

**City of St. Charles, Illinois**

**Ordinance No. 2008-M-17**

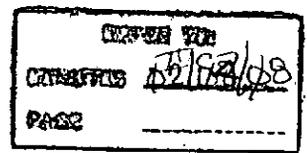
**Ordinance Amending the St. Charles Municipal Code to  
Establish a Housing Trust Fund**

**Adopted by the  
City Council  
of the  
City of St. Charles  
February 4, 2008**

**Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, February 8, 2008**

*Nancy Garrison*  
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City Clerk





**ORDINANCE NO. 2008-M-17**

**AN ORDINANCE AMENDING THE ST. CHARLES MUNICIPAL CODE  
TO ESTABLISH A HOUSING TRUST FUND**

**WHEREAS**, the State of Illinois has enacted the Affordable Housing Planning and Appeal Act (310 ILCS 67/1 et seq.) which encourages counties and municipalities to assist in providing affordable housing opportunities to assure the health, safety and welfare of all citizens of the State; and

**WHEREAS**, under the Affordable Housing Planning and Appeal Act, the General Assembly found that there exists a shortage of affordable, accessible, safe and sanitary housing in the State, and that it is imperative that action be taken to ensure the availability of workforce and retirement housing; and

**WHEREAS**, Section III B of Chapter 8 of the City's Comprehensive Plan includes the goal of providing a variety of housing types and sizes; and

**WHEREAS**, City of St. Charles Resolution No. 2003-9 adopted the 'Housing Endorsement Criteria' which emphasizes the City's commitment to promote high quality, well-designed, and well-managed housing, available to a range of incomes that connect residents to jobs, services, and transportation; and

**WHEREAS**, in order to help fulfill the need for Affordable Housing within the City, the City Council has adopted an Inclusionary Housing Ordinance (Chapter 17.18 of the St. Charles Municipal Code) requiring that a percentage of housing within new residential developments be established and maintained as Affordable Housing; and

**WHEREAS**, the Inclusionary Housing Ordinance provides that the City Council may approve a developer's payment of cash in lieu of constructing some or all of the required Affordable Housing within a residential development; and

**WHEREAS**, the City has received cash contributions from developers that the City Council has determined would best be allocated in support of Affordable Housing within the City; and

**WHEREAS**, in furtherance of the City's Comprehensive Plan, and consistent with the provisions of the Inclusionary Housing Ordinance, the City Council has determined that it is in the best interests of the City and its residents to amend the City Code to adopt this Housing Trust Fund Ordinance to provide financial resources to address the Affordable Housing needs of the

City by promoting, preserving, and producing long-term Affordable Housing, providing housing-related services, and providing support for not-for-profit organizations that actively address the Affordable Housing needs of the City.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of St. Charles, Kane and DuPage Counties, State of Illinois, as follows:

**SECTION ONE: Recitals.** The foregoing recitals are hereby adopted as the findings and determinations of the City Council and are hereby incorporated into and made a part of this Ordinance as if fully set forth herein.

**SECTION TWO: Amendment to City Code.** The St. Charles Municipal Code shall be, and is hereby, amended to include a new Chapter 3.48, entitled “Housing Trust Fund” which new Chapter shall hereafter be and read as follows:

**“CHAPTER 3.48  
HOUSING TRUST FUND**

**Section 3.48.010 Definitions.**

- (A) **Rules of interpretation.** The words and phrases used in this Chapter shall be interpreted to have the meanings ascribed to them herein. To the extent that words or phrases not defined herein are defined in the Zoning Ordinance (Title 17 of the St. Charles Municipal Code), such words or phrases shall be deemed to have the meanings set forth therein. Otherwise, words and phrases shall be interpreted in their commonly used sense as set forth in Webster’s Third International Dictionary (most recent edition), unless the context reasonably requires another construction.
- (B) **Definitions.** The following words and phrases, when used in this Chapter, shall have the following meanings:
  - A. **Affordable Housing:** Housing that has a sales price or rental amount that is within the means of an “Eligible Household” as defined herein. In the case of dwelling units for sale, housing that is affordable means housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit. In the case of dwelling units for

rent, housing that is affordable means housing for which the rent and utilities constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit.

- B. Applicant:** An Applicant is any individual or entity, including but not limited to developers, not-for-profit organizations, housing owners/operators, and units of government, that applies for a grant, loan, or other resources from the Housing Trust Fund.
- C. Eligible Activities:** Eligible Activities shall include those activities that are eligible to receive funding or other resources from the Housing Trust Fund, as set forth in Section 3.48.040 (C) of this Chapter.
- D. Eligible Household:** A household with an income at or below eighty percent (80%) of the Area Median Income (AMI) for for-sale units and at or below sixty percent (60%) of the AMI for rental units.

**Section 3.48.020 Housing Trust Fund Established.**

- (A) Creation; Management and Administration. There is hereby established a Housing Trust Fund, to be held as a separate fund within the City, for the sole purpose of providing and preserving Affordable Housing opportunities within the City of St. Charles. The City, by and through its Director of Finance, shall be responsible for the day-to-day investment and fiscal maintenance and management of the Housing Trust Fund. The day-to-day fiscal maintenance and management shall be undertaken pursuant to the approved investment policies and practices used by the City for other similarly held funds. Except for disbursements and other actions taken as part of the day-to-day fiscal maintenance and management of the Housing Trust Fund, the Director of Finance shall not disburse funds held by the Housing Trust Fund except upon the written direction of the City Council, by resolution duly adopted. The St. Charles Housing Commission, established by Section 2.25.010 of the St. Charles Municipal Code, shall assist the City Council with the organization, operation, and implementation of the Housing Trust Fund as set forth in Section 3.48.030 of this Chapter.
- (B) Purpose. The purpose of the Housing Trust Fund is to provide sustainable financial resources to address the Affordable Housing needs of Eligible Households in St. Charles by preserving and producing Affordable Housing, providing housing-related financial support and services to Eligible Households, and providing financial support for not-for-profit organizations that actively address the Affordable Housing needs of Eligible Households.
- (C) Distribution and Use of Housing Trust Fund. The City Council shall be solely responsible for the distribution of Housing Trust Fund funds in accordance with

the requirements of this Chapter. Distribution of funds from the Housing Trust Fund shall be in the form of grants or loans or such other funding mechanisms that support the purposes of the Housing Trust Fund. Any Housing Trust Fund money unused at the end of any year shall remain in the Housing Trust Fund for future Eligible Activities, pursuant to the requirements of this Chapter.

**Section 3.48.030 Housing Commission Responsibilities.**

The Housing Commission shall make recommendations to the City Council regarding the following:

- (1) the goals for the use of Housing Trust Fund resources;
- (2) the Housing Trust Fund's annual budget including projected expenditures and revenues;
- (3) the procedures for reviewing applications and awarding Housing Trust Fund resources to Applicants;
- (4) the criteria to be used by the Housing Commission and the City Council in reviewing applications and awarding Housing Trust Fund resources to Applicants;
- (5) the procedures to be used for disbursing Housing Trust Fund resources;
- (6) the review and ranking of applications for Housing Trust Fund awards;
- (7) the procedures to be used to monitor Eligible Activities funded by the Housing Trust Fund to ensure that Housing Trust Fund resources are used in conformance with all applicable requirements; and
- (8) the evaluation of Housing Trust Fund activities.

**Section 3.48.040 Eligibility Requirements.**

- (A) Purpose of Eligible Activity. Each Applicant shall be required to demonstrate that the requested Eligible Activity will advance and support the purpose of the Housing Trust Fund, as set forth in this Chapter.
- (B) Eligible Activities. The use of Housing Trust Fund resources shall be limited to the following, which shall be considered Eligible Activities:

- (1) Production of Affordable Housing including, without limitation, new construction, rehabilitation, and adaptive re-use.
  - (2) Acquisition and disposition, including, without limitation, vacant land, single-family homes, multi-unit buildings, and other existing structures that may be used in whole or part to provide Affordable Housing.
  - (3) Grants to not-for-profit organizations that are actively engaged in addressing the Housing needs of Eligible Households.
  - (4) Retention of a third-party organization to administer and track Housing Trust Fund programs.
  - (5) Financial assistance to Eligible Households in renting dwelling units
  - (6) Financial assistance to Eligible Households in purchasing dwelling units
  - (7) Financial or in-kind assistance to preserve and/or maintain existing affordable dwelling units.
  - (8) Weatherization of dwelling units occupied by Eligible Households.
  - (9) Emergency repairs to dwelling units occupied by Eligible Households.
- (C) Criteria For Award of Housing Trust Fund Resources.  
Among applications for funding for Eligible Activities that otherwise meet established program requirements and eligibility criteria, priority shall be given (a) to applications that provide for leveraging of funds for projects, i.e., that yield a larger amount of housing provided or a larger dollar value for the level of funding being sought (b) to applications that provide the longest term of permanent affordability, and (c) to applications that provide housing to serve the needs of households with the lowest incomes. All Housing Trust Fund resources shall be applied exclusively to Eligible Activities within the City of St. Charles.

**Section 3.48.050 Review and Approval of Applications.**

The Director of Community Development (or his designee) shall annually establish deadlines for submittal of applications for Housing Trust Fund awards. All applications for Housing Trust Fund awards shall be submitted to the Director of Community Development. Applications received after the deadline shall be considered in the next application cycle. The Director shall review each application for compliance with the applicable requirements. He shall forward each application that complies with the applicable requirements to the Housing Commission, and shall return any application that does not comply to the applicant with a written explanation of why the application will not be considered. The Commission shall review and make recommendations to the City

Council as to which applications forwarded by the Director of Community Development should receive priority for funding by the Housing Trust Fund in the current cycle, according to the applicable criteria. The City Council shall make the final decision regarding which applications Housing Trust Fund resources will be funded within each application period.

**Section 3.48.060 Conditions.**

As a condition of any Housing Trust Fund award for any Eligible Activity, the Applicant shall execute and record such agreements, conditions, restrictive covenants, and other similar instruments, as may be required by the City Council to ensure that Housing Trust Fund resources will be used efficiently and for the intended purposes (“Conditions”). Among other requirements, the Conditions may bind the Applicant and the property, if applicable, to the requirements of this Chapter and provide that all awards shall be used in strict compliance with the requirements of the City Code and the Conditions. The Conditions may also include a requirement that if the property or development is no longer being used for Affordable Housing pursuant to the requirements of the specific award, the Applicant or successor owner of the property or development shall be required to reimburse the Housing Trust Fund for up to 100 percent (100%) of the award, plus applicable interest.

**Section 3.48.070 Sources of Funds.**

The City Administrator, for the benefit of the Housing Trust Fund, is authorized to accept funds, property, and other resources from all proper and lawful public and private sources including, without limitation, cash payments in lieu of constructing some or all of the on-site Affordable Units as required by Chapter 17.18.050 of the Inclusionary Housing chapter of the St. Charles Zoning Ordinance. The City Council, at its sole discretion, may make funds available to the Housing Trust Fund from the Corporate Fund, as it deems necessary and appropriate.”

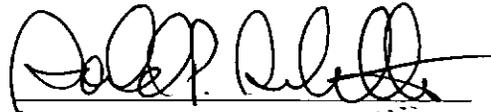
**SECTION THREE: Severable.** In the event any part or parts of this Ordinance shall be found to be unlawful or unconstitutional by a court of competent jurisdiction, such unlawfulness or unconstitutionality shall not affect the validity of the remaining parts of this Ordinance.

**SECTION FOUR: Effective Date.** This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form in the manner provided by law.

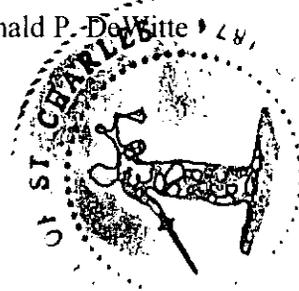
**PRESENTED** to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 4th day of February, 2008.

**PASSED** by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 4th day of February, 2008.

**APPROVED** by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 4th day of February, 2008.



Mayor Donald P. DeWitte



Attest:

  
City Clerk / Recording Secretary

VOICE VOTE:

AYES: 1  $\phi$

NAYS:  $\phi$

ABSENT:  $\phi$

ABSTAIN:  $\phi$

State of Illinois )  
 )  
 ) ss.  
Counties of Kane and DuPage )

## Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on February 4, 2008, the Corporate Authorities of such municipality passed and approved Ordinance No. 2008-M-17, entitled

"Ordinance Amending the St. Charles Municipal Code  
to Establish a Housing Trust Fund,"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2008-M-17, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on February 8, 2008, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 4th day of February 2008.

  
Municipal Clerk

