

1 HB349  
2 127365-1  
3 By Representative Todd  
4 RFD: State Government  
5 First Read: 29-MAR-11

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8 SYNOPSIS: This bill would establish the Alabama  
9 Affordable Housing Act, the Alabama Housing Trust  
10 Fund, and the Alabama Housing Trust Fund Advisory  
11 Committee to increase home ownership and rental  
12 opportunities for those individuals and families  
13 with incomes at or below 60 percent of the median  
14 family income of a geographic area as determined by  
15 the U.S. Department of Housing and Urban  
16 Development.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT  
21

22 To establish the Alabama Affordable Housing Act, the  
23 Alabama Housing Trust Fund, and the Alabama Housing Trust Fund  
24 Advisory Committee to increase availability of housing  
25 opportunities for individuals and families with incomes at or  
26 below 60 percent of the median family income; and to provide  
27 for advisory committee members and their duties.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. This act shall be known as and may be  
3 cited as the Alabama Affordable Housing Act.

4 Section 2. When used in this act, the following  
5 words shall have the following meanings:

6 (1) ADVISORY COMMITTEE. The Alabama Housing Trust  
7 Fund Advisory Committee.

8 (2) ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY  
9 AFFAIRS (ADECA). As established by Section 41-23-1 of the Code  
10 of Alabama 1975.

11 (3) ALABAMA HOUSING TRUST FUND. The trust fund  
12 created pursuant to Section 5.

13 (4) SIXTY PERCENT OF MEDIAN FAMILY INCOME. A person  
14 or persons living together whose annual income or incomes do  
15 not exceed 60 percent of the median family income of a  
16 geographic area, as determined by the U.S. Department of  
17 Housing and Urban Development, with adjustments for smaller  
18 and larger families.

19 Section 3. (a) It is hereby found and declared that  
20 Alabama is in need of more safe, decent, and affordable  
21 housing for residents with incomes at or below 60 percent of  
22 the median family income.

23 (b) It is further declared that the lack of  
24 affordable housing in Alabama adversely affects a community's  
25 ability to develop and maintain a viable and stable economy.  
26 The establishment of the Alabama Housing Trust Fund is  
27 intended to:

1           (1) Provide a flexible source of funding for all  
2 Alabama communities to address their affordable housing needs.

3           (2) Help families attain economic stability.

4           (3) Revitalize blighted and distressed neighborhoods  
5 by creating safe, decent, and affordable housing.

6           (4) Contribute to economic growth through increased  
7 housing production, employment, and tax revenue, thereby  
8 benefiting all Alabama residents.

9           (5) Alleviate deficiencies in the supply of safe,  
10 decent, and affordable housing for residents with incomes at  
11 or below 60 percent of the median family income, many of whom  
12 are physically disabled, elderly, victims of domestic  
13 violence, veterans, homeless or on the verge of homelessness,  
14 living with HIV/AIDS, or living with developmental  
15 disabilities.

16           (6) Alleviate deficiencies in the supply of safe,  
17 decent, and affordable housing in rural areas of the state.

18           Section 4. The Alabama Affordable Housing Trust Fund  
19 is created in the State Treasury for the collection and  
20 distribution of designated funds for the purpose of increasing  
21 the production of housing units, rehabilitating existing  
22 housing units, and maintaining such housing so that it can be  
23 made affordable to individuals and families whose incomes are  
24 at or below 60 percent of the median family income. The  
25 Alabama Housing Trust Fund shall be administered by ADECA  
26 which shall appoint an advisory committee as prescribed in  
27 Section 9 to advise the Director of ADECA as to program

1 components and operations. ADECA may, but is not limited to,  
2 use the funds in the form of grants or loans for the  
3 following:

4 (1) Promoting, creating, maintaining, and retaining  
5 home ownership and rental housing options.

6 (2) Acquisition, construction, and rehabilitation.

7 (3) Predevelopment costs.

8 (4) Revolving loan funds.

9 (5) Needs assessments.

10 (6) Resident services provided that they do not  
11 exceed 20 percent of the funds in any one calendar year.

12 (7) Down payment assistance.

13 (8) Permanent supportive housing models.

14 Section 5. (a) The Alabama Housing Trust Fund shall  
15 be maintained and administered by ADECA. ADECA is authorized  
16 and directed to do all the following:

17 (1) Invest and reinvest all money held in the trust  
18 fund in investments under ADECA's investment policies, pending  
19 its use for the purposes described in Section 7.

20 (2) Keep books and records relating to the  
21 investment, interest earnings, and uses of monies deposited  
22 into the trust fund.

23 (3) Establish procedures for the withdrawal,  
24 allocation, and use of the monies held in the trust fund for  
25 the purposes described in Section 9.

26 (4) Publish, on an annual basis, criteria for  
27 determining the distribution of funds.

1                   (5) Conduct an annual independent audit of the trust  
2 fund.

3                   (6) Prepare, in collaboration with the advisory  
4 committee, an annual performance report, which shall be  
5 provided to the Governor, Speaker of the House of  
6 Representatives, and the President Pro Tempore of the Senate,  
7 outlining the use of the trust fund monies, including, but not  
8 limited to, the trust fund's success in meeting its intended  
9 purposes.

10                  (7) Conduct, or hire an outside entity to conduct a  
11 statewide housing needs assessment, once every five years to  
12 inform ADECA, its director, and the advisory committee of the  
13 affordable housing needs in Alabama. The assessment should  
14 include the housing needs for individuals with disabilities,  
15 those living with HIV/AIDS, intellectual disability,  
16 individuals experiencing homelessness, victims of domestic  
17 violence, veterans, and the elderly.

18                  (8) Enter into contracts and agreements in  
19 connection with the operation of the trust fund, including  
20 contracts and agreements with federal agencies, local  
21 governmental entities, community developers, and other  
22 persons.

23                  (9) Engage in ongoing efforts to increase funding  
24 sources for the trust fund, including any additional ongoing  
25 state-dedicated funding source.

26                  (b) ADECA shall seek the input of the Alabama  
27 Housing Trust Fund Advisory Committee, outlined in Section 9,

1 but the Director of ADECA will have final decision-making  
2 authority on all matters relating to the trust fund and the  
3 programs administered under Section 4.

4 (c) ADECA shall be periodically paid a reasonable  
5 fee from amounts deposited to the trust fund to reimburse  
6 ADECA for its services in administering the trust fund. On an  
7 annual basis, ADECA shall not be paid in excess of 10 percent  
8 of the total annual deposits to the trust fund.

9 Section 6. (a) The Alabama Affordable Housing Act is  
10 established for the following purposes:

11 (1) To increase the production of housing units and  
12 home ownership and to preserve the supply of rental housing  
13 that is affordable to individuals and families with incomes at  
14 or below 60 percent of the median family income.

15 (2) To maintain and rehabilitate existing affordable  
16 housing units to insure their continued availability to  
17 individuals and families with incomes at or below 60 percent  
18 of the median family income.

19 (3) To serve individuals and families living at or  
20 below 60 percent of the median family income. No less than 50  
21 percent of the resources placed into the fund each year shall  
22 be used to serve individuals and families with household  
23 incomes at or below 30 percent of the median family income as  
24 determined by the U.S. Department of Housing and Urban  
25 Development.

1           (4) To annually distribute, when possible, a  
2 majority of the proceeds from the trust fund to eligible  
3 nonprofit developers.

4           (5) To annually distribute no less than 40 percent  
5 of funds for activities that provide housing and housing  
6 assistance to individuals and families in rural areas and  
7 small cities that are classified as the Balance of State under  
8 the U.S. Department of Housing and Urban Development's Home  
9 Investment Partnership Program.

10           Section 7. (a) In order for a proposal to be an  
11 activity eligible for support, the following minimum  
12 requirements must be met:

13           (1) Beneficiaries of the activity must be  
14 individuals or families whose annual income or incomes do not  
15 exceed 60 percent of the median family income of a geographic  
16 area, as determined by the U.S. Department of Housing and  
17 Urban Development, with adjustments for smaller and larger  
18 families.

19           (2) Housing to be funded must meet minimum housing  
20 quality standards (HQS) set forth by the U.S. Department of  
21 Housing and Urban Development.

22           (3) Housing to be funded must comply with the design  
23 standards of the Americans with Disabilities Act (ADA).

24           (4) Housing to be funded must meet the same  
25 requirements for duration of affordability as set forth in the  
26 rules of ADECA for its HOME Investment Partnership Program,



1 with priority given to housing that is to be affordable in  
2 perpetuity.

3 (b) Activities to be funded by the Alabama Housing  
4 Trust Fund shall be selected through a competitive process  
5 under rules to be determined by ADECA with input from the  
6 advisory committee.

7 (c) (1) ADECA shall ensure that activities funded  
8 through the trust fund shall address the housing needs of each  
9 of the following populations, consistent with the input of the  
10 advisory committee and the statewide housing needs assessment:

- 11 a. Disabled.
- 12 b. Elderly.
- 13 c. Victims of domestic violence.
- 14 d. Veterans.
- 15 e. Homeless or on the verge of becoming homeless.
- 16 f. Living with an intellectual disability.
- 17 g. Living with HIV/AIDS.

18 (d) (1) The rules of ADECA shall also set forth  
19 evaluation criteria, which shall include without limitation  
20 the following for all applications:

21 a. The experience of the entity making the proposal,  
22 determined through consideration of the proposer's past  
23 history in completing activities of a similar scale and  
24 nature.

25 b. The timeliness with which units will be developed  
26 or the activity implemented.

1           (2) For housing-specific applications, the rules of  
2 ADECA shall set forth evaluation criteria, which shall  
3 include, without limitation, the following:

4           a. An evaluation of the property management history  
5 of the developer and management agent provided that rental  
6 housing is proposed.

7           b. The number of years a development shall maintain  
8 units at affordable rental or sales prices and the strength of  
9 enforcement mechanisms to ensure long-term affordability.

10          c. The number of affordable units being made  
11 available to individuals and families whose annual incomes do  
12 not exceed 30 percent of the median family income of a  
13 geographic area, as determined by the U.S. Department of  
14 Housing and Urban Development, with adjustments for smaller  
15 and larger families.

16          d. The degree to which trust fund monies are used to  
17 leverage additional funding.

18          e. The extent to which the activity will leverage or  
19 augment local community affordable housing goals or locally  
20 adopted affordable housing plans such as revitalization areas  
21 or other geographic areas targeted for investment.

22          f. The extent to which housing produced will be part  
23 of a mixed income development or neighborhood.

24          g. The extent to which the activity serves  
25 individuals and families with special needs, including persons  
26 who are disabled, elderly, victims of domestic violence,  
27 veterans, homeless or on the verge of becoming homeless,

1 living with HIV/AIDS, and those living with intellectual  
2 disabilities.

3 h. The extent to which the activity adheres to  
4 energy efficiency, green and health design, and other  
5 environmental and sustainability standards.

6 i. The extent to which housing will be located near  
7 transit lines, shopping, community services, and other  
8 amenities.

9 (e) No related entities, principals, or individuals  
10 shall be allocated trust fund funds in excess of 15 percent of  
11 the state's annual allocation.

12 Section 8. (a) There is created the Alabama Housing  
13 Trust Fund Advisory Committee for the purpose of advising the  
14 Director of ADECA and staff of the department with respect to  
15 the Alabama Housing Trust Fund.

16 (1) The membership of the advisory committee shall  
17 be inclusive and reflect the racial, gender, geographic,  
18 urban/rural and economic diversity of the state. The advisory  
19 committee shall annually report to the Legislature by the  
20 second legislative day of each regular session the extent to  
21 which the advisory committee has complied with the diversity  
22 provisions provided for in this act.

23 (2) Each member of the advisory committee should  
24 have a demonstrated interest in the housing needs of  
25 individuals and families with extremely low incomes to incomes  
26 at 60 percent of median family income and the revitalization  
27 of distressed neighborhoods.

1           (3) The advisory committee shall consist of 15  
2 members and shall include one representative member from each  
3 of the following organizations:

4           a. The Alabama House of Representatives appointed by  
5 the Speaker of the House.

6           b. The Alabama Senate appointed by the Senate  
7 President Pro Tempore.

8           c. The Lieutenant Governor or his or her designee.

9           d. The Alabama Association of Habitat Affiliates.

10          e. The Low Income Housing Coalition of Alabama.

11          f. The Community Action Association of Alabama.

12          g. The Alabama Alliance to End Homelessness.

13          h. The Alabama Department of Mental Health.

14          i. The Alabama Association of Realtors.

15          j. The Governor's Statewide Interagency Council on  
16 Homelessness.

17          k. The Home Builders Association of Alabama.

18          l. A member appointed by the Independent Living  
19 Resources of Greater Birmingham, Montgomery Center for  
20 Independent Living, and Independent Living Center of Mobile.

21          m. The Alabama Council for Affordable and Rural  
22 Housing.

23          n. The Alabama Bankers Association.

24          o. An individual whose income does not exceed 60  
25 percent of the state median family income appointed by the  
26 Governor.

1           (4) To avoid a conflict of interest, or the  
2 appearance of a conflict of interest, no sitting committee  
3 organization may apply for trust fund dollars during its time  
4 on the committee. If an affiliate organization applies for  
5 funding, the related committee organization will recuse itself  
6 from any discussion or voting on the application.

7           (5) The term of office of each member of the  
8 advisory committee shall be three years. In order to stagger  
9 the terms of the members, the initial members of the committee  
10 shall draw lots as follows:

11           a. Six shall be appointed each for a term of one  
12 year.

13           b. Five each for a term of two years.

14           c. Four each for a term of three years.

15           No member shall serve more than two consecutive  
16 three-year terms, without interruption in service of at least  
17 three years.

18           (6) Each term on the advisory committee shall expire  
19 on September 30 of the year in which the term expires. When  
20 this occurs, the director or the elected official responsible  
21 for appointing the position shall appoint a new member or  
22 reappoint the current member. If a vacancy occurs within 90  
23 days of the vacancy, the director shall appoint a replacement  
24 to fill the vacancy for the remainder of the unexpired term.

25           (7) The director may remove a member of the advisory  
26 committee only for neglect of duty, an unexcused failure to  
27 attend more than one of the regularly scheduled meetings held

1 in a calendar year during the term in office of the member,  
2 malfeasance, violation of this act, or conviction of a felony.

3 (8) Members of the advisory committee shall receive  
4 reimbursement for expenses incurred in the performance of  
5 duties.

6 (9) If necessary, ADECA may employ staff to assist  
7 the advisory committee in the performance of its functions.

8 Section 9. (a) The committee's responsibilities  
9 shall include the following:

10 (1) Review and advise ADECA staff on all policies  
11 and procedures for operation of the Alabama Housing Trust Fund  
12 including, but not limited to:

13 a. Development of a process for making awards from  
14 the trust fund.

15 b. Development of policies and rules for operating  
16 the trust fund including priorities for making awards and  
17 criteria for evaluating applications, and delineation of all  
18 compliance and reporting responsibility of fund recipients.

19 (2) Review and advise ADECA staff on the collection  
20 and presentation of data on the use and impact of the trust  
21 fund and the preparation of an annual performance report to be  
22 submitted to the Legislature, Governor, and the public.

23 (3) Pursue additional sources of revenue in addition  
24 to that prescribed by this act.

25 (4) Ensure that the dedicated resources alleviate  
26 the housing crisis for Alabamians by assisting individuals and  
27 families with incomes at or below 60 percent of the median

1 family income and targeting hard-to-serve, special needs  
2 populations that include individuals who are:

- 3 a. Disabled.
- 4 b. Elderly.
- 5 c. Victims of domestic violence.
- 6 d. Veterans.
- 7 e. Homeless or on the verge of becoming homeless.
- 8 f. Living with an intellectual disability.
- 9 g. Living with HIV/AIDS.

10 (5) Prepare, in collaboration with ADECA staff, an  
11 annual review of the rules, compliance responsibilities,  
12 set-asides, funding priorities, policies, funding  
13 recommendations and decisions, including any recommended  
14 changes to the operation of the trust fund. This review shall  
15 be presented to the Director of ADECA for final approval.

16 (6) The advisory committee shall elect from its  
17 membership a chair, vice chair, and secretary. The advisory  
18 committee shall adopt rules to govern its proceedings. A  
19 majority of the appointed membership of the committee shall  
20 constitute a quorum for all meetings.

21 (7) The advisory committee shall meet within 30 days  
22 after a majority of its first members is appointed, and  
23 thereafter shall hold regular meetings. Minutes of each  
24 meeting of the advisory committee, recording the members  
25 present and the business taken, shall be signed and kept by  
26 the secretary or an assistant secretary appointed by the  
27 advisory committee.

1                   Section 10. The following organizations shall be  
2 eligible to apply to ADECA for funding:

3                   (1) Not-for-profit organizations.

4                   (2) Municipalities.

5                   (3) Counties.

6                   (4) Public housing authorities.

7                   (5) For-profit organizations. Profit organizations  
8 that use Alabama Housing Trust Fund monies to provide housing  
9 for extremely low income individuals and families must partner  
10 with not-for-profit organizations that can, if necessary,  
11 provide resident services to ensure housing stability.

12                  Section 11. This act shall become effective  
13 immediately following its passage and approval by the  
14 Governor, or its otherwise becoming law.