
**AN ORDINANCE AMENDING THE MUNICIPAL CODE, ADDING A NEW
SECTION ESTABLISHING A NEWBERG AFFORDABLE HOUSING TRUST
FUND**

RECITALS:

1. Chapter II. Section 5 of the Newberg City Charter provides:

Powers. The city has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

2. The above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v International Association of Firefighters, Local 1660, Beaverton Shop 20 OR. App. 293,531 P2d 730, 734 (1975).
3. The city council of the city of Newberg has determined that in order to protect the health, safety and welfare of existing and future residents of Newberg who are adversely impacted by the lack of housing available to all income types, specifically very low, low, and moderate income households, it is necessary to establish a fund to support the development, preservation, and rehabilitation, of needed housing types within the City.
4. The Newberg city council recognizes that for a healthy community the provision of a range of affordable housing opportunities and funding mechanisms for affordable development is a priority for the city of Newberg.
5. The Newberg city council is concerned that neither the private market, nor the public sector has yet provided the levels of housing affordability necessary to maintain a balanced community, local government must take an active lead to ensure an adequate supply of housing for residents and working people of all income levels.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

SECTION 1. A new section under Title 3 Administration is hereby added to the Newberg Municipal Code to read as follows:

Chapter 3.35.010 NEWBERG AFFORDABLE HOUSING TRUST FUND**3.35.020 PURPOSE**

- A. The purpose of the Newberg Affordable Housing Trust Fund (NAHTF) is to support the development, preservation, and rehabilitation of housing that is affordable to the citizens of Newberg with incomes that do not exceed 100% of the area median income. The NAHTF will have a

dedicated source of revenue to provide ongoing funding for housing projects or programs that address the housing needs of these Newberg residents. The primary purpose of the NAHTF is to encourage the development, preservation, and rehabilitation of housing for homeownership or rent, at the cost that will enable very low, low and moderate-income families to afford quality housing while paying no more than 30% of gross household income on housing.

- B. NAHTF funds will support activities that create, preserve or acquire affordable housing within the Newberg city limits. NAHTF funds also may be used for permanent or transitional housing for homeless families and individuals, and for the modernization, rehabilitation and repair of public housing.
- C. The NAHTF is not intended to be the sole source of funding for affordable housing, and any activity or project eligible for support from the NAHTF is expected to develop additional sources of funds.
- D. To achieve the purposes of the NAHTF, it is the goal of the city to operate a fund that is strong and effective.

3.35.030 DEFINITIONS

The following words and phrases whenever used in this chapter shall be construed as defined in this section unless from the context a different meaning is intended.

- A. “Newberg Affordable Housing Trust Fund” (NAHTF) means a separate account created by the city finance department established by this ordinance and used exclusively for NAHTF purposes as set forth in this ordinance and implementing resolutions of the Council.
- B. “Administrative procedures” mean the procedures for administration of the NAHTF established by Resolution of the city council, including but not limited to procedures which outline application, evaluation, and all other associated procedures for administration of the NAHTF.
- C. “Affordable housing” means residential housing primarily for households or persons earning less than 100% the area median income where housing costs or rent do not constitute more than 30% the household income, and as more fully defined per City resolution.
- D. “Eligible uses and activities” mean those uses for the NAHTF which are set forth in an implementing resolution of the city council, such uses including but not limited to uses and activities which facilitate the production and preservation of affordable housing within Newberg’s city limits.
- E. “Affordable housing priorities” mean priorities established from time to time by the city council by Motion, Order or Resolution, to guide the allocation of funds from the NAHTF.

3.35.040 ESTABLISHMENT OF NEWBERG AFFORDABLE HOUSING TRUST FUND/USE OF FUNDS

- A. There is hereby established and created a Newberg Affordable Housing Trust Fund (NAHTF). The Fund is a separate account established by the city of Newberg finance department for purposes consistent with this ordinance. The fund will provide a discrete account for earmarked affordable housing funds and dedicated affordable housing funds.

- B. The NAHTF allows for dedicated funds to be used in support of affordable housing priorities through receipt of donations and dedicated revenue streams, including but not limited to donations, grants, sale of surplus city property, or any other revenue sources approved by the Newberg city council.
- C. Distribution of funds shall be in accordance with the policies and procedures adopted by resolution of the Newberg city council

3.35.050 ESTABLISHMENT OF POLICIES AND PROCEDURES

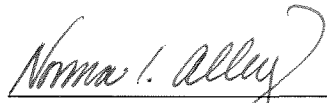
The administrative procedures associated with the NAHTF, including fund administration, determination of eligible applicants, eligible uses and activities, award preferences, eligibility criteria, award process, and selection criteria are established per city resolution and may be amended from time to time.

SECTION 2. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 3. Codification. Provisions of this ordinance shall be incorporated in the city code and the word "ordinance" may be changed to "code", "article", "section", or another word, and the sections of this ordinance may be renumbered, or re-lettered, provided however that any clauses and boilerplate provisions (i.e. Chapters 2-3) need not be codified and the city recorder is authorized to correct any cross-references and any typographical errors.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: April 4, 2012.

ADOPTED by the City Council of the city of Newberg, Oregon, this 5th day of March, 2012, by the following votes: **AYE: 6 NAY: 1 (MCKINNEY) ABSENT: 0 ABSTAIN: 0**


Norma I. Alley, City Recorder

ATTEST by the Mayor this 8th day of March, 2012.


Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through the Affordable Housing Action Committee at the 4/4/2011 meeting.