units to households earning up to 60% of area median income and meet the income and rent restrictions of the HOME Program.

3) Single Room Occupancy (SRO) and other supportive housing projects specifically for special needs populations are eligible under this application.

4) Projects receiving funding through this application must include a written occupancy policy that prohibits smoking in the units and the interior common areas of the project in addition to including a non-smoking clause in the lease for every household and making educational materials on tobacco treatment programs available to residents through the residence service coordinator, occupancy specialist, or property manager, such as the phone number for the statewide Maine Tobacco HelpLine.

B. Site Information and Criteria

1) Site Control: Land or buildings proposed as part of a project under this application must have site control at the time the application is submitted in the form of title, purchase and sale agreement, option, long-term lease for a minimum of 90 years, or other acceptable method. At a minimum, site control must extend through November 1, 2015.

2) Local Approvals: Local land use approval is not required prior to submittal of the application. The applicant must submit an analysis of the project in relation to local land use regulations and site feasibility.

3) Applications must not require a contract or conditional zone (although other rezoning consistent with the City's Comprehensive Plan may be considered).

C. Financial Feasibility

1) Financial applications must be developed in accordance with the underwriting guidelines of the primary funding source, including adequate cash flow and debt coverage ratio.

2) Use of HOME Funds: All projects will be reviewed for the proposed use of HOME funds compared to other resources. Applicants must describe the proposed mortgage and security position for the City of Portland's funding.

D. Market Demand

Applicants must provide an analysis and discussion of market demand justifying the need for the proposed project.

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All applicants must demonstrate capacity to develop, own and manage the proposed project. All applications must provide evidence of a development team with the capacity to successfully complete the project including;

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Projects must be designed to contribute to the character of their neighborhood and adhere to the following general guidelines.

Project designs should:

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9) A brief development team summary, including:

- The type of organization/ownership structure
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Compliance with Federal Law: The selected applicant will be required to certify that the development and management of the proposed housing will be in compliance with all applicable laws, executive orders, OMB Circulars and federal regulations, including but not limited to: Fair Housing Act, Equal Opportunity and Non-discrimination, National Environmental Policy Act (NEPA), the Uniform

Relocation Assistance and Real Property Acquisition Policies Act, the Davis-Bacon Act, the Lead-Based Paint Poisoning Prevention Act, Flood Disaster Protection Act, Conflict of Interest, Contractor Debarment and Cost Principles.

All applications must meet the rules and regulations of the HOME Program as noted in 24 CFR Part 92, as amended, and the requirements of the Consolidated and Further Continuing Appropriations Act of 2012 and 2013

VI. Equal Employment Opportunities

Vendor shall comply fully with the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998, as amended (WIA, 29 CFR part 37); the Nontraditional Employment for Women Act of 1991; title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 37.

VII. Reservation of Rights

The City of Portland reserve the right, at its sole discretion, to award all, a portion, or none of the available funding from this application, as well as reject any and all applications based on the quality and merits of the applications received, or when it is determined to be in the public interest to do so. Furthermore, the City of Portland may extend deadlines and timeframes, as needed.

The City of Portland reserves the right to substantiate any proposers' qualifications, capability to perform, availability, past performance records and to verify that the applicant is current in its financial obligations to the City of Portland.

All materials and equipment used as well as all methods of installation shall comply at a minimum with any and all Federal, OSHA, State and/or local codes, including applicable municipal ordinances and regulations.

The successful applicant shall agree to defend, indemnify and save the City of Portland harmless from all losses, costs or damages caused by its acts or those of its agents, and, before signing the contract, will produce evidence satisfactory to the City of Portland's Corporation Counsel of coverage for General Public and Automobile Liability insurance in amounts not less than $400,000 per person, for bodily injury, death and property damage, protecting the contractor and the City of Portland, and naming the City of Portland as an additional insured from such claims, and shall also procure Workers' Compensation insurance.

Pursuant to City of Portland procurement policy and ordinance, the City of Portland is unable to contract with businesses or individuals who are delinquent in their financial obligations to the City of Portland. These obligations may include but are not limited to real estate and personal property taxes and sewer user fees. Applicants who are delinquent in their financial obligations to the City of Portland must do one of the following: bring the obligation current, negotiate a payment plan with the City of Portland's Treasury office, or agree to an offset which shall be established by the contract which shall be issued to the successful applicant.

The City of Portland, Maine, reserves the right to waive any informalities in applications, to accept any application or portion thereof, and, to reject any and all applications, should it be in the best in the best interest of the City of Portland to do so.

It is the custom of the City of Portland, Maine to pay its bills 30 days following the receipt of correct invoices for all items covered by the approved application.

VIII. Appendices

Exhibit #1. HUD definition of a Community Housing Development Organization (CHDO)

IX. APPLICATION SIGNATURE PAGE

THIS PAGE MUST BE INCLUDED

The UNDERSIGNED hereby declares that he/she or they are the only person(s), firm or corporation interested in this application as principal, that it is made without any connection with any other person(s), firm or corporation submitting a application for the same.

The UNDERSIGNED hereby declares that they have read and understand all conditions as outlined in the invitation for bids, and that their application is made in accordance with same.

The UNDERSIGNED hereby declares that any person(s) employed by the City of Portland, Maine, who has direct or indirect personal or financial interest in this application or in any portion of the profits that may be derived there from, has been identified and the interest disclosed by separate attachment. (Please include in your disclosure any interest which you know of. An example of a direct interest would be a City of Portland employee who would be paid to perform services under this application. An example of indirect interest would be a City of Portland employee who is related to any officers, employees, principal or shareholders of your firm or to you. If in doubt as to status or interest, please disclose to the extent known).

The proposer acknowledges the receipt of Addenda numbered ________________________________
If Applicable

COMPANY NAME: ____
(Individual, Partnership, Corporation, Joint Venture)

AUTHORIZED SIGNATURE: ________________________________ DATE: ________________
(Officer, Authorized Individual or Owner)

PRINT NAME & TITLE: ____

ADDRESS: ____

____

TELEPHONE: __________________________________ FAX: ____________________________

E-MAIL: ___________________________FEDERAL TAX ID NUMBER: ____________________

NOTE: All bids must bear the handwritten signature of a duly authorized member or employee of the organization making the bid. This sheet must be signed and returned with the application package.

X. EXHIBIT #1 – DEFINITION OF A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION

1. Is a private nonprofit organization under State or local laws;

2. Has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;

3. Is neither controlled by, nor under the direction of, individuals or entities seeking to derive profit or gain from the organization. A community housing development organization may be sponsored or created by a for-profit entity, but:

   i. The for-profit entity may not be an entity whose primary purpose is the development or management of housing, such as a builder, developer, or real estate management firm.
   ii. The for-profit entity may not have the right to appoint more than one-third of the membership of the organization's governing body. Board members appointed by the for profit entity may not appoint the remaining two-thirds of the board members; and
   iii. The community housing development organization must be free to contract for goods and services from vendors of its own choosing;

4. Has a tax exemption ruling from the Internal Revenue Service under section 501(c)(3) or (4) of the Internal Revenue Code of 1986;

5. Does not include a public body (including the participating jurisdiction). An organization that is State or locally chartered may qualify as a community housing development organization; however, the State or local government may not have the right to appoint more than one-third of the membership of the organization's governing body and no more than one-third of the board members may be public officials or employees of the participating jurisdiction or State recipient. Board members appointed by the State or local government may not appoint the remaining two thirds of the board members;

6. Has standards of financial accountability that conform to 24 CFR 84.21, "Standards for Financial Management Systems;"

7. Has among its purposes the provision of decent housing that is affordable to low-income and moderate-income persons, as evidenced in its charter, articles of incorporation, resolutions or bylaws;

8. Maintains accountability to low-income community residents by:

   i. Maintaining at least one-third of its governing board's membership for residents of low-income neighborhoods, other low-income community residents, or elected representative of low-income neighborhood organizations. For urban areas, "community" may be a neighborhood or neighborhoods, city, county or metropolitan area; for rural areas, it may be a neighborhood or neighborhoods, town, village, county, or multi-county area (but not the entire State); and

ii. Providing a formal process for low-income program beneficiaries to advise the organization in its decisions regarding the design, siting, development, and management of affordable housing;

9. Has a demonstrated capacity for carrying out activities assisted with HOME funds. An organization may satisfy this requirement by hiring experienced key staff members who have successfully completed similar projects, or a consultant with the same type of experience and a plan to train appropriate key staff members of the organization; and

10. Has a history of serving the community within which housing to be assisted with HOME funds is to be located. In general, an organization must be able to show one year of serving the community before HOME funds are reserved for the organization. However, a newly created organization formed by local churches, service organizations or neighborhood organizations may meet this requirement by demonstrating that its parent organization has at least a year of serving the community.

Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

To: HCDC Chair Councilor Kevin Donoghue and City Councilors
From: Greg Mitchell, Economic Development
Nelle Hanig, Business Programs Manager
Date: March 5, 2015
RE: Real Estate Broker Services for Sale of Remaining Sites at Portland Technology Park

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Summary

Based on the results of an RFP process, staff is presenting a recommendation to the HCDC for a vote to authorize staff to enter into a commercial broker contract for selling the two remaining sites at the Portland Technology Park (Phase One). At the Jan. 14th HCDC meeting, staff recommended establishing real estate brokerage arrangements for two City-owned properties (memo attached). With authorization from the HCDC to move in this direction, two Requests for Proposals (RFPs) were drafted and posted for broker services, one for the sites at the Technology Park and the other for leasing 84 Free St., a vacant retail space in the Spring Street Garage. At this time, staff is not presenting a broker recommendation for 84 Free St. because there is currently active interest in the space.

Results of RFP

After publically advertising the RFP for selling Sites 2 and 3 at the Portland Technology Park, one proposal was received by the posted deadline. NAI The Dunham Group proposes to serve as the exclusive listing agent for a 7% brokerage fee on sales and a minimum 9-month commitment for marketing. The brokerage fee is consistent with the fee requested by CBRE The Boulos Company which brought Patrons Oxford to the City for the purchase of Site One at the Park. The team from Dunham will include Justin LaMontagne, Greg Hastings and Tom Dunham, all with experience working on behalf of municipalities for marketing and sales of business and industrial park sites.

Recommendation

This is being presented to the HCDC for a vote to authorize staff to proceed with entering into a commercial broker contract. Staff recommends contracting with NAI The Dunham Group at a 7% brokerage fee for a minimum of 12 months, with the option to extend if the City wishes to do so. While they were the only company that submitted a proposal, the proposed team has a wealth of experience selling office and industrial space in Portland and southern Maine.

Introduction

February 23, 2015

Matthew F. Fitzgerald
Purchasing Manager
City of Portland, Maine
City Hall – Room 103
Portland, Maine 04101

Mr. Fitzgerald,

Thank you for giving NAI The Dunham Group an opportunity to be the Exclusive listing agent for the Portland's Technology Park. Since 1987, our company has sold or leased many of the properties in the immediate area and we know that market better than any of our competitors. Please consider the following:

Team Approach

Tom Dunham, SIOR, Greg Hastings, SIOR and I will work together on marketing and prospecting for the property. Given our background and expertise in the Greater Portland office/industrial and land sectors, we believe that we are uniquely qualified to lead these efforts. A large part of our commitment to you is ease of access and communication. We will provide you with scheduled updates regarding our progress and we welcome a collaborative working relationship with the city.

Please see the attached biographies for detailed information on each of our professional and personal backgrounds. We have also included a list of all land sales we've been apart of in the last five years.

Experience with Municipal Land

We are currently marketing Westbrook Heights industrial land and Saco's Mill Brook Business Park. Our experience and comfort level working on behalf of municipalities makes us an ideal candidate for the Technology Park. These listings are different enough in end-user potential and location that we are confident there will be no conflicts. I am enclosing those respective marketing brochures for your reference.

Goals

Please see our marketing plan enclosed. We will market the property to Class-A office, technological and laboratory users who can occupy the entire building and would appreciate the location and ease of access to I-95. We will make a calculated prospect list and will pitch the property to mid-sized companies with 40-60 employees that can occupy a 10,000 SF building. Our reach will not be limited to Southern Maine, as we will put the sites on several national websites and through the NAI Global network.

Terms & Commitment

NAI The Dunham Group would serve as the exclusive listing agent for the park and we propose an eight percent (8%) brokerage fee on a sale. We would like a nine (9) month commitment for our marketing period.

We appreciate this opportunity to work with you and are genuinely hopeful that you will engage our services. Please do not hesitate to contact us with any questions or comments.

Very truly,

Justin Lamontagne
Broker
NAI The Dunham Group

Thomas B. Dunham

Tom Dunham
Broker/Partner
NAI The Dunham Group

Greg Hastings, SIOR
Broker/Partner
NAI The Dunham Group

Portland, Maine — Yes. Life's good here.

Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

To: HCDC Chair Kevin Donoghue and City Councilors
From: Greg Mitchell, Economic Development
Nelle Hanig, Business Programs Manager
Date: January 9, 2015
RE: Communication on Real Estate Broker Services for Sale and Lease of City Properties, For Review and Direction

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Summary

Economic Development staff is working on Requests for Proposals (RFP) for real estate brokerage services, one for leasing and the other for selling properties, all owned by the City. Despite staff experience in marketing properties and handling real estate transactions, given present workload priorities, its recommendation is to establish brokerage arrangements through RFPs for two projects. This is being presented for HCDC review and direction.

Spring Street Garage Lease

There is vacant retail space on the Free Street side of the Spring Street Garage, specifically 84 Free St. (1,172 sf on ground floor and 1,772 sf in basement). Given the small scale of this project, an RFP for real estate broker services will be emailed to local brokerage companies with experience in downtown retail/office leasing.

Portland Technology Park

Two out of three sites remain available in the Phase One portion of the Portland Technology Park. As you know, the first site, known as Unit 1, is under contract, having been approved by the City Council on January 5th. To date, the Park sites have not been listed with a real estate broker, though a broker brought the proposed buyer of Unit 1 to the City and will be receiving a 7% brokerage fee. Listing Units 2 and 3 with a broker, who would then be actively seeking buyers, is likely to more quickly facilitate the sale of these sites. Given the larger scale of this project (versus leasing the garage space), a more formal RFP process is required, per the City's Purchasing Office. Economic Development staff will work with Purchasing to draft and issue an RFP for broker services.

Approval Process for Brokerage Services

Once proposals are received, staff will provide the HCDC with recommendations for broker service arrangements for its consideration and approval. We look forward to discussing this with you to receive your direction at the January 14th HCDC meeting.

DRAFT 2015 HOUSING & COMMUNITY DEVELOPMENT COMMITTEE MEETING CALENDAR

Meetings: 2nd & 4th Wednesday of each month

As of March 5, 2015

January	**January 14** Review and Approval of Revisions to Guidelines for Lead Safe Housing Program Housing Study Report Update, Review and Approval of Proposed Rosa True School Housing Transaction Communication: Spring Street Garage/Bid for Broker for leasing Retail/Office Space; Portland Technology Park/RFP for Brokers ~~Executive Session: Possible Disposition of City-Owned Property at 157 Brackett and 176 Clark Streets~~
	January 28 Review and vote to recommend to City Council on award of bid and purchase and sale agreement for Cliff Island tax-acquire parcel. Review of 65 Hanover/52 Alder Street Feasibility Report and possible recommendation on RFP/Deed Options Housing Study Policy Response- Direction from HCDC ~~Review, Discussion and Possible Approval of RFP for 157 Brackett~~ Postponed to a later date.
February	**February 11** Responses to Munjoy Street RFP Review and recommendation to City Council award of bid and Purchase and Sale Agreement for 71 Hanover Street Review of Revised RFP for 65 Hanover/52 Alder Street and possible recommendation to issue Executive session: Guidance to staff on Ready Seafood Lease amendment review at Portland Ocean Terminal
	February 25 HCDC Housing Production and Affordability Forum.
March	**March 11** Review and recommendation to authorize staff to enter into Commercial Broker Agreement for sale of property at Portland Technology Park. Review and guidance to staff re: proposed IZ ordinance Review and guidance to staff re: ordinance changes to encourage and enable housing development Review and Approval of FY15-16 Affordable Housing Application Process. Housing Program Budget Recommendation to City Council. Housing Trust Fund Annual Plan Recommendation to City Council. **Executive Session**: Provide guidance to staff for property acquisitions to support relocation of Public Services out of Bayside; and, direction regarding possible tenant lease negotiations related to City-owned Spring Street Parking Garage commercial space.
	March 25 Review and recommendation to City Council to authorize Ready Brothers Lease Amendments at Portland Ocean Terminal. Review and recommendation to City Council to authorize Purchase and Sale Agreements regarding property acquisitions to relocate Public Services out of Bayside. **Executive Session**: Provide guidance to staff for (a) Amendments to Shucks Lobster lease at Portland Ocean Terminal; and, (b) proposed lease with New England Ocean Cluster House at Portland Ocean Terminal. Review and Recommendation to City Council award of bid and Purchase and Sale Agreement for 65 Munjoy Street.

For March 11, 2015 Meeting

April	Short Term Rentals - Air bnb. India Street lot. Police Parking lot. Waterfront TIF District geography amendment discussions, including consideration of Portland Company as TOD TIF Discussion. Riverwalk TIF District Reduction Amendment – Discussion and director to staff. Update of Tax Acquired Properties for Development Opportunities/Coordinate with Trust for Public Land
	April 8
	April 22 CDBG Allocation Committee Funding Recommendations. Review of HUD 5-Year (2015-2020) Consolidated Plan and FY 15-16 HUD Annual Action Plan. Review, Discussion and Possible Approval of RFP for 157 Brackett
May	Wilmot Street Matter Resolution. Review and Comment/Recommendation to City Council if necessary: Improvement to CDBG process. Update on City-owned lot at 98 High Street. Area-wide Affordable Housing TIF District discussion.
	May 13
	May 27
June	Begin discussion related to Riverside Street area wide needed public infrastructure status and improvements.
	June 10
	June 24
July	
	July 8
	July 22
August	
	August 12
	August 26
September	
	September 9
	September 23
October	
	October 14
	October 28
November	Note: November 11 is Veteran's Day and November 25 is the day before Thanksgiving Portland Economic Development Plan Implementation - Update
	November 11?
	November 25?
December	FYE 2015 Annual City-Wide TIF District Activity Report 2015 Calendar Year HCDC Accomplishments Report Proposed 2016 HCDC Work Plan
	December 9
	December 23