

ADOPTED BY THE
MAYOR AND COUNCIL

July 7, 2020

ORDINANCE NO. 11769

RELATING TO BOARDS AND COMMISSIONS; CREATING THE COMMISSION ON EQUITABLE HOUSING AND DEVELOPMENT (“CEHD”); DISSOLVING THE METROPOLITAN HOUSING COMMISSION (“MHC”); ADDING A NEW CHAPTER 10A, ARTICLE X (SECS. 10A-110 THROUGH 10-119); REPEALING RESOLUTION NO. 16451; AND DECLARING AN EMERGENCY.

WHEREAS, at the June 9, 2020 Study Session meeting, the Mayor and Council directed the staff to form a new City of Tucson Commission on Equitable Housing and Development, representing the geographic, demographic, and economic diversity of the community; and

WHEREAS, the new Commission will replace the Metropolitan Housing Commission (“MHC”), created by the Mayor and Council on November 8, 1993 by Resolution No. 16451; and

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Metropolitan Housing Commission (“MHC”) is dissolved.

SECTION 2. Resolution No. 16451, adopted by Mayor and Council on November 8, 1993 is repealed.

SECTION 3. Tucson Code, Chapter 10A (“Community Affairs”) is amended to add a new Article X to read as follows:

ARTICLE X. COMMISSION ON EQUITABLE HOUSING AND DEVELOPMENT

Sec. 10A-110. Creation.

Pursuant to Tucson Charter Chapter XXIV, § 1 and Tucson Code § 10A-139(a), the Commission on Equitable Housing and Development (“CEHD”) is created as an on-going Mayor and Council advisory commission.

Sec. 10A-111. Declaration of Purpose

The City of Tucson envisions “A Home for Everyone” in the Tucson region. Tucson, like other cities across the U.S., must contend with an inadequate number of affordable housing units and high rates of poverty. With the input of community values, we will identify solutions that will promote affordability and prevent displacement; as well as, promote social responsibility from both developers and landlords within the City of Tucson in order to assist those in vulnerable housing situations. In addition, with the ongoing revitalization of the downtown area, there has been a variety of housing related impacts that concern neighborhoods and long-time residents.

Challenges such as homelessness, the preservation of neighborhood cultural assets, the number of “housing cost burdened” households paying more than 30% of their income for housing and historical racial inequities are linked to housing affordability, poverty, and involuntary displacement. Therefore, on June 9, 2020, the City of Tucson Mayor and Council provided direction to establish a commission to develop strategies to address these pressing issues.

Sec. 10A-112. Membership composition; nomination and appointment; qualifications; terms of office and reappointment; removal; concurrent service not permitted; applicability of Tucson Code Chapter 10A, Article XIII.

(a) *Composition.* The CEHD shall consist of nine (9) voting members and nine (9) non-voting ex-officio members, who shall serve without compensation.

All members must be qualified to represent one or more focus areas as more particularly described in subsection (c)(4) below:

1. Housing
2. Neighborhoods
3. Equity, Diversity, and Inclusivity
4. Economic Vitality
5. Cultural Vitality

(b) *Nomination and appointment:*

1. Seven (7) voting members shall be appointed through: (a) recommendation by at least two members of Mayor and Council; and (b) appointment by the Mayor and Council.
2. Two (2) voting members shall be appointed by the Director of Housing and Community Development (HCD).
3. Ex-Officio (non-voting) members of the CEHD: The following shall be invited to attend CEHD meetings, and assist the CEHD, as ex-Officio, non-voting members who shall not count toward creating or meeting any quorum requirement:
 - (A) Pima County Housing Center;
 - (B) City of South Tucson;
 - (C) Direct Center for Independence;
 - (D) Pima Council on Aging;
 - (E) A nonprofit partner, knowledgeable regarding nonprofit development and fair housing policy;
 - (F) A developer, knowledgeable regarding the housing development process generally and with a proven track record of completed (i.e., built) affordable housing projects;
 - (G) City of Tucson Planning and Development Services Department;
 - (H) City of Tucson Housing and Community Development Department;
 - (I) Pima County Community Land Trust.

(c) *Qualifications:*

1. Members should, to the extent possible, represent the geographic, demographic, and economic diversity of the community.
2. Desired qualifications include relevant background, knowledge, and/or expertise in one or more of the following focus areas that relate to the Commission's functions and purposes.
3. All members shall reside or have a place of business within the City of Tucson.
4. Every focus area shall be represented by one or more members of the CEHD, based on the information provided in the application:
 - A. **Housing:** Affordable housing developers and/or property managers; nonprofit housing providers that provide services like: home repair, tenant based rental assistance, homeownership counseling; organizations that support and

advocate for tenants like: fair housing, legal aid, tenant organizations, advocacy agencies; former employees of housing and community development agencies or similar organizations.

- B. **Neighborhoods:** Individuals with expertise in planning, creative place-making, historic preservation, mixed-use development, infill development, strategies to combat gentrification/displacement; member of a neighborhood association or other neighborhood-based organization.
- C. **Equity, Diversity, and Inclusivity:** Low-income individuals, members of communities of color, LGBTQ communities, refugees, immigrants, non-English speakers, formerly incarcerated people, residents without a home, seniors, veterans, and persons with disabilities.
- D. **Economic Vitality:** Local business owners, professionals in the fields of finance, real estate, development, homebuilding, business districts, economic development, or workforce development,
- E. **Cultural Vitality** is the practice of creating, disseminating, validating, and supporting arts and culture as a dimension of everyday community life.

(d) Terms of office and reappointment. Members appointed by the Mayor and each Council Member shall serve four-year terms. In the event that the appointing official leaves office prior to the conclusion of the appointee's four-year term, the CEHD member's term of service shall expire coincident with that of the appointing official. Members appointed by the Housing and Community Development Director shall serve four-year terms from the time of appointment, in accordance with Tucson City Code, Chapter 10A. Members may serve no more than two (2) consecutive four-year terms (eight years in total).

(e) Replacement and Removal. All replacement appointments shall be made by the appointing authority using an application process with consideration of the Focus Areas.

(f) Concurrent service. Consistent with Tucson Code § 10A-134(c), members of the CEHD can serve concurrently on up to two city Boards, Committees, or Commissions.

(g) Applicability of Tucson Code Chapter 10A, Article XIII. Except as otherwise specifically provided in this article, all provisions of Tucson Code Chapter 10A, Article XIII apply to the CEHD.

Sec. 10A-113. Functions, purposes, powers, and duties.

(a) The mission of the CEHD shall be to provide advice to the Mayor and Council regarding how the City can best:

1. Focus on increasing city investment in housing
 - potential bonding
 - land/ housing acquisition
 - land banking
 - CDBG, HOME, Section 8, public housing
 - Cultural Vitality
2. Preserve affordability while increasing housing production/ stock
 - Development
 - Policy
 - CDBG Focus
 - Land Trust
 - County owned tax lien properties
3. Protect our barrios and communities from rapid change and displacement as well as structural disinvestment and substandard housing through the promotion of equitable housing models.
 - Community Education about homebuyer programs/ rental assistance/anti- eviction programs
 - Using city owned land to retain affordability
 - City funded estate acquisitions
 - Property tax home buying
 - Revisiting existing policy and procedure for implicit or explicit bias
 - Housing Coop
 - Potential Public Oversight Committee
4. Facilitate equitable conversations and solutions that will incorporate voices in a collaborative environment. These voices include the following and facilitated by the commission:
 - Community members
 - Nonprofits
 - former/currently homeless
 - Developers
 - Potential Public Oversight Committee
 - Higher Education
5. Provide measurable and well-defined goals to address housing shortfalls for those who have, currently and will experience housing insecurity. The goals will be informed by:
 - City housing study

- Homeless count
- Census data
- HCD Yearly Reporting-eviction data
- Manufactured Housing Study with Habitat for Humanity
- Landlord/ Pima County Court Eviction info
- Poverty and Urban Stress Report
- Opportunity Indexing
- Planning and Development Services Equity Audit
- School District information about students (moving/relocating)

(b) In performing its mission as described in subsection (a) above, the CEHD shall focus on carrying out the following functions:

1. Review data (quantitative and qualitative), needs assessments, and additional information to explore strategies and develop recommendations for Mayor and Council consideration for the four (4) Focus Areas:

- a. Housing
- b. Neighborhoods
- c. Equity, Diversity, and Inclusivity
- d. Economic Vitality
- e. Cultural Vitality

2. Identify innovative best practices or new ideas for developing low-cost and more affordable housing, preventing and mitigating involuntary displacement.

3. Identify new capital resources and make them available for affordable housing and homelessness programs.

4. Identify and work toward eliminating institutional and regulatory barriers to affordable housing and job security.

5. Provide recommendations on the priorities for the use of HUD entitlement programs included in the HUD Five-Year Consolidated plan and HUD Annual Action Plan as well as the Tucson Public Housing Authority Administrative Plan.

Sec. 10A-114. Staff support.

The City of Tucson Housing and Community Development Department shall provide staff support to the CEHD.

Sec. 10A-115. Commission organization and rules.

(a) *Chairperson.* The Chairperson of the CEHD will be voted by the commission, and the chairperson will also be in charge of facilitating conversation and meetings.

The structure of the Housing and Community Development Commission:

- follows best practices in collaborative decision making and centering the conversation around equity
- includes representation from key stakeholder groups mentioned above
- brings accountability to the City of Tucson
- empowers community decision making

(b) *By-laws.* It is recommended that within one year from the first meeting, that the CEHD adopt bylaws for its operations. These shall be consistent with the Tucson Charter, Tucson Code, and other legal authority. Consistent with Tucson Code § 10A-136, any bylaws adopted by the CEHD shall be filed with the city clerk. Once adopted, the bylaws may be reviewed periodically to determine whether revisions may be warranted.

(c) *Meetings.* The CEHD shall choose its own meeting dates, times, and places. Legal action reports and minutes of committee meetings shall be filed with the City Clerk.

(d) *Quorum.* A quorum shall consist of five (5) voting members.

(e) *Quarterly Reports.* The CEHD shall produce, in partnership with Staff, minutes of all meetings for public distribution. Updates and recommendations will be presented to the Mayor and Council quarterly or four (4) times a year.

Sec. 10A-116. Limitation of Powers.

Neither the CEHD nor any of its members may incur governmental expenses, or obligate the City in any way, without prior authorization of the Mayor and Council.

Sec. 10A-117. Sunset Clause.

As specified in Sec. 10A-139 of the Tucson City Code, the CSCC shall cease to exist twenty-four (24) months after the effective date of this ordinance. The term of the CEHD may be extended by an ordinance of the mayor and council. If extended, the mayor and council should review and revise, as appropriate, the Composition, Nomination and

Appointment, and the Functions, Purposes, Powers, and Duties of the CEHD to ensure that the body continues to operate effectively.

SECTION 4. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

SECTION 5. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this Ordinance become immediately effective, an emergency is hereby declared to exist and this Ordinance shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, July 7, 2020

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:

CITY ATTORNEY

CITY MANAGER

DPM/dg
6/25/20