

Petition for Submission of Proposed Amendment to Charter

Constitution of Ohio, Art. XVIII, Section 9 and 14; R.C. 731.28 - .41, 3503.06

To be signed by ten percent of the electors, based upon the total vote cast at the last preceding general municipal election. (**NOTE** – The below notice must be printed in red.)

NOTICE – Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter is liable to prosecution.

To the Council, the legislative authority of the City of Cincinnati of
(City or Village)

Hamilton County, Ohio.

We, the undersigned, qualified electors of the City of Cincinnati of
(City or Village)

Hamilton County, Ohio respectfully petition the legislative authority to forthwith provide by

Ordinance, for the submission to the electors of said city or village, the following proposed amendment to the Charter of said city or village to-wit:

Article XVII

AN AMENDMENT TO THE CHARTER OF THE CITY OF CINCINNATI TO ESTABLISH THE CITY OF CINCINNATI AFFORDABLE HOUSING TRUST FUND

Section 1.

Establishment of the Affordable Housing Trust Fund

- 1) The Fund is hereby established as a separate restricted account under the name of the City of Cincinnati Affordable Housing Trust Fund, held by the city in trust to address the purposes set forth herein.
- 2) The purposes of the Affordable Housing Trust Fund are restricted
 - a. To increase resources available for affordable housing and neighborhood stabilization;
 - b. To create and preserve affordable and accessible housing to meet the needs of families, households, and individuals with low incomes in the city;
 - c. To provide housing investment to prevent displacement and the loss of affordable housing in neighborhoods; and
 - d. To leverage additional outside resources for the betterment of housing affordable to households with low incomes in the city.
- 3) Definition of affordable: A home shall be “affordable” when costs associated with residing in the home require no more than thirty percent of the household’s income.

Section 2.

The Cincinnati Affordable Housing Trust Fund Board

- 1) The Board shall have control and management of the city’s Affordable Housing Trust Fund and may adopt rules and regulations, implement policies, release requests for proposals, approve and deny proposals and otherwise be responsible for the Fund’s management.
- 2) The Board shall be supported by the Department of Community and Economic Development or its successor.
- 3) The Board shall adopt rules and regulations to establish standards, policies, and goals for the Affordable Housing Trust Fund, consistent with the purposes and policies set forth in this ordinance, including without limitation criteria; for eligible projects, number and type of units funded, scoring of applications for funding and the prohibition of discrimination in the use of the Fund. The Board has responsibility to approve or modify said standards and policies.
- 4) The Board shall issue an Annual Report on the activities and accomplishments of the Affordable Housing Trust Fund for the previous year.
- 5) The Board shall appoint its employees to assist in administration of the Fund.
- 6) The Board shall have the power to approve contracts which shall be executed by the City Manager.
- 7) The Board may only conduct business with an affirmative vote of six (6) members.
- 8) The Board shall consist of eleven (11) members who shall serve with no compensation. The Board shall be composed of city residents selected as follows:
 - a. One (1) member who is a developer of affordable housing or who is an affordable or fair housing professional to be nominated by the board of Housing Opportunities Made Equal of Greater Cincinnati, Inc. or its successor.
 - b. One (1) member who is a representative of a community development corporation who is also a resident of its neighborhood or service area, to be nominated by Homebase Cincinnati or its successor.
 - c. One (1) member who is a representative from a local charitable foundation serving city residents with low incomes, to be nominated by the President Pro Tem.

- d. One (1) member who is a representative from a social service organization to be nominated by the Greater Cincinnati Coalition for the Homeless or its successor.
 - e. One (1) member who is a representative of an affordable housing advocacy organization to be nominated by Cincinnatians for Affordable Housing, Inc. or its successor.
 - f. Two (2) members who are current renters who qualify for low-income housing assistance as determined by the then-current criteria set by United States Department of Health and Human Services, nominated as follows:
 - i. One renter is to be nominated by the Greater Cincinnati Coalition for the Homeless or its successor.
 - ii. One renter is to be nominated by the President Pro Tem.
 - g. One (1) member who is a homeowner whose income does not exceed 200% of Poverty Guidelines for the 48 Contiguous States and the District of Columbia as most recently published in the Federal Register by the United States Department of Health and Human Services, who will be nominated by Cincinnatians for Affordable Housing, Inc. or its successor.
 - h. One (1) member who is a representative of a homeless advocacy organization to be nominated by the Greater Cincinnati Coalition for the Homeless or its successor.
 - i. One (1) member who is an attorney admitted to practice law in the State of Ohio to be nominated by Cincinnatians for Affordable Housing, Inc. or its successor.
 - j. One (1) member who has experienced homelessness to be nominated by the Greater Cincinnati Coalition for the Homeless or its successor.
- 9) The City Council will appoint all nominated members to the Board. The terms will begin on the effective date of this Article with renewals of terms beginning on the respective anniversary dates of the Article. Any appointment to fill a vacancy created prior to the end of a term shall be only for the balance of the vacated term.
- a) The initial term for Board members from Section 2.8.a.; 2.8.b.; 2.8.d.; 2.8.g.; and 2.8.f.ii. shall be for two years with subsequent appointments for a term of four years.
 - b) The initial term for Board members from Section 2.8.c.; 2.8.e.; 2.8.f.i. 2.8.h.; 2.8.i; and 2.8.j. shall be for a term of 4 years beginning on the effective date of this Article with subsequent appointments for a term of four years.
 - c) If any organization with authority to make a nomination under this Article cannot for any reason, or fails to submit its nomination to the Clerk within 30 days from the receipt of notice of a vacancy from the Clerk, the President Pro Tem shall make such nomination, subject to the approval of Council within 30 days.
 - d) If there is no successor to any organization referenced herein, the nomination shall be made by the President Pro Tem of Council, subject to the approval of Council.
 - e) A member shall serve until her successor takes office.
 - f) Council shall confirm all nominations for appointment at the next meeting of Council.

Section 3.

1) Funds and Sources of Funds

- a. Notwithstanding any provision of this Charter to the contrary, beginning with the first city budget after the effective date of this Article, Council shall appropriate a minimum of \$50 million to the Fund.
- b. Beginning with the second year, the minimum appropriation shall increase by the greater of zero or a percentage equal to the percent change in United States Bureau of Labor Statistics CPI-U: U.S. City Average for All Items, for the prior 12 months ending in January of the current year. Each year the adjusted amount will become the minimum appropriation for use in calculating the adjustment for the following fiscal year.
- c. Any assets remaining in the Fund at the end of any fiscal year shall be carried into the next fiscal year, including all interest and income earned, as well as any repayments or forfeitures of loans and/or grants. These funds shall not count toward the new minimum appropriation.

2) To meet its obligations to the Fund, Council shall appropriate funds from among the following sources:

- a. The revenue generated from the lease of the Cincinnati Southern Railway. If revenue is generated from a sale of the Railway, all proceeds shall be placed in the Fund.
- b. A fee to be assessed to developers of residential projects that include four or more residential units and all commercial or non-residential projects. Council may provide financial credits, not to exceed the fee, to developers who provide permanent affordable residential units in the project, as defined by the Board regulations.
- c. A personal income tax on the award of stock options in publicly traded companies.
- d. The city's general operating or capital funds.
- e. Nothing herein shall be construed to permit the council to raise revenue for purposes of this Article through an increase in the rate of the income tax unless the issue is first submitted to a vote of the electorate pursuant to Article VIII of the Charter.
- f. Funds received directly or indirectly from the State of Ohio or the government of the United States may be deposited in the Fund but shall not count toward the minimum appropriation.

Section 4.

Use of Funds

1. The Board must allocate at least fifty percent of funds for the purpose of housing affordable to households with an income at or below thirty percent of the current median household income (“mhi”) for Hamilton County, and all funds must be allocated for the purposes of housing affordable to households with an income at or below sixty percent of the mhi for Hamilton county, as published by the United States Census Bureau in the most recently available American Community Survey 5-Year Data Profile, or its successor.
2. Funds can be allocated to new construction, renovation of vacant property, renovation of existing affordable units for the purpose of ensuring their sustainability, operation costs of affordable housing and direct services.
 - a. No more than five percent of funds shall be allocated to the administration of the Fund annually.
 - b. The quantity and type (bedroom count) of housing supported by the Fund, must in perpetuity, within the property, via deed restriction, remain affordable, with the exception of repairs to an existing, owner-occupied single-family residence or other direct services. The Board may institute additional methods of enforcement.
3. All persons hired to construct, renovate or operate any units supported by the Fund must be paid a living wage consistent with the city’s current living wage ordinance.
4. If an eviction is necessary, organizations must commit that the owner of the project will only pursue “Just Cause Evictions”, defined as follows:
 - a. Serious or repeated violation of the terms and conditions of the lease and/or
 - b. Violation of applicable federal, state or local law(s), and
 - c. After a corrective action plan, agreed to by the tenant and landlord has not been adhered to by the tenant.

Section 5.

Miscellaneous

- 1) Council shall have the power to enact all ordinances necessary to implement the purposes of this Article.
- 2) Severability. In the event that any provision of this Article is found to be unconstitutional or impermissibly in conflict with state or federal law, only such provision found to be unconstitutional or impermissible will be stricken, and the remainder of this Article will remain in full force and effect.
- 3) That the form of submission of the proposed amendment to the electors shall be substantially as follows:

CHARTER AMENDMENT	
A majority vote is necessary for passage.	
YES	Shall the Charter of the City of Cincinnati be amended to establish the City of Cincinnati Affordable Housing Trust Fund for the purpose of creating and preserving affordable housing to meet the needs of families, households, and individuals with low incomes,
NO	preventing the displacement of families and individuals, promoting neighborhood stabilization and preventing the loss of affordable housing; establish the City of Cincinnati Housing Trust Fund Board to oversee the Fund; and authorize Council to provide for minimum financing of the Fund by enacting new Article XVII

We hereby designate the following persons as a committee to represent the petitioners in all matters relating to this petition or its circulation:

Name	Residence

Signatures on this petition must be from only one county and must be written in ink.

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Circulator Statement

Must be completed and signed by the circulator.

I, _____, declare under penalty of election falsification that I reside at the address
Printed Name of Circulator

appearing below my signature; that I am the circulator of the foregoing petition containing _____ signatures;
Number
that I witnessed the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

Signature of Circulator

Permanent Residence Address

City or Village

State

Zip Code

_____, Ohio Form 6-B Petition for the submission of a proposed amendment to charter	Filed _____, _____ (Month, Day), _____ (Year)	_____ City Auditor or Village Clerk
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