



Regular Governing Body Meeting
City of Rio Rancho
AGENDA
April 27, 2023
6:00 PM
Council Chambers

Governing Body Members

Greggory D. Hull, Mayor	Paul Wymer, Councilor District 4
Jim Owen, Councilor District 1	Karissa Culbreath, Councilor District 5
Jeremy Lenentine, Councilor District 2	Daniel Stoddard, Councilor District 6
Bob Tyler, Councilor District 3	

Meeting Information

This meeting will be conducted in-person and virtually, as well as, streamed live on the City of Rio Rancho website at <https://rrnm.gov/2303/Watch-and-Download-City-Meetings>

Individuals wishing to present public comment may do so in-person or remotely via Zoom meeting software with the access information below:

Join by Computer:

<https://us06web.zoom.us/j/85302353741?pwd=bWp1QXliSGJoeHhJaGV0czF4MDN0UT09>

Meeting ID: 853 0235 3741

Passcode: 789419

Join by Phone:

Dial 1-720-707-2699 US then enter the Meeting ID and Passcode above

Call to Order and Pledge of Allegiance

Proclamations and Awards of Merit

Public Forum

Pursuant to Section 30.06 of the Rio Rancho Municipal Code, this section of the agenda is for any person wishing to address the Governing Body on an item which is not on the agenda.

Comments by Councilors

Consent Calendar

There will be no discussion of these items unless a Governing Body Member so requests, in which event the item will be moved to a discussion item on the regular agenda.

- [1. Minutes of April 13, 2023 Regular Meeting](#)
[Minutes of April 13, 2023 Regular Meeting](#)
- [2. R59, Resolution Authorizing Disposal of Police Department Property](#)
[Resolution](#)
[Exhibit A.docx](#)
- [3. R60, Resolution Authorizing a Budget Adjustment to the Municipal Road Fund for Insurance Recovery for Damaged Traffic Signals and Devices](#)

Resolution

Boards and Commissions

Public Hearings

- 4.** D22, Approval for Turtle Mountain Brewing Company, LLC. (the "Applicant") located at 7835 Enchanted Hills Blvd. Ste. M-105 Rio Rancho, NM 87144 for an Issuance of a Small Brewer Liquor License with On-Premises Consumption and Package Sales
Application
Legal Ad

Second Reading of Ordinances

First Reading of Ordinances

- 5.** O9, Ordinance Granting Comcast a Non-Exclusive Franchise to Operate a Cable Television System and Other Services within the City Limits by Utilizing Public Places via the Payment of Franchise Fees for a Period of 10 Years
Ordinance

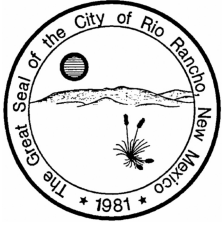
Discussion and Deliberation

- 6.** R61, Resolution Establishing an Annual Schedule of Governing Body Meetings and Determining Reasonable Notice for Public Meetings of the City of Rio Rancho
Resolution
- 7.** R62, Resolution Authorizing the Defeasance and Optional Prior Redemption of the City of Rio Rancho, New Mexico General Obligation Improvement and Refunding Bonds, Series 2016 Maturing on or After August 1, 2026 (The "Defeased Series 2016 Bonds"); Approving a Form of Escrow Agreement and Notices of Defeasance and Redemption of the Defeased Series 2016 Bonds, and the Use of Funds on Deposit in the Debt Service Fund Established for the Series 2016 Bonds for Such Purpose; Ratifying Action Previously Taken in Connection Therewith, and Repealing Action Inconsistent with the Provisions of this Resolution
Resolution
Escrow Agmt - 2016 defeasance
- 8.** R63, Resolution Adopting the Community Development Block Grant (CDBG) 2023-2027 Consolidated Plan and First Annual Action Plan for the 2023-2024 Fiscal Year
Resolution
FY2023-2027 Rio Rancho Consolidated Plan

City Manager

Comments by Councilors

Adjournment



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item:

AGENDA DATE:
April 27, 2023

DEPARTMENT:
City Clerk

SUBJECT:
Minutes of April 13, 2023 Regular Meeting

BACKGROUND AND ANALYSIS:

IMPACT:

ALTERNATIVES:

DEPARTMENT RECOMMENDATION:

ATTACHMENT: [Minutes of April 13, 2023 Regular Meeting](#)



Governing Body
of the
City of Rio Rancho

MINUTES

APRIL 13, 2023
6:00 PM
Council Chambers, City Hall

MEMBERS PRESENT:

Jim Owen, Councilor Dist. 1
Jeremy Lenentine, Deputy Mayor
Bob Tyler, Councilor Dist. 3 (virtual)
Paul Wymer, Councilor Dist. 4
Karissa Culbreath, Councilor Dist. 5

MEMBERS ABSENT:

Greggory D. Hull, Mayor
Daniel Stoddard, Councilor Dist. 6

STAFF PRESENT:

Matt Geisel, City Manager
Peter Wells, Deputy City Manager
Josh Rubin, City Attorney
Rebecca Martinez, City Clerk
Connie Peterson, Parks, Rec. & Comm Svcs.
Carol Jaramillo Dir. of Financial Svcs.
James Defillippo, Fire Chief
BJ Gottlieb, Director of Public Works
Stewart Steele, Police Chief
Amy Rincon, Dir. of Dev. Svcs.
James Chiasson, Director of Utilities
Jason Shoup, Library Director
Yolanda Lucero, Deputy City Clerk

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Deputy Mayor Lenentine called the meeting to order at 6:00 p.m.

Deputy mayor stated today at 5:00 p.m. the Governing Body held a Closed Session in accordance with: Section 10-15-1 (H)(7) NMSA 1978, meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant – U.S. EPA; and Section 10-15-1 (H)(8) NMSA 1978, meetings for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body – Generally along Northern Blvd. No action was taken at this session.

PROCLAMATIONS AND AWARDS OF MERIT

1.) Fair Housing Month Proclamation

Deputy Mayor Lenentine read the Fair Housing Proclamation.

PUBLIC FORUM

The following individuals spoke under Public forum:

- 1 Oscar Solis
- 2 Michael Jackovich
- 3 Corrine Rios
- 4 Pamina Deutsch
- 5 Michael Baron
- 6 Nancy Koenigsberg
- 7 Brandon Johnson
- 8 Ivan Torrey
- 9 Hannah Herd
- 10 Rep. Kathleen Cates
- 11 Dr. Donna Tillman
- 12 Judith Gordon
- 13 Deb Dapson
- 14 June Anglin
- 15 Sandra Pierce
- 16 Dr. Carolyn Bell
- 17 Elise Rodriguez
- 18 Madigan ray
- 19 Kerry Scott
- 20 Casey Robinson
- 21 Tiffany Neas
- 22 Richard Mason
- 23 George Wilson
- 24 Jean Potabi
- 25 Emily Graham
- 26 Greg Bennett
- 27 Rosella Gonzales
- 28 Barbara Bodison
- 29 Katherine Perez
- 30 Alexis Jimenez
- 31 Judith Oeutset
- 32 Tanya Watkins
- 33 Katy Eagan

34

35 **COMMENTS BY COUNCILORS**

36

37 **CONSENT CALENDAR**

- 38
- 39 2.) Minutes of March 23, 2023 Regular Meeting
 - 40 3.) R49, Resolution Authorizing a Budget Adjustment to the Police Department Fleet
 - 41 Maintenance Budget for Insured Repair of a Police Patrol Vehicle (Unit 1913)
 - 42 4.) R50, Resolution Authorizing a Budget Adjustment to the Police Department Fleet
 - 43 Maintenance Budget for Insured Repair of a Police Patrol Vehicle (Unit 2114)
 - 44 5.) R51, Resolution Authorizing a Budget Adjustment to the Police Department Fleet
 - 45 Maintenance Budget for Insured Repair of a Police Patrol Vehicle (Unit 1919)

- 1 6.) R52, Resolution Authorizing a Budget Adjustment to the Utilities Operations Fund
2 (501) for Electronic Payment Services and Fleet Maintenance
3 7.) R53, Resolution Authorizing the Recycling of Public Works Department Property
4 8.) R54, Resolution Authorizing the Disposal of Library and Information Services
5 Department Property
6 9.) R55, Resolution Authorizing a Budget Adjustment to the General Fund (101), Local
7 Economic Development Act (LEDA) Fund (223), and LEDA Reimbursements Fund
8 (720) for the Purpose of Reimbursement
9 10.) R56, Resolution Authorizing the Disposal and Trade-in of Library Materials
10 11.) R57, Resolution Authorizing the Disposal of Obsolete and Non-Working City
11 Attorney's Office Property

12
13 Jim Owen moved to approve Consent Calendar. Seconded by Paul Wymer.

14
15 The motion carried by a vote of 5 FOR and 0 AGAINST.

16 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath

17 NO: None

18
19 **BOARDS AND COMMISSIONS**

20
21 **PUBLIC HEARINGS**

- 22
23 12.) R58, Resolution Amending the Northern Unser Specific Area Plan to Change Map
24 2, Proposed Land Use Map; Providing for Severability and an Effective Date

25
26 Ms. Rincon presented R58 and O7 together. The applicant, requests approval of an
27 amendment to the Northern Unser Specific Area Plan to change the Proposed Land
28 Use Map. A proposed Zone Map Amendment to change the zoning of Unit 13, Block 58,
29 Tract B & Lots 4 thru 6 and Unit 13, Block EE Lots 18 thru 20 is being heard
30 concurrently. Staff and the Planning and Zoning Board recommend approval

31
32 Michael Carle, Agent was present to answer questions.

33
34 Karissa Culbreath moved to approve R58. Seconded by Paul Wymer.

35
36 The motion carried by a vote of 5 FOR and 0 AGAINST.

37 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath

38 NO: None

- 39
40 13.) O7, Ordinance of the City of Rio Rancho, New Mexico Amending the Zoning
41 Classification and Official Zoning Map for the Property Legally Described as Unit 13,
42 Block EE, Lots 18-20; Unit 13, Block 58, Lots 4-6 and Tract B, from R-1: Single-Family
43 Residential and NC: Neighborhood Commercial to C-1: Retail Commercial; Providing for
44 Severability and an Effective Date

45
46 Karissa Culbreath moved to approve O7. Seconded by Paul Wymer.

1 The motion carried by a vote of 5 FOR and 0 AGAINST.
2 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath
3 NO: None
4

5 14.) Public Hearing: 2023-2027 CDBG Consolidated Plan and 2023 Annual Action Plan
6 30-Day Public Comment Period
7

8 **SECOND READING OF ORDINANCES**
9

10 **FIRST READING OF ORDINANCES**
11

12 **DISCUSSION AND DELIBERATION**
13

14 15.) D20, Advice and Consent of the Governing Body to Award Contract No. 23-UT-
15 077: Re-Bid Well 13R Equipping and Site Improvements Project for a Total of
16 \$7,705,895.82 (including NMGRts) to RMCI, Inc.
17

18 Mr. Chiasson presented this item. Well 13 was re-drilled three years ago to replace a
19 partially collapsed original well column that had previously been in operation for over 30
20 years. The new well requires a motor and pump as well as new arsenic treatment
21 equipment before placing it back into operation. This project will fully equip the new well
22 and also provide various site work including fencing and security measures so that it
23 can be placed back into daily operation when completed. The construction duration for
24 this project is estimated to be 15 months. This project is funded with existing Utilities
25 Department revenue and Water Impact Fees.
26

27 Paul Wymer moved to approve D20. Seconded by Karissa Culbreath.
28

29 The motion carried by a vote of 5 FOR and 0 AGAINST.
30 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath
31 NO: None
32

33 16.) D21, Advice and Consent of the Governing Body to Award Contract 23-PD-080:
34 Code 3 Technology, LLC, for Mark 43 RMS (Records Management System) Software
35

36 Captain Joel Holt presented this item. Over the last year, staff has reviewed and
37 assessed existing and applicable records management system software solutions.
38 Code 3 Technology, LLC's, Mark43 RMS was identified as the best choice to meet the
39 present and future needs of the City of Rio Rancho.
40

41 Karissa Culbreath moved to approve D21. Seconded by Paul Wymer.
42

43 The motion carried by a vote of 5 FOR and 0 AGAINST.
44 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath
45 NO: None
46

1 **CITY MANAGER**

2

3 **COMMENTS BY COUNCILORS**

4

5 **ADJOURNMENT**

6

7 7:54 p.m.

8

9 APPROVED THIS APRIL 27, 2023

10

11

12

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15

16

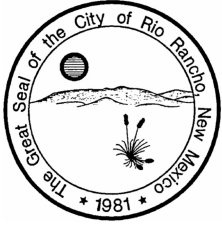
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ATTEST:

Rebecca A. Martinez, City Clerk
SEAL

Greggory D. Hull, Mayor

DRAFT



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R59

AGENDA DATE:

April 27, 2023

DEPARTMENT:

Police Department

SUBJECT:

R59, Resolution Authorizing Disposal of Police Department Property

BACKGROUND AND ANALYSIS:

Over the last year, the Police Department identified damaged or worn equipment that could not be repaired resulting in those items being replaced and requiring disposal. The items requested for disposal are:

- 21 office chairs
- 1 HP Deskjet 800
- 1 HP Deskjet 5650
- 2 wooden office desks
- 2 camcorders
- 4 camera bags
- 2 four-drawer metal letter-size file cabinets
- 1 digital voice recorder
- 1 speaker set
- 1 wooden desk side drawer
- 1 Nikon D40 camera body serial number 3526950
- 1 Nikon D3000 camera body serial number 3466455
- 1 Nikon D3200 camera body serial number 3788710
- 1 Nikon external flash SB-400, serial number 2269099
- 1 Nikon external flash SB-400 serial number 2315802
- 1 Nikon 18-55mm Camera Lens

The disposal of the property is governed by Section 3-54-2-NMSA, 1978, and there is a requirement for Governing Body approval for the disposal of the property that does not exceed \$2,500.

IMPACT:

Approval of the Resolution will enable the disposal of damaged, unusable property.

ALTERNATIVES:

Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Resolution.

ATTACHMENT: [Resolution](#)

ATTACHMENT: [Exhibit A.docx](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

RESOLUTION AUTHORIZING DISPOSAL OF POLICE DEPARTMENT PROPERTY

WHEREAS: the Police Department has damaged and worn equipment that has been replaced; and

WHEREAS: the property replaced is unusable; and

WHEREAS: the Police Department desires to remove and safely dispose of the non-usable property; and

WHEREAS: the disposal of personal property is governed by Section 3-54-2-NMSA, 1978, and there is a requirement for Governing Body approval for the Disposal of property that does not exceed \$2,500.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

That formal authorization is hereby given to remove and safely dispose of the following property located at Police Headquarters (500 Quantum Rd) as depicted in Exhibit A, attached hereto.

ADOPTED THIS _____ DAY OF _____ 2023.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)



















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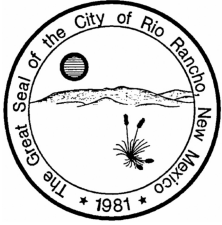
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**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R60

AGENDA DATE:
April 27, 2023

DEPARTMENT:
Public Works

SUBJECT:
R60, Resolution Authorizing a Budget Adjustment to the Municipal Road Fund for Insurance Recovery for Damaged Traffic Signals and Devices

BACKGROUND AND ANALYSIS:

The City recently received insurance claims totaling \$20,728 for two traffic incidents that damaged City infrastructure. The first incident occurred on November 11, 2022, at the intersection of Loma Colorado Boulevard and Idalia Road, costing the City \$18,778 to reinstall a traffic signal pole. The second incident occurred on January 14, 2023, at the intersection of U.S. 550 and N.M. 528, which cost the City \$1,950 to reinstall a streetlight.

IMPACT:

City staff has made the required repairs to both intersections, and the insurance funds recovered will be used on other traffic signals and control device needs.

ALTERNATIVES:

Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Resolution.

ATTACHMENT: [Resolution](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT TO THE MUNICIPAL
ROAD FUND FOR INSURANCE RECOVERY FOR DAMAGED TRAFFIC SIGNALS
AND DEVICES**

WHEREAS: the City has received two insurance claim payments totaling \$20,728 for incidents at Loma Colorado Boulevard and Idalia Road on November 22, 2022 (\$18,778) and U.S. 550 and N.M. 528 on January 14, 2023 (\$1,950); and

WHEREAS: a budget adjustment is necessary to expend the funds as intended.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

That authorization is given for the following budget adjustment:

Municipal Road Fund (270)

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
270-0000-369.20-00 Insurance Recovery		\$27,113	\$20,728		\$47,841
Total Revenue		\$27,113	\$20,728		\$47,841

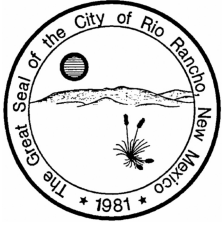
Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
270-0000-443.50-38 Repair & Maintenance – Infrastructure	PW2363	\$173,162	\$20,728		\$193,890
Total Expense		\$173,162	\$20,728		\$193,890

ADOPTED THIS _____ DAY OF _____, 2023.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: D22

AGENDA DATE:
April 27, 2023

DEPARTMENT:
City Clerk

SUBJECT:
D22, Approval for Turtle Mountain Brewing Company, LLC. (the "Applicant") located at 7835 Enchanted Hills Blvd. Ste. M-105 Rio Rancho, NM 87144 for an Issuance of a Small Brewer Liquor License with On-Premises Consumption and Package Sales

BACKGROUND AND ANALYSIS:

In accordance with 60-6B-4 NMSA, 1978 of the Liquor Control Act, the Director of Alcohol Beverage Control Division has granted this application conditional preliminary approval and has forwarded it to the Governing Body of Rio Rancho for public hearing and action.

This application is for the issuance of a Small Brewer Liquor License with On-Premises Consumption and Package Sales for Suite M-105 and will be used for the brewing operations. Currently, this business has a Small Brewer 1st Off-Site Location and Restaurant Liquor License in Suite M-101 and M-103.

IMPACT:

If the Governing Body does not approve the issuance of the license, it shall notify the Alcohol Beverage Control Division setting forth the reasons for disapproval.

ALTERNATIVES:

The Governing Body may disapprove the issuance of the license if:

1. The location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico;
2. The issuance is in violation of zoning (or other) ordinances of the City; or
3. The issuance is detrimental to the public health, safety or morals of the residents.

None of these conditions exist at the proposed site.

DEPARTMENT RECOMMENDATION:

Approve the application as presented by the NM Regulation and Licensing Department.

ATTACHMENT: [Application](#)
ATTACHMENT: [Legal Ad](#)

March 3, 2023

Certified Mail No.: 7022 1670 0002 1180 6294

City of Rio Rancho

Rebecca Martinez, City Clerk
3200 Civic Center Circle NE
Rio Rancho, NM 87144

Lic. No. /Appl. No.:

Name of Applicant: Turtle Mountain Brewing Company, LLC
Doing Business As: Turtle Mountain Brewing Company
Proposed Location: 7835 Enchanted Mills Blvd., Suite M-105, Rio Rancho, New Mexico 87144

The Director of the Alcoholic Beverage Control Division (ABC) has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

Notice of the Public Hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted.** The notice shall include:

- (A) Name and address of the Applicant/Licensee;
- (B) The action proposed to be taken;
- (C) The location of the licensed premises.

In addition, if the Local Option District has a website, **the Notice shall also be published on the website.**

While the law states that “within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer”, we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement.

With that in mind, when a local governing body receives a liquor license application from ABC, that governing body has a couple of options:

- 1) Hold a hearing on the license application within the statutory time frame of forty-five (45) days, as required by the Liquor Control Act, and comply with all other statutory and regulatory procedures and notify ABC of your decision within thirty (30) days of the hearing;
- 2) Request from ABC an extension of time, past the forty-five (45) days, designating how much additional time will be needed to conduct the hearing in compliance with all statutory and regulatory procedures. After the extension is granted and the hearing is held, notify ABC of your decision within thirty (30) days of the hearing;



ABC has no preference in the option you choose.

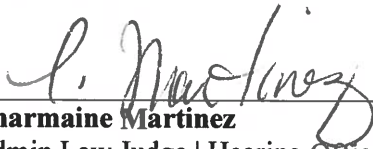
The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. **A record shall be made** of the hearing.

THE APPLICANT IS SEEKING A SMALL BREWER LIQUOR LICENSE WITH ON PREMISES CONSUMPTION AND PACKAGE SALES

Within thirty (30) days after the Public Hearing, the governing body shall notify ABC of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. **If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.**

If the Governing Body disapproves the issuance or transfer of the license, it shall notify ABC within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to ABC with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,



Charmaine Martinez
Admin Law Judge | Hearing Officer
NM Regulation & Licensing Department
Alcoholic Beverage Control Division
Phone: (505) 476-4804 Fax: (505) 476-4595
Email: Charmaine.Martinez2@state.nm.us

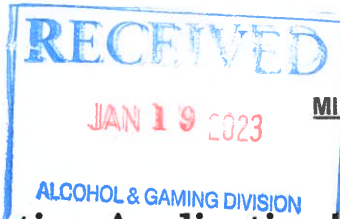
Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of the Zoning Statement
4. Copy of Floor Plan





NMRLD
NEW MEXICO
REGULATION &
LICENSING DEPARTMENT



STATE OF NEW MEXICO
MICHELLE LUJAN GRISHAM, GOVERNOR
Linda M. Trujillo, Superintendent
Andrew Vallejos, Director

Small Brewer and Off-Site Location Application | \$200.00 Application Fee, non-refundable

ABC USE ONLY: Application Fee \$ Received on: 1-19-23 Receipt No.
License Fee \$ Received on: Receipt No.
Application Number: Local Option District:

Check appropriate boxes:

Application is for New License | Off-Site Location – 1st, 2nd, 3rd | Master License Number

Applicant is Individual Limited Liability Company Corporation Partnership (General/Limited)

NAME OF APPLICANT: Turtle Mountain Brewing Company LLC

D/B/A Name to be used: Turtle Mountain Brewing Company Business Phone No: 505-994-9497

Mailing Address: PO Box 44063 Rio Rancho NM 87174

Email (required) turtlemt@swcp.com

Physical location where license is to be used: 7835 Enchanted Hills Blvd, Ste M-105 Rio Rancho NM 87144
County: Sandoval (Include street number / highway number / state road, city, state, and zip code)

Are alcoholic beverages currently being dispensed at the proposed location Yes No If Yes, License # / Type:

Contact Person: Nico Ortiz Phone #: 505-238-3032 Email: turtlemt@swcp.com

I, (print name) Nico Ortiz, as (title) Managing Member/Owner being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form before a Notary Public.

Signature of Applicant: [Signature] Date: 1-18-2023

Notary Public Use Only: (State of New Mexico, County of Sandoval)
SUBSCRIBED AND SWORN TO before me this 18th day of January, 2023
By: Nico Ortiz Notary Public: [Signature]
Date my Commission Expires: 9/30/2024
STATE OF NEW MEXICO
NOTARY PUBLIC
Isaac Contreras
Commission No. 1115563

Local Option District Use Only: Local Governing Body of September 30, 2024
City, County, Village

Public Hearing held on 20 Please check one: Approved Disapproved

Signature of City/County Official: Title:

Alcoholic Beverage Control Division Use Only: Approved Disapproved,

Signed by Director: Date:



Premises Location, Ownership, and Description | NMSA §60-6B-10 | Page 2

1. The land and building which is proposed to be the licensed premises is: **(check one)**

Owned by Applicant, copy of deed/document attached

Leased by Applicant, copy of lease/document attached

Other (provide details): _____

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s): Enchanted Hills Boulevard 3575 LLC

B. Date and Term of Lease: December 16, 2022 Ten Year Term

3. Premises location is Zoned (example C-1, see Zoning Statement): SU:Special Use for Commercial Uses

Zoning Statement attached, Yes No Must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. **Distance* from nearest Church:** (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: Sagebrush Church Miles/feet: 6/10 mile

Address/location of Church: 7555 Enchanted Hills Blvd NE Rio Rancho NM 87144

5. **Distance* from nearest School:** (Property line of school to closest point of licensed premises—shortest distance)

Name of School: Sandoval Academy of Bilingual Education Miles/feet: 4/10 mile

Address/location of School: 4321 Fulcrum Way NE, Suite A, Rio Rancho, NM 87144

6. **Attach Detailed Floor Plan**, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and must be labeled with designated areas highlighted, which will reflect the proposed Licensed Premises.

7. Type of Operation: Hotel Lounge Package Grocery Racetrack
 Restaurant Craft Distiller Small Brewer Winery Wholesaler
 Other (specify): _____

***NOTE:** If the distance is beyond 300 feet, but less than 400 feet, and the Applicant does not admit that the location is within 300 feet and requests a waiver from the LOD, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.





November 29, 2022

Nico Ortiz
Turtle Mountain Brewing Company, LLC.
6186 Cottontail Road NE
Rio Rancho, NM 87144

RE: Zoning Certification for 7835 Enchanted Hills Blvd NE Suite M-105, Rio Rancho, NM 87144

This zoning certification has been prepared in response to an inquiry submitted to the City of Rio Rancho by Nico Ortiz with Turtle Mountain Brewing Company, LLC. to establish permissions for manufacturing of alcoholic beverages in the subject Suite M-105 of 7835 Enchanted Hills Blvd NE.

The subject property located at 7835 Enchanted Hills Blvd NE, Rio Rancho, NM 87144, is currently known by the legal description *Plaza at Enchanted Hills* (PEH), Tract M (see Attachment I). Pursuant to Rio Rancho Ordinance No. 2, Enactment No. 16-01, adopted by the Governing Body on January 27, 2016, the subject property is currently zoned SU: Special Use for Commercial Uses District (see Attachment II). The property is located within the Lomas Encantadas Master Plan, approved in October 2004, and amended February 12, 2020 per Resolution No. 11, Enactment No. 20-009 (see Attachment III).

Per Rio Rancho Municipal Code R.O. 2003 Section 154.24, the C-1: Retail Commercial District is used to permit limited commercial uses such as those pertaining to the day-to-day needs of the residential populace (see Attachment IV for permissive and conditional uses in C-1 Zoning). The abutting zoning districts to the north, south, east, and west are zoned SU: Special Use for Commercial District. Because this property is SU: Special Use, any changes to the site plan of the property requires a site plan approval by the Governing Body.

Regarding land usage, per Ordinance No. 2, Enactment No. 16-01 Section 2(A), "All development within the property shall comply with the SU, Special Use for Commercial Uses District as regulated by Ordinance No. 24, Enactment No. 92-023." As such, Ordinance No. 24, Enactment No. 92-023, dated June 24, 1992 (Attachment V), identifies permissive land uses by their Standard Industrial Classification (SIC). Of these identified permissive uses applicable to the subject request, Major Group 58 (Eating & Drinking Places) and Major Group 51 (Wholesale Trade—Nondurable Goods, Indoor Uses Only) apply. Major Group 58 includes tap rooms, taverns, bars (where alcoholic beverages are served), and similar. Major Group 51 includes the packaging and distribution of alcoholic beverages. With the information provided, the Development Services Department concludes that a small brewer's permit request by Turtle Mountain Brewing Company, LLC. for the production of beer, wine, and spirits at the subject location of 7835 Enchanted Hills Blvd NE, Suite M-105 would be consistent with the SU: Special Use for Commercial District zoning of the subject property as outlined herein.

As of November 29, 2022, our records do not indicate any open code enforcement or building code violations. For building records, please contact our Building Department at (505) 891-5006 or at permits@rrnm.gov.

If you have questions or require additional information please do not hesitate to contact me. I may be reached at 505-896-8361 or email tdvorak@rrnm.gov.

This information was researched and provided to you on November 22, 2022 by the undersigned, on behalf of the Development Services Department, per your request and as a public service. The above information is believed to be accurate and is based upon, or relates to the information you requested. The Development Services Department assumes no liability for errors and omissions. All information was obtained from public records, which may be inspected during regular business hours.

Respectfully,

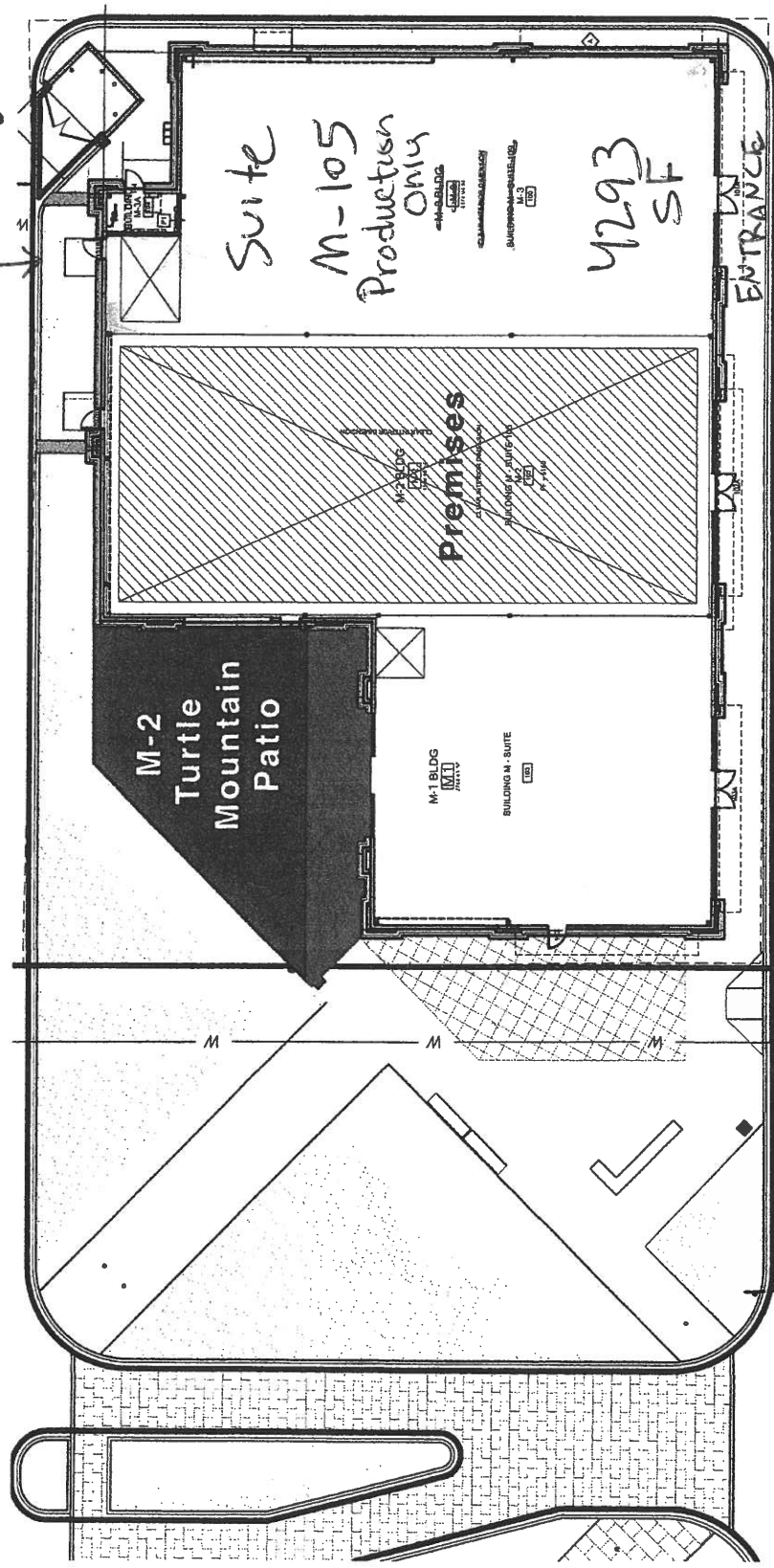
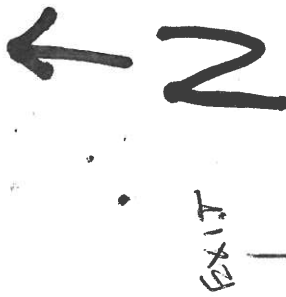
Tim Dvorak

Tim Dvorak, Municipal Planner II
Development Services Department
3200 Civic Center Circle NE
Rio Rancho, NM 87144
(505) 896-8361
tdvorak@rrnm.gov

Attachments: I - Zoning/Location Map
II - Zoning Ordinance No. 2, Enactment No. 16-01
III - Lomas Encantadas Master Plan
IV - Rio Rancho Municipal Code 154.24, C-1 Retail Commercial District Uses
V - Zoning Ordinance No. 24, Enactment No. 92-023

EXHIBIT "A-1"

LOD OF THE PREMISES



ROOM NUMBER	ROOM NAME	SQ. FT.
M-1	M-1 BLDG	4174.94 SF

ROOM NUMBER	ROOM NAME	SQ. FT.
M-2	PATIO SPACE	1740.53 SF
M-2	M-2 BLDG	4556.68 SF

ROOM NUMBER	ROOM NAME	SQ. FT.
M-3	PATIO SPACE	860.79 SF
M-3	M-3 BLDG	2766.65 SF

BUILDING 'M' PLAN

PLAZA ENCHANTED HILLS BUILDING M		TENANT PATIO STUDY	
ARCHITECTURE / DESIGN / INSPIRATION	DEKNER PERICH SABATINI	DRAWN BY:	MIRM
7601 ALDREDGENT, WA 97147	662-141-9789 / 662-141-9788	REVIEWED BY:	KK
		DATE ISSUED:	7.16.20
		PROJECT NO.:	---
		SCALE:	AS SHOWN
		REF.:	---
			SKA-004

Licensed premises and Production area



**CITY OF RIO RANCHO
PUBLIC HEARING**

On April 27, 2023 the Governing Body will consider the approval of a Small Brewer Liquor License with on Premises Consumption and Package Sales for Turtle Mountain Brewing Company, LLC. Dba Turtle Mountain Brewing Company located at 7835 Enchanted Hills Blvd. Suite M-105, Rio Rancho, NM 87144. The meeting is scheduled at 6:00 pm. Protests may be presented at the public hearing or in writing to the City Clerk, City of Rio Rancho, 3200 Civic Center Circle, NE, 87144 or by email at clerk@rrnm.gov.

/s/ Rebecca Martinez, City Clerk [seal]

Journal: March 29, April 12, 2023



CITY OF RIO RANCHO COVER PAGE

Legislation Item: O9

AGENDA DATE:

April 27, 2023

DEPARTMENT:

Administration

SUBJECT:

O9, Ordinance Granting Comcast a Non-Exclusive Franchise to Operate a Cable Television System and Other Services within the City Limits by Utilizing Public Places via the Payment of Franchise Fees for a Period of 10 Years

BACKGROUND AND ANALYSIS:

First reading of an Ordinance.

Comcast has formally notified the City that it desires to obtain a franchise to operate a cable television system and provide other services within the City limits.

Comcast is a nationally recognized cable television system and internet services provider currently serving more than 270,000 customers in the State of New Mexico. In addition to providing customers with cable television and internet services, Comcast prides itself on investing in municipalities on a local level. Comcast provides increasing technological and digital access to low-income areas and in under-resourced communities. Additionally, Comcast's conceptualized based services allows for Comcast to serve local communities through initiatives that support its non-profit partners and create storytelling platforms to connect various members of the local community. Comcast seeks to operate in the City of Rio Rancho in order to strengthen and connect the local community by operating a cable television system and other services.

The cable television franchising process at the local government level is heavily dictated and regulated by federal law (Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996) and the U.S. Federal Communications Commission (FCC), which establishes the procedures and standards that a local entity may grant or deny a new franchise. For example, pursuant to federal law the City, as the local franchising authority, may not grant an exclusive franchise and may not unreasonably refuse to award an additional competitive franchise. Additionally, a local franchising authority cannot set rates, cannot dictate what channels are or are not carried, cannot require franchise fees of more than 5 percent of gross revenues, and cannot regulate data services (e.g., internet).

Staff has reviewed relevant information and federal law over the past several months and has made the assessment that there is no basis to deny the Comcast franchise request. Should the Governing Body deny the franchise, Comcast would have the opportunity to pursue relief through judicial proceedings.

Comcast and the City agree that federal law has been followed and adhered to in negotiating the franchise over the course of the past several months. The franchise Ordinance prepared by and

with Comcast representatives is similar to the previous franchise granted by the City and in-line with other franchise agreements in the State that staff has reviewed.

Highlights of the franchise include that it is non-exclusive, the term is for 10 years, a channel for government use shall be provided upon request and with certain conditions met, cable television service for public elementary and secondary schools and City buildings under certain conditions is provided under certain conditions, and the maximum fee of 5 percent of gross revenue derived from cable television services is assessed for use of public places (e.g., public streets, public rights of way). The franchise Ordinance allows all of the fee revenue received by the City to flow into the General Fund.

IMPACT:

Approval of the Ordinance is beneficial for the public and for business growth in the in the community for the next 10 years. Approval will help to facilitate options for citizens related to their television service and internet service, and it will generate revenue for the City that will be used to fund and provide a variety of public services through the City's General Fund.

Not approving the Ordinance may negatively impact existing Rio Rancho citizens by limiting competition between cable television and other service providers.

Approval of the Ordinance does not prohibit another cable television provider's potential deployment of a cable television system and other services in Rio Rancho, should they desire to do so.

ALTERNATIVES:

Approve the Ordinance.

Do not approve the Ordinance; however, staff has made an assessment that there is no basis for denial which is necessary pursuant to federal regulations. Should the Governing Body not approve the Ordinance, Comcast would have the opportunity to pursue relief through judicial proceedings.

DEPARTMENT RECOMMENDATION:

City staff recommends approval of the Ordinance as presented.

ATTACHMENT: [Ordinance](#)



**CITY OF RIO RANCHO
ORDINANCE**

ORDINANCE NO.

ENACTMENT NO.

1 **ORDINANCE GRANTING TO COMCAST OF NEW MEXICO, LLC, A COLORADO**
2 **LIMITED LIABILITY COMPANY, FOR A PERIOD OF TEN (10) YEARS FROM AND**
3 **AFTER THE PASSAGE, ACCEPTANCE AND EFFECTIVE DATE OF THIS**
4 **ORDINANCE, THE NONEXCLUSIVE RIGHT, PRIVILEGE, PERMIT AND FRANCHISE**
5 **TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN,**
6 **UPON, ALONG, ACROSS, ABOVE, OVER, AND UNDER STREETS, ALLEYS,**
7 **EASEMENTS, OPEN AREAS, PUBLIC WAYS AND PUBLIC PLACES, NOW LAID**
8 **OUT OR DEDICATED, AND ALL EXTENSIONS THEREOF AND ADDITIONS**
9 **THERETO, IN THE CITY OF RIO RANCHO, PROVIDING TERMS AND CONDITIONS**
10 **FOR THE OPERATION OF SUCH CABLE TELEVISION SYSTEM AND**
11 **THE PAYMENT OF FEES THEREFORE**

12
13 **WHEREAS:** Comcast of New Mexico, LLC, a Colorado limited liability company
14 ("Comcast") LLC has formally notified the City that it desires a non-exclusive
15 franchise to operate a cable television system and other services within the
16 City limits; and

17
18 **WHEREAS:** the cable television franchising process at the local government level is
19 heavily dictated and regulated by federal law and the U.S. Federal
20 Communications Commission; and

21
22 **WHEREAS:** City staff has negotiated and worked with Comcast regarding its franchise
23 request, where applicable; and

24
25 **WHEREAS:** approval of the franchise helps to facilitate options for citizens related to
26 their television and internet service, and generates revenue for the City that
27 is used to provide a variety of public services.

28
29 **NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF**
30 **RIO RANCHO:**

31
32 **Section 1. FINDINGS.** The Governing Body hereby finds:

33
34 (A) The City is authorized to grant and renew franchises for the installation, operation
35 and maintenance of cable television systems within the City.

36
37 (B) The City has endeavored to identify the future cable-related needs and interests
38 of the community; to consider the financial, technical, and legal qualifications of
39 Comcast; and to determine whether plans for upgrading and operating its system
40 are adequate.

41
42 (C) The City has relied on Comcast's written representations and has considered all
43 of the information Comcast has presented in making its determination.
44

1 (D) The City, having considered the interests proposed and advanced, has found that
2 the grant of the franchise requested, subject to conditions, is in the public interest
3 and hereby grants a cable franchise to Comcast as follows:
4

5 **Section 2. DEFINITIONS.**
6

7 References to any City official or City office also refer to any official or office that succeeds
8 to any or all of the responsibilities of the named official, whether by succession or
9 otherwise. In addition, the following definitions shall apply:
10

11 AFFILIATE. When used in connection with Franchisee, means any Person who owns
12 or controls, is owned or controlled by, or is under common ownership or control with the
13 Franchisee.
14

15 CABLE ACT. The federal Cable Communications Policy Act of 1984 as amended by the
16 Cable Television Consumer Protection and Competition Act of 1992 and the
17 Telecommunications Act of 1996, as any of them may be amended.
18

19 CABLE ORDINANCE, ORDINANCE or FRANCHISE. This ordinance and any
20 amendments, exhibits or appendices hereto.
21

22 CABLE SERVICE. The one-way transmission to Subscribers of (i) video programming, or
23 (ii) other programming service; and the Subscriber interaction, if any, which is required
24 for the selection or use of such video programming or other programming service.
25

26 CABLE SYSTEM. A facility, consisting of a set of closed transmission paths and
27 associated signal generation, reception, and control equipment that is designed to provide
28 Cable Service which includes video programming and which is provided to multiple
29 Subscribers within a community, but such term does not include:
30

31 (1) a facility that serves only to retransmit the television signals of one or more
32 television broadcast stations;
33

34 (2) a facility that serves Subscribers without using, or connecting to a facility that uses,
35 any Public Right-of-Way within the City;
36

37 (3) a facility of a common carrier which is subject, in whole or in part, to the provisions
38 of Title II (Common Carriers) of the Federal Communications Act of 1934, as
39 amended, except that such facility shall be considered a Cable System to the
40 extent such facility is used in the transmission of video programming directly to
41 Subscribers, unless the extent of such use is solely to provide interactive on-
42 demand services;
43

44 (4) any facilities of any electric utility used solely for operating its electric utility
45 systems, or
46

47 (5) an Open Video System (as described in 47 U.S.C. § 573) that is certified by the
48 Federal Communications Commission (FCC).
49

50 CITY. The City of Rio Rancho; when used to describe a geographic area, the term refers

1 to the boundaries of the City of Rio Rancho, New Mexico, as they exist now or may exist
2 in the future.

3
4 CITY COUNCIL. The Rio Rancho Governing Body, or its successor, the Governing Body
5 of the City.

6
7 DWELLING UNIT. The definition of "Dwelling Unit" shall be consistent and match the
8 definition as cited in Rio Rancho Municipal Code Section 150.25(B).

9
10 EXPANDED BASIC. The cable service tier that contains all local broadcast stations as
11 well as the cable services that are included in Franchisee's first generally-available and
12 advertised service tier above the tier containing all local broadcast stations.

13
14 FCC. The Federal Communications Commission.

15
16 FRANCHISE. This document, i.e., this Ordinance and, upon the written unconditional and
17 acknowledged acceptance by the Franchisee, a contractual agreement, executed
18 between the City and the Franchisee, containing the specific provisions of the
19 authorization granted, including references, specifications, requirements and other
20 related matters.

21
22 FRANCHISE AREA. All parts of the City now existing or hereafter annexed.

23
24 FRANCHISEE. Comcast of New Mexico, LLC, a Colorado limited liability company and
25 its lawful and permitted successors, assigns and transferees.

26
27 GOVERNMENT CHANNEL: Any capacity on the cable system set aside by the
28 Franchisee for local government use.

29
30 GROSS REVENUE. any and all cash, credits or other consideration of any kind or nature
31 in any way derived from the operation of the Franchisee's Cable System to provide Cable
32 Services in the Franchisee Area, received directly or indirectly by a Franchisee or their
33 Affiliates, calculated in accordance with generally accepted accounting principles. Gross
34 Revenues shall include, but is not limited to, monthly fees charged Subscribers for any
35 basic, optional, premium or pay-per-view service net of that share of fees which is remitted
36 to suppliers of such services; installation, disconnection, reconnection, and change-in-
37 service fees; leased channel fees; processing fees and administrative fees; fees, payment
38 or other consideration received from programmers for carriage or programming on the
39 cable system, net of any payment or consideration reserved to market such programming
40 to the extent such amounts are used for same; revenues from converter rentals or sales;
41 advertising revenues; barter; revenues from program guides; and revenues from home
42 shopping services. Gross Revenues shall be the basis for computing the Franchisee's
43 Franchise Fee under this Agreement. Gross Revenues shall not include actual converter
44 deposits that are paid by and returned to subscribers, Franchise Fees, actual refunds of
45 amounts paid by and refunds to Subscribers by a Franchisee, actual uncollected
46 Subscribers debts, or receipts from any sales or use taxes, or any other taxes which are
47 imposed upon subscriber by an taxing authority and which the Franchisee is required to
48 collect form a subscriber on behalf of said taxing authority. This definition shall be
49 interpreted to include all revenues that may be subject to a Franchise Fee consistent with
50 Federal law.

1
2 PERSON. An individual or a corporation, trust, partnership, limited liability company, or
3 other entity recognized by law.

4
5 PUBLIC RIGHTS-OF-WAY. The surface of and the space above and below any street,
6 road, highway, freeway, bridge, lane, path, alley, court, sidewalk, parkway, or right-of way
7 or easement dedicated to compatible uses, now or hereafter existing within the City which
8 may be properly used for the purpose of installing, maintaining, and operating a Cable
9 System; and any other property that the Franchisee is entitled by state or federal law to
10 use by virtue of the grant of this Franchise.

11
12 STANDARD DROP. An aerial or underground connection extending no more than 125
13 feet from the potential Subscriber's demarcation point to the nearest point of distribution
14 on the cable system from which Cable Service can be provided to that subscriber.

15
16 SUBSCRIBER. The City or any person who lawfully is receiving Cable Service from a
17 Franchisee and does not further distribute such service.

18
19 SUBSCRIBER NETWORK. The fibers, coaxial cables and the electronic devices and
20 other components that are used in the provision of Cable Service to subscribers.

21
22 SYSTEM HEAD END. Any facility for signal reception and dissemination on a Cable
23 System, including cables, antennas, wires, satellite dishes, monitors, switchers,
24 modulators and all other related equipment and facilities.

25
26 **Section 3. GRANT OF FRANCHISE; LIMITS AND RESERVATIONS.**

27
28 (A) Grant, Term and Effective Date.

29 (1) The City hereby grants to the Franchisee, a non-exclusive right, privilege,
30 permit and franchise to construct, operate, and maintain a cable television
31 system in, upon, across, above, over and under, streets, alleys, easements,
32 open areas, public ways, and public places now laid out or dedicated in the City
33 and upon annexation of any territory to the City, this Franchise shall extend to
34 the territory so annexed, commencing on the effective date of the Franchise
35 and extending for ten (10) years unless earlier terminated in accordance with
36 this Franchise or applicable law. The Franchise and its terms and provisions
37 shall be unconditionally adopted by written instrument executed and
38 acknowledged by the appropriate officials of the City and delivered to the
39 Franchisee which shall accept same not later than thirty (30) days after
40 receiving it by acknowledging the Franchisee's acceptance in writing. The date
41 of the Franchisee's acceptance shall be the effective date of the Franchise.

42
43 (B) Surrender.

44 (1) Comcast may surrender this Franchise at any time upon filing with the City a
45 written notice of its intention so to do, at least six (6) months before the
46 surrender date. All the rights and privileges and all of the obligations, duties,
47 and liability of the Comcast under this Ordinance, except as to the extent
48 previously accrued hereunder, shall terminate on the surrender date specified
49 in such notice.
50

1 (C) Relation to Other Provisions of Law.

2 (1) The Franchise issued by the City is subject to applicable federal and state law.
3 References to laws or "applicable laws" in this Franchise include federal, state
4 and local laws (and regulations lawfully adopted pursuant to those laws) now
5 in effect, and to amended or new federal and state laws lawfully enacted. This
6 Franchise does not confer rights upon the Franchisee other than as expressly
7 provided herein, nor pass rights by implication except those that may otherwise
8 vest pursuant to governing law. The Franchise does not convey title, equitable
9 or legal, in the Public Rights-of Way or public property. Nothing in this
10 Franchise shall be deemed to waive the right of the Company to offer such
11 other services as may be permitted by Applicable Law.
12

13 (2) This Franchise and all rights granted under the Franchise are subject to the
14 lawful and non-discriminatory or arbitrary exercise of the police powers the City
15 now has or may later obtain, including but not limited to the power of eminent
16 domain; and are further subject to the exercise of the City's rights as a property
17 owner under state and federal laws. Except as expressly set forth herein,
18 neither the granting of this Franchise or any provision herein shall constitute a
19 waiver or bar to the exercise of any governmental right or power of the City,
20 including without limitation the right of eminent domain, and the right to grant
21 additional cable franchises. However, once effective, this Franchise is a
22 contract and except as to those changes which are the result of the City's lawful
23 and necessary exercise of police powers, neither party may take any unilateral
24 action which changes the explicit mutual promises.
25

26 (3) The Franchise issued and the franchise fees paid hereunder are not in lieu of
27 any other required generally applicable permit, authorization, fee, charge or
28 tax. Without limiting the foregoing, the City, among other things, does not waive
29 the requirements of, or the Franchisee's duty to obtain, all applicable permits,
30 and to comply with the conditions thereof; to comply with zoning laws; or to
31 comply with any generally applicable codes, ordinances and regulations
32 governing the construction of the cable system.
33

34 (E) No Recourse.

35 (1) Without limiting such immunities as the City or other persons may have under
36 applicable law, Franchisee shall have no monetary recourse whatsoever
37 against the City or its officials, boards, commissions, agents, volunteers, or
38 employees for any loss, costs, expense or damage arising out of any provision
39 or requirement of this Franchise or because of the enforcement of this
40 Franchise or other applicable law, unless the same shall be caused by criminal
41 acts or by willful or gross negligence.
42

43 (F) Effect of Change in Law.

44 (1) In the event that state or federal laws, rules, or regulations preempt a provision
45 or limit the enforceability of a provision of this franchise, then the provision shall
46 be read to be preempted or limited to the extent and for the time, but only to
47 the extent and for the time, that such laws, rules or regulations validly acted to
48 preempt or limit such provision. In the event such state or federal law, rule, or
49 regulation is subsequently repealed, rescinded, amended, or otherwise
50 changed, so that the provision hereof that had been preempted or limited is no

1 longer so affected, such provision shall thereupon return to full force and effect
2 and shall thereafter be binding on the parties hereto, without the requirement
3 of further action on the part of the affected party.
4

5 **Section 4. RENEWAL PROCEDURES.**

6
7 (A) Any renewal of this Franchise shall be governed by and comply with the provisions
8 of Section 626 of the Cable Act, as amended.
9

10 **Section 5. TRANSFERS.**

11
12 (A) The Cable System and this Franchise shall not be sold, assigned, transferred,
13 leased or disposed of, either in whole or in part, either by involuntary sale or by
14 voluntary sale, merger or consolidation; nor shall title thereto either legal or
15 equitable, or any right, interest or property therein pass to or vest in any Person
16 without the prior written consent of the City, which consent shall not be
17 unreasonably withheld. Such consent shall not be deemed to waive any rights of
18 the City to subsequently enforce this provision, or to enforce any other provision
19 of this Franchise.
20

21 (B) The Franchisee shall promptly notify the City of any actual or proposed sale,
22 change in, transfer of, or acquisition by any other party, of control of the
23 Franchisee. The word "control" as used herein is not limited to majority stock
24 ownership but includes actual working control in whatever manner exercised.
25 Every change, transfer or acquisition of control of the Franchisee shall make this
26 Franchise subject to cancellation unless and until the City shall have expressly
27 consented in writing thereto. Such consent shall not be deemed to waive any rights
28 of the City to subsequently enforce noncompliance issues relating to this
29 Franchise.
30

31 (C) Prior to any such sale, transfer or change in control of the Cable System, the
32 Franchisee shall make a written request to the City for its approval of a sale or
33 transfer or change in control and shall furnish therewith all information required by
34 law.
35

36 (D) In seeking the City's consent to any change in ownership or control, the proposed
37 transferee or new controlling Person shall indicate whether, it:
38

- 39 1. Has ever been convicted, pleaded guilty or nolo contendere, or held liable
40 for acts involving deceit including any violation of federal, State or local law
41 or regulations or is currently under an indictment, investigation or complaint
42 charging such acts;
43
- 44 2. Has ever had a judgment in an action for fraud, deceit or misrepresentation
45 entered against it by any court;
46
- 47 3. Has pending any material legal claim, lawsuit or administrative proceeding
48 arising out of or involving a Cable System;
49
- 50 4. Has the financial, legal and technical capability to enable it to maintain and

1 operate the Cable System consistent with all of the terms and requirements
2 of this Franchise for the remaining term of the Franchise.

3
4 (E) The City shall act on the request within one hundred twenty (120) days of the
5 Franchisee's submission of a complete application with all information required by
6 FCC Form 394. Subject to the foregoing, if the City fails to render a final decision
7 on the request within one hundred twenty (120) days, such request shall be
8 deemed granted unless the requesting party and the City agree to an extension of
9 time.

10
11 (F) Within thirty (30) days of any transfer, sale or change in control, if approved or
12 deemed approved by the City, the Franchisee shall file with the City a copy of the
13 deed, agreement, lease or other written instrument evidencing such sale or
14 transfer of ownership or change in control, certified and sworn to as correct by the
15 Franchisee and the transferee or new controlling Person. In case of a sale or
16 transfer of ownership, the transferee shall file its written acceptance agreeing to
17 be bound by all of the provisions of this Franchise, subject to applicable law. In the
18 event of a change in control in which the Franchisee is not replaced by another
19 entity, the Franchisee will continue to be bound by all of the provisions of this
20 Franchise.

21
22 (G) In reviewing a request for sale or transfer or change in control, the City may inquire
23 into the legal, technical and financial qualifications of the prospective controlling
24 party or transferee, and the Franchisee shall assist the City in so inquiring;
25 however, any inquiry shall not serve to extend the one hundred twenty 120-day
26 review period referenced in subsection E.

27
28 (H) Notwithstanding anything to the contrary in this subsection, the prior approval of
29 the City shall not be required for any sale, assignment or transfer of the Franchise
30 or Cable System to an intra-company Affiliate; provided that the proposed
31 assignee or transferee must show financial responsibility as is satisfactory to the
32 City and must agree in writing to comply with all of the provisions of this Franchise.
33 Further, the Franchisee may pledge the assets of the Cable System for the
34 purpose of financing without the consent of the City; provided that such pledge of
35 assets shall not impair the Franchisee's responsibilities and capabilities to meet all
36 of its obligations under the provisions of this Franchise.

37 38 **Section 6. FRANCHISE FEE.**

39
40 (A) Payment to the City.

41 (1) The Franchisee shall pay the City a franchise fee in an amount equal to five
42 percent (5%) of Gross Revenues. The balance shall be deposited into the
43 general fund.

44
45 (B) GAAP (General Acceptable Accounting Principles) Applies.

46 (1) Records of Cable System revenues and expenses shall be kept in
47 accordance with GAAP. Any disputes related to underpayment of franchise
48 fees will be resolved with reference to GAAP.

49
50 (C) Not in Lieu of any other Assessments, Tax or Fee.

1 (1) The franchise fee is in addition to all other generally applicable fees,
2 assessments, taxes or payments that the Franchisee may be required to
3 pay under any federal, state, or local law, except as required by 47 U.S.C.
4 § 542.

5
6 (D) Payments.

7 (1) Franchise fees shall be paid quarterly commencing thirty days after the end
8 of each calendar quarter.

9
10 (E) No Accord or Satisfaction.

11 (1) In accordance with the appropriate statute of limitations, no acceptance of
12 any payment by the City required by this Franchise shall be construed as a
13 release or an accord and satisfaction of any claim the City may have for
14 further or additional sums payable as a franchise fee or for the performance
15 of any other obligation of the Franchisee.

16
17 (F) Monitoring Audits.

18 (1) The City may conduct an independent audit of the Franchisee's records
19 reasonably related to the enforcement of this Franchise. If the audit shows
20 that franchise fee payments have been underpaid by five percent (5%) or
21 more, the Franchisee shall pay the total cost of the audit, such cost not to
22 exceed fifteen thousand dollars (\$15,000) along with all unpaid franchise
23 fee payments shown thereby, within forty-five (45) days following
24 completion of the audit. The City shall have the right to conduct such audits
25 as the City deems necessary, though no more frequently than once per
26 calendar year, upon thirty (30) days' prior written notice to the Franchisee.

27
28 (G) Consumer Disclosure.

29 (1) The amount of a Subscriber's total bill assessed as a franchise fee may be
30 listed as a separate line item.

31
32 **Section 7. CONSTRUCTION.**

33
34 (A) All work Subject to City Laws and Regulations.

35 (1) The construction, operation, and repair of the Cable System shall be
36 performed in compliance with all laws, ordinances, resolutions,
37 departmental rules, regulations, written policies, and practices affecting
38 such system. Persons engaged in the construction, operation, or repair of
39 the Cable System shall exercise reasonable care in the performance of all
40 their activities and shall use commonly accepted methods and devices for
41 preventing failures and accidents that are likely to cause damage, injury, or
42 nuisance to the public or to property.

43
44 (B) Permits.

45 (1) All work performed will be performed in strict accordance with the conditions
46 of the appropriate City permits. City will not unreasonably withhold granting
47 of permits. Upon order of the City, any work and/or construction undertaken
48 that is not completed in compliance with the City's requirements, or which
49 is installed without obtaining necessary permits and approvals shall be
50 removed in accordance with the reasonable time line set forth by the City,

1 unless the Franchisee receives the necessary permits and approvals and/or
2 corrects the non-compliant work or construction.

3
4 (C) Safety Codes.

5 (1) Without limiting the foregoing, the installation, construction, operation and
6 maintenance of the Cable System shall be in accordance with the
7 requirements of the National Electrical Safety Code of the American
8 Insurance Association (successor to National Board of Fire Underwriters)
9 and all applicable laws, ordinances, rules, regulations of the State and of
10 the City affecting electrical installations and buildings in effect at the time of
11 such installation. All structures and all lines, equipment, and connections in,
12 over, under, and upon the streets shall at all times be kept and maintained
13 in a safe, suitable, substantial condition, and in good order and repair.

14
15 (D) Installations, Excavations, and Restorations.

16 (1) The City shall have the right to regulate the time, manner and location of
17 facilities in the Public Rights-of-Way. Without limiting the foregoing, the City
18 may require the Franchisee, where unreasonable delay in the Franchisee's
19 work will not result, to coordinate its work with work performed by others in
20 the Public Rights-of-Way so that interference with the use of the Public
21 Rights of-Way by others, including others that may be installing cable
22 systems, may be minimized. The City may require a person using the Public
23 Rights-of-Way to cooperate with others through joint trenching and other
24 arrangements to minimize adverse impacts on the Public Rights-of-Way,
25 subject to the Franchisee's right to not be unduly delayed in its emergency
26 or planned work. The Franchisee shall have the right to excavate in, occupy,
27 and use all Public Rights-of-Way and easements for the purpose of
28 installing, erecting, constructing, repairing, maintaining, removing,
29 relocating, and operating the Cable System after obtaining any and all
30 appropriate permits from the City.

31
32 (E) Employee Identification.

33 (1) Any and all employees performing work on behalf of the Franchisee shall
34 possess at all times a photo identification badge including a telephone
35 number for verification. The Franchisee's vehicles shall also be marked with
36 applicable identification.

37
38 (F) Clean-up and Restoration.

39 (1) After any excavation shall be made and after work is completed, the
40 Franchisee, at the Franchisee's expense, shall as soon as practicable,
41 weather permitting, remove all surplus material, and restore the portion of
42 the Public Rights-of-Way to a condition that reasonably meets or exceeds
43 the pre-excavation condition of such Rights-of-Way, subject to inspection
44 by the City. Any other affected public or private property shall be restored
45 to a condition reasonably as good as that which existed prior to the work. If
46 the Franchisee fails to restore promptly the affected property, including
47 reseeded, then following written notice to the Franchisee, and reasonable
48 opportunity to cure, the City may make the restoration in a manner
49 satisfactory to the City, and all costs incurred for such restoration, whether
50 done with the City work forces and equipment or otherwise shall be paid by

1 the Franchisee.
2

3 (G) Use of Existing Poles and Conduit.

- 4 (1) The Franchisee shall utilize existing poles and conduit wherever possible.
5 Additional poles may not be installed in the Right-of-Way without the
6 permission of the City.
7
- 8 (2) In areas where either electric or telephone utility wiring is aerial, the
9 Franchisee may install aerial cable, except when a property owner or
10 resident requests underground installation and agrees to bear the additional
11 cost in excess of aerial installation.
12
- 13 (3) In areas where electric and telephone lines or wires are installed
14 underground at the time of Cable System construction, or when all such
15 wiring is subsequently placed underground, all Cable System lines shall
16 also be placed underground with other wireline service at no expense to the
17 City or Subscribers unless funding is generally available for such relocation
18 to all users of the Public Rights-of-Way. All Cable System equipment,
19 including, but not limited to, pedestals and power supplies, must be placed
20 in accordance with the City's applicable code requirements and rules. New
21 cable drops which are intended to be underground shall be buried within
22 fourteen (14) business days of placement, weather and ground permitting.
23
- 24 (4) In the event the Franchisee cannot obtain the necessary poles and related
25 facilities pursuant to a pole attachment agreement, and only in such event,
26 then it shall be lawful for the Franchisee to make all needed excavations in
27 the Rights-of-Way for the purpose of placing, erecting, laying, maintaining,
28 repairing, and removing poles, supports for wires and conductors, and any
29 other facility needed for the maintenance or extension of the Franchisee's
30 Cable System. All poles of the Franchisee shall be located as designated
31 by the proper City authorities.
32
- 33 (5) This Franchise does not grant, give or convey to the Franchisee the right or
34 privilege to install its facilities in any manner on specific utility poles or
35 equipment.
36
- 37 (6) The Franchisee and the City recognize that situations may occur in the
38 future where the City may desire to place its own cable or conduit. The
39 Franchisee agrees to cooperate with the City in any construction by the
40 Franchisee that involves trenching or boring, provided that the City has first
41 notified the Franchisee in writing that it is interested in sharing the trenches
42 or bores in the area where the Franchisee's construction is occurring. The
43 Franchisee shall allow the City to lay City cables and conduits in the
44 Franchisee's trenches and bores, provided that the City shares in the cost
45 of the trenching and boring on the same terms and conditions as the
46 Franchisee, and that the City agrees not to use such cables and conduits
47 laid in the Franchisee's trenches and bores to provide commercial services
48 competing with those of the Franchisee under this Franchise. The City shall
49 be responsible for maintaining its respective cables and conduits buried in
50 the Franchisee's trenches and bores under this paragraph.

1
2 (H) Publicizing proposed Construction Work.

3 (1) The Franchisee will publicize any initial build or any substantial rebuild or
4 upgrade of its Cable System cable in each affected neighborhood before
5 commencing that work by notifying those persons whose property is within
6 three hundred (300) feet of the work in at least two of the following ways:

- 7 i. Telephone;
8 ii. In person;
9 iii. By mail;
10 iv. Online via its website;
11 v. Other forms of electronic communication such as e-mail or text
12 message as allowed by law;
13 vi. By distributing flyers to residences; or
14 vii. By publication in local newspapers or by television public service
15 viii. announcement.

16
17 (I) Relocation.

18 (1) The Franchisee shall, within a reasonable time specified by the City, protect,
19 support, temporarily disconnect, relocate, or remove any of its property
20 when requested by the City by reason of traffic conditions; public safety;
21 Public Right-of-Way construction and repair (including re-grading,
22 resurfacing or widening); Public Right-of-Way vacation; construction,
23 installation or repair of sewers, drains, water pipes, power lines, signal lines,
24 tracks, or any other type of government-owned system or utility, public work,
25 public facility, or improvement. Collectively, such matters are referred to
26 below as the "public work." If funds are available to any person using the
27 Public Rights-of-Way for the purpose of defraying the cost of any of the
28 foregoing, the City shall reimburse the Franchisee in the same manner in
29 which other persons affected by the requirement are reimbursed. If the
30 funds are controlled by another governmental entity, the City shall make
31 application for such funds on behalf of the Franchisee.

32
33 (J) Contribution.

34 (1) Nothing herein shall be construed to reduce or otherwise affect any right the
35 Franchisee has to recover (from a party other than the City), seek
36 contribution for or to offset the costs of complying with the requirements of
37 this provision.

38
39 (K) Removal or Modification of Facilities.

40 (1) Whenever the Franchisee intends to discontinue using any facility within the
41 Public Rights-of-Way, the Franchisee shall notify the City of its intent
42 regarding such discontinuance. The Franchisee may remove the facility or
43 request that the City permit it to remain in place. Notwithstanding the
44 Franchisee's request that any such facility remain in place, the City may
45 require the Franchisee to remove the facility from the Right-of-Way and/or
46 modify the facility to protect the public health, welfare, safety, and
47 convenience, or otherwise serve the public interest. The Franchisee shall
48 use its best efforts to complete such removal or modification in accordance
49 with a schedule set by the City. Until such time as the Franchisee removes
50 or modifies the facility as directed by the City, or until the rights to and

1 responsibility for the facility are accepted by another Person having
2 authority to construct and maintain such facility, the Franchisee shall be
3 responsible for all necessary repairs and relocations of the facility, as well
4 as maintenance of the Public Right-of-Way, in the same manner and degree
5 as if the facility were in active use, and the Franchisee shall bear all liability
6 for such facility.
7

8 (L) Moving of Buildings.

9 (1) Whenever it becomes necessary to temporarily rearrange, remove, lower,
10 or raise the aerial cables or wires or other apparatus of the Franchisee to
11 permit the passage of any building, machinery, or other object, the
12 Franchisee shall perform such rearrangement upon receipt of payment for
13 the estimated costs incurred by the Franchisee in making such
14 rearrangements, and provided that the Franchisee received written notice
15 at least 30, days in advance from the person or persons desiring to move
16 said building, machinery, or other objects. The written notice shall detail the
17 route of movement of the building, machinery, or other object. The costs
18 incurred by the Franchisee in making such rearrangements of its aerial plant
19 will be borne by the person or persons seeking such rearrangement, unless
20 the aerial plant is placed or maintained in violation of the applicable rules of
21 any local, state, or federal regulatory agency and thereby unlawfully
22 interferes with the movement.
23

24 (M) Restoration of Property.

25 (1) The Franchisee shall reconstruct, replace, or restore to its previous
26 condition in a timely fashion that portion of any street, alley, or public way
27 or place; and any water, sewer, sanitary sewer, storm drainage, traffic
28 signalization or other facility of the City, disturbed or damaged by the
29 Franchisee, to a condition reasonably acceptable to the City consistent with
30 reasonable standards of safety and appearance as required by generally
31 applicable law and codes adopted pursuant to exercise of the City's police
32 powers.
33

34 (N) Repairs and Reimbursement.

35 (1) The Franchisee shall properly replace and repair the surface, base, and
36 landscape treatment of any Public Right-of-Way that may be excavated or
37 damaged by reason of the erection, construction, maintenance, or repair of
38 the Franchisee's facilities within a reasonable time after completion of the
39 work in accordance with existing standards of the City in effect at the time
40 of the work. The Franchisee shall give to the City twenty-four (24) hours'
41 notice prior to undertaking any repair, replacement, or extension of its
42 service on Public Rights-of-Way which require a City permit. Upon failure of
43 the Franchisee to perform any such repair or replacement work, and after
44 ten days' notice in writing shall have been given by the City to the
45 Franchisee, the City may repair such portion of the Public Right-of-Way as
46 may have been disturbed by the Franchisee, its contractors or agents, and
47 upon receipt of an itemized bill from the City, the Franchisee will promptly
48 reimburse the City for all reasonable costs so incurred. Notwithstanding the
49 foregoing, if the City determines that the failure of the Franchisee to properly
50 repair or restore the Public Right-of-Way constitutes a safety hazard to the

1 public, the City may undertake emergency repairs and restoration efforts.
2 The Franchisee shall promptly reimburse the City for all reasonable costs
3 incurred by the City. Should the City reasonably determine, within three (3)
4 years for the surface or base, and within ninety (90) days for landscape
5 treatment, from the date of any restoration performed by the Franchisee,
6 that such surface, base, or landscape treatment requires additional
7 restoration under this section, the Franchisee shall perform and bare the
8 costs for such additional restoration work to the reasonable satisfaction of
9 the City within a reasonable period of time following notice from the City.

10
11 (O) Trimming of Trees.

12 (1) The Franchisee may, upon reasonable notification to the City, trim trees
13 above ground which infringe upon easements, rights of way or streets of the
14 City to prevent the trees from coming into contact with the Cable System,
15 and the City, at its option may do such trimming at the expense of the
16 Franchisee.

17
18 (P) Supplying Maps.

19 (1) The Franchisee shall maintain on file all available maps, operational data,
20 and reports pertaining to its operations in the City. Upon request of the City,
21 the Franchisee shall furnish to the City, as soon as practicable without
22 charge, current maps in a format compatible with the City's GIS software
23 showing the location and dimension of those distribution facilities located
24 within the Public Rights-of-Way within the Franchise Area. The Franchisee
25 supplying maps under this provision may excise proprietary information so
26 long as the location and dimension of any facilities, and their character (e.g.
27 pole, equipment cabinet, fiber optic cable, power line) are clearly shown.

28
29 (Q) Failure to Perform.

30 (1) If the Franchisee should fail to perform any work required under this Section
31 after written notice and reasonable opportunity to cure, the City may cause
32 work to be performed, and may bill the Franchisee therefore, or draw upon
33 any security fund or bond to recover its costs and associated recovery
34 costs. If the City bills the Franchisee, the Franchisee shall pay the amount
35 billed within thirty (30) days of receipt of the bill.

36
37 (R) Inspection of Construction and Facilities.

38 (1) The City may inspect any of the Franchisee's facilities, equipment or
39 construction in the Public Right-of-Way at any time during normal business
40 hours upon at least twenty-four (24) hour notice, or, in case of an
41 emergency, at any time, upon demand without prior notice. If an unsafe
42 condition is found to exist, the City, in addition to taking any other action
43 permitted under applicable law, may order the Franchisee, in writing, to
44 make the necessary repairs and alterations specified therein forthwith to
45 correct the unsafe condition by a time the City establishes. The City has the
46 right to correct, inspect, administer and repair the unsafe condition if the
47 Franchisee fails to do so, and to charge the Franchisee therefor.

48
49 **Section 8. CONSTRUCTION PROVISIONS.**
50

1 (A) Construction Standards.

2 (1) The Franchisee will comply with all lawful and generally applicable
3 construction standards utilized by the City. The construction, operation, and
4 repair of the Cable System will be in accord with all applicable law. The
5 construction, operation, and maintenance of the Cable System shall be
6 performed by experienced and properly trained properly and licensed
7 maintenance and construction personnel.

8
9 (2) Standards following completion of upgrade.

10 Upon completion of any Cable System upgrade, the Cable System
11 shall:

12
13 i. Utilize facilities and equipment generally comparable to that used
14 in other high-quality, reliable cable systems of similar design,
15 including commercially reasonable backup power resources.

16
17 ii. Be two-way activated and shall include the facilities and
18 equipment (except customer premises equipment) required to
19 support broadband interactive services, such as Internet services.

20
21 iii. Provide reliable service and possess auto-start back-up power at
22 the headend and elsewhere reasonably necessary (consistent with
23 accepted industry standards and the system design) to avoid or
24 minimize service interruptions.

25
26 **Section 9. RESIDENTIAL SERVICE.**

27
28 (A) Cable System Deployment and Access.

29 (1) Franchisee has established Cable System deployment plans which
30 include the estimated projected dates when deployment of the Cable
31 System will be completed and activated within the Franchise Area.
32 Franchisee commits to using reasonable efforts to construct its Cable
33 System within the Franchise Area in accordance with those plans and
34 will meet with the City every six (6) months to update the City on the
35 current status of construction and anticipated timeline to completion.
36 The Franchisee may not charge the Subscriber the cost of extending the
37 Cable System plant to a point where the dwelling unit can be served by
38 a standard one hundred twenty-five (125) foot drop, other than its
39 standard, non-discriminatory installation fee.

40
41 (B) General Service.

42 (1) Once the Cable System construction is complete in a given location
43 within the Franchise Area, and Cable Service is available, Franchisee
44 shall provide Cable Service within seven (7) days of a request by any
45 potential Subscriber within the given location. For purposes of this
46 Section, a request shall be deemed made on the date of signing a
47 service agreement, receipt of funds by Franchisee, receipt of a written
48 request by Franchisee or receipt by Franchisee of a verified verbal
49 request. Except as otherwise provided herein, Franchisee shall provide

1 such service:

- 2
- 3 i. With no line extension charge except as specifically authorized
- 4 elsewhere in this Franchise Agreement.
- 5
- 6 ii. At a non-discriminatory installation charge for a standard
- 7 installation, consisting of a one hundred twenty-five (125) foot
- 8 drop connecting to an inside wall for Residential Subscribers, with
- 9 additional charges for non-standard installations computed
- 10 according to a non-discriminatory methodology for such
- 11 installations, adopted by Franchisee and provided in writing to the
- 12 City.
- 13
- 14 iii. At non-discriminatory monthly rates for Residential Subscribers.
- 15

16 (C) Cost-Sharing for Low-Density Areas.

- 17 (1) The Franchisee shall offer a cost-sharing arrangement to residents
- 18 requesting service in a low-density area whereby the Franchisee and
- 19 the requesting Subscriber will each bear their proportionate share of
- 20 construction costs to the point where the Dwelling Unit can be served by
- 21 a standard one hundred twenty-five (125) foot drop. The Franchisee's
- 22 share will be the cost of construction multiplied by a fraction, the
- 23 numerator of which will be the number of Dwelling Units per mile of cable
- 24 plant in the area where the extension will occur, and the denominator of
- 25 which will be thirty (30). The requesting Subscribers shall bear the
- 26 remaining cost on a pro-rata basis. The Franchisee may require the
- 27 payment of the construction cost borne by potential Subscribers in low
- 28 density areas be paid in advance.
- 29

30 (D) New Housing Developments.

- 31 (1) Nothing in this Agreement shall prohibit the City, the Franchisee, or any
- 32 other person from entering into an agreement whereby entire new
- 33 housing developments may be pre-wired for efficient future expansion
- 34 of cable service.
- 35

36 (E) Service to Multiple Dwelling Units.

- 37 (1) Consistent with this Section 9, once the Cable System construction is
- 38 complete in a given location within the Franchise Area and Cable
- 39 Service is available, the Franchisee intends to offer the individual units
- 40 of a Multiple Dwelling Unit all Cable Services offered to other Dwelling
- 41 Units in the City and shall individually wire units upon request of the
- 42 property owner or renter who has been given written authorization by
- 43 the owner; provided, however, that any such offering is conditioned upon
- 44 the Franchisee having legal access to said Dwelling Unit. The City
- 45 acknowledges that the Franchisee cannot control the dissemination of
- 46 particular Cable Services beyond the point of demarcation at a Multiple
- 47 Dwelling Unit.
- 48

49 (F) Mandatory Line Extension for Primary Cable Service Provider.

1 (1) In the event Franchisee provides Cable Service to at least 65% of all
2 Cable Service Subscribers within the Franchise Area, the Franchisee
3 shall, upon written request by an un-served potential Subscriber, extend
4 service to any Dwelling Unit not already passed by the Franchisee's
5 Cable System in which the density of Dwelling Units is at least thirty (30)
6 Dwelling Units per cable mile from existing connection to the Cable
7 System plant. The Franchisee may not charge the Subscriber the cost
8 of extending the Cable System plant to a point where the dwelling unit
9 can be served by a standard one hundred twenty-five (125) foot drop,
10 other than its standard, non-discriminatory installation fee.

11
12 (2) If any other Cable Service provider, other than Franchisee, is actively
13 and currently providing or offering Cable Services to the specific
14 requesting Dwelling Unit requesting Cable Services as described in this
15 Section 9, Paragraph F(1), the Franchisee is not required to extend
16 Cable Service or its Cable System until no other Cable Service Provider
17 is willing and able to provide Cable Service to the Dwelling Unit.

18
19 **Section 10. SYSTEM OPERATIONS.**

20
21 (A) Technical Standards.

22 (1) The cable system must meet or exceed the technical performance
23 standards set forth in 47 C.F.R. § 76.601 and any other applicable
24 standards, or any successor or amended rules provided that, nothing in this
25 provision is intended to permit the City to exercise any authority that it is
26 prohibited from exercising under applicable federal law.

27
28 (B) Future Upgrades.

29 (1) It is the Franchisee's responsibility to make such commercially practicable
30 improvements to its Cable System throughout the Franchise term to ensure
31 that Subscribers are able to obtain advanced Cable Service, and so that
32 services can be added throughout the franchise term.

33
34 (C) System Maintenance.

35 (1) The Franchisee may intentionally interrupt service on the Cable System only
36 for good cause and for the shortest time possible and, except in emergency
37 situations or to the extent necessary to fix the affected Subscriber's service
38 problems, only after a minimum of forty-eight (48) hours' prior notice to
39 Subscribers and the City of the anticipated service interruption; provided,
40 however, that there shall be no minimum prior notice period, for planned
41 maintenance that:

- 42
43 i. Does not require more than two (2) hours' interruption of service; and
44 ii. occurs between the hours of 1:00 a.m. and 6:00 a.m.

45
46 (D) FCC-Mandated Testing.

47 (1) The Franchisee shall, at its expense, perform all tests on its Cable System
48 required by the FCC and shall maintain written records of its test results.

1 Copies of such test results will be provided to the City upon request.

2
3 (2) All required technical performance tests may be witnessed by
4 representatives of the City. Upon request, the Franchisee will notify the City
5 before any required technical proof-of-performance testing occurs.

6
7 (3) The Franchisee shall promptly take such measures as are necessary to
8 correct any performance deficiencies fully and to prevent their recurrence as
9 far as practicable.

10
11 (E) Emergency Alert System.

12 (1) The Franchisee shall comply in all respects with all applicable laws and FCC
13 rules and regulations regarding the installation, maintenance and testing of
14 an Emergency Alert System ("EAS"), and all reporting obligations therefor,
15 as well as all applicable rules and procedures adopted by the State and
16 City. The Franchisee will advise the City of the EAS testing schedule, and
17 the City may be present for such tests.

18
19 (2) The City shall permit only its appropriately trained and authorized persons
20 to operate the EAS equipment, and only when authorized to do so by
21 applicable laws, rules and regulations, and shall take reasonable
22 precautions to ensure compliance with such laws, rules and regulations and
23 to prevent any use of the Cable System in any manner not in compliance
24 therewith or in any inappropriate manner.

25
26 (G) Standby Power.

27 (1) The Franchisee shall provide standby power generating capacity at the
28 System Headend capable of providing at least twelve (12) hours of
29 emergency operation.

30
31 **SECTION 11. CUSTOMER SERVICE STANDARDS; CUSTOMER BILLS; AND**
32 **PRIVACY PROTECTION**

33
34 (A) Customer Service Standards.

35 (1) The Franchising Authority hereby adopts the customer service standards
36 set forth in Part 76, §76.309 of the FCC's rules and regulations, as
37 amended. The Grantee shall comply in all respects with the customer
38 service requirements established by the FCC.

39
40 (B) Customer Bills.

41 (1) Customer bills shall be designed in such a way as to present the
42 information contained therein clearly and comprehensibly to Customers,
43 and in a way that is not misleading and does not omit material information.
44 Notwithstanding anything to the contrary the Grantee may, in its sole
45 discretion, consolidate costs on Customer bills as may otherwise be
46 permitted by Section 622(c) of the Cable Act (47 U.S.C. §542(c)) so long
47 as costs and taxes are distinguished and separately identified.

48
49 (C) Privacy Protection.

50 (1) The Grantee shall comply with all applicable federal and state privacy

1 laws, including without limitation to Section 631 of the Cable Act and
2 regulations adopted pursuant thereto.

3
4 **Section 12. PUBLIC, EDUCATIONAL, AND GOVERNMENT CHANNELS AND**
5 **CONNECTION OF PUBLIC FACILITIES**
6

7 (A) The City may require a single, standard definition Government Access channel on
8 Franchisee's Cable System when it can reasonably demonstrate that it can
9 program such channel with programming at least eighty percent (80%) of the
10 cumulative time of sixty (60) hours per week over a consecutive sixteen (16) week
11 period. Such request shall be in the form of a resolution passed by the City
12 Council, and the City will allow Franchisee meaningful and timely opportunity to
13 comment on the City's proposals. Upon such request, Franchisee shall have no
14 less than 180 days to make the Government Access channel available to
15 Subscribers on its Cable System. Any capital or construction costs related to
16 Cable System modifications necessary to supply the Government Access channel
17 will be the responsibility of the City.
18

19 (B) City presently makes its Governmental Programming available to the public via the
20 internet.
21

22 (C) As Franchisee's construction of its Cable System passes public buildings within
23 the City, and upon one hundred twenty (120) days advance written request of the
24 City:
25

26 (1) Franchisee shall provide one (1) expanded basic service outlet at no charge to
27 each City government building, including without limitation to the City
28 Government Center, each fire station, and each police station located within
29 the Franchise area within one hundred twenty-five feet (125) of the nearest
30 cable system distribution cable; and
31

32 (2) Franchisee shall provide one (1) expanded basic service outlet at each public
33 school located within the Franchise area within one hundred twenty-five feet
34 (125) of the nearest cable system distribution cable; and
35

36 (3) Franchisee covenants and warrants that Franchisee and its related entities
37 shall take no steps to limit, speed or throughput throttle, or in any other way
38 diminish, meter, or alter the City's or any of the covered Public Schools'
39 provision of internet communications delivered to or received from any
40 Internet-connected entity; and
41

42 (4) Franchisee shall not charge City, Schools, or Franchisee's customers or
43 Subscribers any fee or show any line itemized listings for the provision of the
44 services and conditions specified in this Section; however, Franchisee
45 reserves all rights to offset complimentary Cable Service against Franchise
46 Fees in accordance with Applicable Law, including any Orders resulting from
47 the FCC's 621 proceeding, MB Docket No. 05-311. Should Franchisee elect to
48 offset complimentary Service after service is activated, Franchisee shall
49 provide the City with advance written notice of such action. Such notice shall
50 document the proposed offset or service charges so that the City can make an

1 informed decision as to its course of action. Upon receipt of such notice the
2 City shall have up to one hundred twenty (120) days to either (1) maintain the
3 commitment with the understanding that the value shall be offset from
4 Franchise Fees; (2) relieve Franchisee from the commitment obligation under
5 the Franchise; or (3) pay for the services rendered pursuant to the commitment
6 in accordance with Franchisee's regular and nondiscriminatory term and
7 conditions.
8

- 9 (D) The City does not require the provision of Public Access Programming associated
10 with this Agreement.
11

12 **Section 13. OPERATION AND REPORTING PROVISIONS.**

13

14 (A) Right to inspect and copy.

15 (1) The City shall have the right to inspect and copy records: related in whole
16 or in part to the construction, operation or repair of the Cable System and
17 reasonably necessary for the City to monitor compliance with the terms of
18 this Ordinance or applicable law; or reasonably necessary to the exercise
19 of any right or duty of the City under the same. The Franchisee is
20 responsible for maintaining control over records, as required by law, related
21 to the construction, operation, or repair of the Cable System. Other than
22 records containing confidential financial and/or proprietary information, the
23 Franchisee shall produce these records upon the City's request for the
24 City's inspection within the limits of the City. Records must be maintained
25 for a period of six (6) years, except that the Franchisee may specify a
26 shorter period for certain categories of voluminous records where the
27 information contained therein can be derived simply from other materials.
28 The City agrees it will not audit more than once every two years.
29

30 (B) Reports.

31 (1) Unless the City specifically waives the requirement in writing, the
32 Franchisee shall at all times maintain:

- 33
- 34 i. Records of all written complaints received, their nature and resolution.
35 The term "complaints" refers to complaints about any aspect of the
36 Franchisee's construction, operations or repair activities;
37
 - 38 ii. Records of outages known to the Franchisee, their cause and
39 duration;
40
 - 41 iii. Records of service calls for repair and maintenance indicating the
42 nature of the call for service, the date and time service was requested,
43 the date of acknowledgment and date and time service was
44 scheduled (if it was scheduled), and the date and time service was
45 provided, and (if different) the date and time the problem was solved;
46
 - 47 iv. Records of installation/reconnection and requests for service
48 extension, indicating date of request, date of acknowledgment, and
49 the date and time service were extended;
50

1 v. Records sufficient to show whether the Franchisee has complied with
2 each FCC customer service standard that applies to it.
3

4 (C) Retention of Records; Relation to Privacy Rights.

5 (1) Nothing in this Section shall be read to require the Franchisee to violate 47
6 U.S.C. § 551 or other applicable law governing privacy. The Franchisee
7 shall be responsible for redacting any data that state or federal law prevents
8 it from providing to the City. Records shall be kept for at least six (6) years,
9 except that service call logs may be retained for three (3) years, so long as
10 the information contained therein is reflected in other documents.
11

12 **Section 14. INSURANCE; SURETY; INDEMNIFICATION.**
13

14 (A) Insurance.

15 (1) General Conditions. Except as this Franchise may otherwise provide,
16 the Franchisee shall procure and maintain in full force and effect during
17 the life of its Franchise, such insurance as is required in this Section
18 below. Policies of insurance shall be written by companies authorized to
19 write such insurance in New Mexico, and they shall be in a form
20 reasonably satisfactory to the City and properly filed and approved by
21 the Superintendent of Insurance, State of New Mexico. The Franchisee
22 shall furnish the City copies of certificates of required insurance upon
23 written request. All certificates of insurance (or policies) shall provide
24 that thirty (30) days' written notice be given to the City before a policy is
25 cancelled, materially changed or not renewed. Various types of required
26 insurance may be written in one or more policies. With respect to all
27 coverages required other than workers' compensation, the City shall be
28 named an additional insured. All coverages shall be primary with respect
29 to operations provided. The certificates of insurance and endorsements
30 for each policy shall be signed by a person authorized by that insurer to
31 bind coverage on its behalf. Certificates and other required proofs shall
32 be filed with the City within thirty (30) days of the issuance of this
33 Franchise, once a year thereafter, and whenever there is any change in
34 coverage, upon written request.
35

36 (B) No Work Without Insurance.

37 (2) The Franchisee (or those acting on its behalf) shall not commence
38 construction or operation of the Cable System without first obtaining
39 insurance in amounts and of a type satisfactory to the City. The required
40 insurance must be obtained and maintained for the entire period the
41 Franchisee has facilities in the Public Rights-of-Way or on public property.
42 If the Franchisee, its contractors, or subcontractors do not have the required
43 insurance, the City may order such persons to stop operations until the
44 insurance is obtained and approved.
45

46 (C) Work of Subcontractors.

47 (1) If any part of the construction, operation or repair of the Cable System is
48 subcontracted, the Franchisee shall:

49 i. Include any and all subcontractors in its insurance policies; or
50

- 1
2 ii. Require the subcontractor to secure insurance to protect itself
3 against all hazards enumerated herein which are not covered by the
4 Franchisee's policies.
5

6 (D) Approval of Insurance.

- 7 (1) Neither approval nor failure to disapprove certificates, policies or the
8 insurance by the City shall relieve the Franchisee or any sub-Franchisee of
9 full responsibility to maintain the required insurance in full force and effect.
10

11 (E) Commercial General Liability Insurance Including Automobile.

- 12 (1) The Franchisee shall procure and maintain during the life of this Franchise
13 a comprehensive commercial general liability and automobile liability
14 insurance policy with liability limits in amounts not less than One Million
15 Dollars (\$1,000,000) combined single limit of liability for bodily injury,
16 including death, and property damage in anyone occurrence and in the
17 aggregate. Said policies or insurance must include coverage for all
18 operations performed for the City by the Franchisee, including, but not
19 limited to, coverage for collapse, explosion, and underground liability
20 coverage, coverage for the user of all owned, non-owned, hired
21 automobiles, vehicles, and other equipment both on and off work, and
22 contractual liability coverage which shall specifically insure the
23 indemnification provisions of this Ordinance and any Franchise.
24

- 25 (2) The above requirements shall include, but shall not be limited to, protection
26 against:
27

- 28 i. Damage to, or destruction of, public and private property including
29 telephone conduit, telegraph conduit, power conduit, telephone
30 signal cable, fiber optics cable, television cable, computer cable, fire
31 alarm circuits, gas mains, gas service connections, sanitary sewers,
32 sewer, house or building connections, water mains, water service
33 connections, steam lines, petroleum products pipe lines, storm
34 drains, storm inlet lines, including all appurtenances thereto while
35 located below the surface of the ground, including injury or death, to
36 person or persons caused by the Franchisee's operations, including
37 blasting and trenching-backfilling-tamping with or without the use of
38 mechanical equipment; and
39
- 40 ii. The collapse of, or structural damage to, a building, house or
41 structure, including power, telephone, telegraph, fire alarm, and
42 street-light poles, curb and gutter and sidewalk, on public or private
43 property, and destruction of, or damage to, other public and private
44 property resulting therefrom, including injury or death to person or
45 persons caused by the Franchisee, including but not limited to as a
46 result of the Franchisee's operations in the removal of other
47 buildings, structures, including their supports, trees and utility poles,
48 or by excavation, including blasting, and trenching backfilling-
49 tamping with or without use of mechanical equipment. "Other public
50 and private property" as used herein shall include lawns, plants,

1 flowers, trees, fences, yards, walls, etc.

2
3 (F) Workers' Compensation Insurance.

4 (1) The Franchisee shall comply with the provisions of the Workers'
5 Compensation Act, the Subsequent Injury Act, and the New Mexico
6 Occupational Disease Disablement Law. The Franchisee shall procure and
7 maintain during the life of a Franchise, complete workers' and employer's
8 liability insurance in accordance with New Mexico law and regulations. Such
9 insurance shall include coverage permitted under Section 52-1-10 NMSA
10 1978, for safety devices. With respect to workers' compensation insurance,
11 if the Franchisee elects to be self-insured, it shall comply with the applicable
12 requirements of law. If any portion of the construction, operation or repair of
13 the Cable System is to be subcontracted, The Franchisee shall require the
14 subcontractor similarly to provide such coverage (or qualify as a self-
15 insured) for all latter's employees to be engaged in such work. The
16 Franchisee shall save harmless the City, its officers, agents and employees
17 from any claims or actions occasioned by failure of the Franchisee to
18 comply with the provisions of this subparagraph. It is agreed that with
19 respect to all workers' compensation insurance, the Franchisee and its
20 insurer shall waive any right of subrogation it may acquire against the City,
21 its officers, agents and employees by reason of any payment made on
22 account of injury, including death resulting therefrom, sustained by any
23 employee arising out of the performance of a Franchise, unless caused by
24 the gross negligence or malfeasance of the City, its officers, agents and
25 employees.

26
27 (G) Alterations in Limits.

28 (1) This Franchise shall be interpreted to permit the City to require the
29 Franchisee to increase its insurance limits, or obtain additional types of
30 insurance should the City determine in good faith that there are significant
31 increased risks to the City or its citizens based on the Franchisee's actions,
32 by such time as reasonably may be specified by the City.

33
34 (H) Ratings.

35 (1) The Franchisee's insurer shall have no less than an "A-" policyholder's
36 rating and a financial rating of at least Class XI in accordance with the Best's
37 rating current at the time purchased, unless specifically waived in writing by
38 the City Manager.

39
40 (I) No Contribution.

41 (1) Any insurance or self-insurance maintained by the City shall be excess of
42 the Franchisee's insurance and shall not contribute with it.

43
44 (J) Material Terms.

45 (1) The insurance requirements are material terms of this Franchise and cannot
46 be changed without the mutual agreement of the City and the Franchisee.
47 The Franchisee shall have insurance in place as herein required by the
48 effective date of this Franchise, and shall, upon request, provide proof of
49 such insurance reasonably satisfactory to the City prior to the effective date
50 of the Franchise grant.

1
2 (K) Indemnification.

3 (1) To the extent permitted by applicable law, the Franchisee agrees to defend,
4 indemnify and hold harmless the City, its trustees, elected and appointed
5 officers, agents, volunteers, and employees, from and against any and all
6 claims, demands, or causes of action of any kind or nature not resulting
7 from the actions of the City, its trustees, elected and appointed officers,
8 agents, volunteers, and employees, and the resulting losses, costs,
9 expenses, reasonable attorneys' fees, liabilities, damages, orders,
10 judgments, or decrees sustained by the City or any third party arising out
11 of, or by reason of, or resulting from or of the acts, errors, or omissions of
12 the cable communications system operator, or its agents, independent
13 contractors or employees related to or in any way arising out of the
14 construction, operation or repair of the system, the conduct of the
15 Franchisee's business in the City, or the Franchisee's enjoyment or exercise
16 of its franchise.

17
18 (2) The City will notify the Franchisee in writing of its duty to indemnify in any
19 case subject to the indemnity in which the Franchisee is not a named
20 defendant or plaintiff. The Franchisee will employ competent counsel,
21 reasonably acceptable to the City Attorney.
22

23 **Section 15. CONTINUITY OF SERVICE.**

24
25 (A) It is the right of each subscriber in the Franchisee's Franchise Area to receive all
26 available Cable Service offered by the Franchisee as long as the subscriber's
27 financial and other obligations to the Franchisee are satisfied.
28

29 (B) The Franchisee shall make its best efforts to provide all Subscribers with
30 continuous services.
31

32 (C) Uninterrupted Cable Service. At the City's request, the Franchisee shall operate
33 its system for a temporary period (the "transition period") following the termination
34 of its franchise or any transfer as necessary to maintain Cable Service to
35 subscribers, and shall cooperate with the City to assure an orderly transition from
36 it to another entity. The transition period shall be no longer than the reasonable
37 period required to select another entity and in no event shall be longer than twelve
38 (12) months, unless extended by mutual consent of the Franchisee and the City.
39 During the transition period, the Franchisee will continue to be obligated to comply
40 with the terms and conditions of this franchise and applicable laws and regulations,
41 and will be deemed to have the necessary authorization required from the City to
42 enable it to provide Cable Service.
43

44 (D) If the Franchisee abandons its Cable System during the franchise term or any
45 transition period, or fails to operate its Cable System in accordance with the terms
46 set forth in Section 13 above, the City, at its option, may operate the Cable System
47 or designate another entity to operate the Cable System temporarily until the
48 Franchisee agrees to restore and restores continuous Cable Service in compliance
49 with the franchise until the franchise is revoked and a new entity selected by the
50 City is providing Cable Service.

1
2 (E) The City shall be entitled to exercise its rights under Section 14 if the:

- 3
4 (1) The Franchisee fails to provide Cable Service in accordance with its
5 franchise over a substantial portion of the Franchise Area for ninety-six (96)
6 consecutive hours, unless such failure is due to force majeure or the City
7 authorizes a longer interruption of service; or
8
9 (2) The Franchisee, for any period, willfully and without cause refuses to
10 provide Cable Service in accordance with its franchise over a substantial
11 portion of the Franchise Area.
12

13 (F) Rights upon Franchise Termination or Revocation.

14
15 (1) If the City revokes the franchise or the franchise otherwise terminates, the
16 City shall have the following rights, in addition to the rights specified in this
17 franchise or under applicable law:
18

- 19 i. The City may require the former Franchisee to remove its facilities
20 and equipment at the former Franchisee's expense. If the former
21 Franchisee fails to do so within a reasonable period of time, the City
22 may have the removal done at the former Franchisee's and/or
23 surety's expense, subject to any right of abandonment that may be
24 provided for under applicable law. However, Franchisee shall have
25 no obligation to remove its facilities where it utilizes the system to
26 provide other non-cable services and has any other authority under
27 applicable law to maintain facilities in the public rights-of-way, or
28 where Franchisee is able to find a purchaser of the cable system,
29 acceptable to the City, who holds such authorization.
30
31 ii. The City, by Governing Body resolution, may acquire ownership or
32 affect a transfer of the Cable System at fair market value if the
33 franchise is revoked for cause in accordance with the Cable
34 Ordinance, at an equitable price. The terms "equitable price" and "fair
35 market value" shall be interpreted in accordance with 47 U.S.C. §
36 547.
37
38 iii. Section 14(E)(2) does not apply to an abandonment. If a Cable
39 System or any part thereof is abandoned by the Franchisee, the City
40 may require the Franchisee to transfer title to the abandoned portions
41 to it at no charge, free and clear of encumbrances, and the same will
42 become the City's property and the City may keep, sell, assign, or
43 transfer all or part of the assets of the Cable System, or otherwise
44 dispose of those assets as it sees fit. In the event the City acquires
45 title, the Franchisee shall have no further liability for the Cable
46 System.
47

48 **Section 16. ENFORCEMENT AND REMEDIES: REVOCATION.**

49 (A) Right to Revoke; Generally.
50

1
2 (1) The Governing Body may revoke this Franchise if it finds that the
3 Franchisee has committed a material breach of this Franchise or
4 repeatedly failed to comply with this Franchise; has defrauded or attempted
5 to defraud the City or Subscribers; or has attempted to evade the
6 requirements of this Franchise.

7
8 i. Before revoking a Franchise, the following must have occurred:

9
10 a. The City Manager must give the Franchisee notice of an alleged
11 default in performance (which notice will describe the nature of an
12 alleged violation or breach) and a thirty (30) calendar day opportunity
13 to cure or such additional time as is reasonably necessary (the "cure
14 period"); except that an opportunity to cure is not required where the
15 defect in performance is due to willful misconduct or fraud or
16 attempted fraud, is an adjudicated felony violation of criminal law, or
17 is part of a pattern of substantial violations where the Franchisee has
18 already had notice and opportunity to cure. The City may extend the
19 cure period for up to 30 additional days if the Franchisee has
20 diligently attempted to correct the alleged default.

21
22 b. Not sooner than 30 calendar days after the City Manager notifies the
23 Franchisee of the default (or such longer period as may be required
24 to encompass an extended cure period), the City Council shall hold
25 a public hearing to consider whether the Franchise should be
26 revoked, at which time the Franchisee and the public will be given an
27 opportunity to be heard and the Franchisee to present evidence for
28 consideration by the City Council.

29
30 (2) Following the close of the public hearing the City Council may determine
31 whether to revoke the Franchise. If the Franchisee was entitled to an
32 opportunity to cure a default, the Franchise may not be revoked if the
33 default was fully cured during the cure period, including by payment of all
34 damages and penalties owed. If the City Council determines to revoke the
35 Franchise, it will issue a written decision setting forth the reasons for its
36 decision.

37
38 (3) A copy of such decision will be transmitted to the Franchisee.

39
40 (B) Rights upon Franchise Termination or Revocation.

41 (1) If the City revokes the Franchise or the Franchise otherwise terminates,
42 the City may require the former Franchisee to remove its facilities and
43 equipment at the former Franchisee's expense. If the former Franchisee
44 fails to do so within a reasonable period of time, the City may have the
45 removal done at the former Franchisee's and/or surety's expense, subject to
46 any right of abandonment that may be provided for under applicable law.
47 The Franchisee may appeal such actions to a court of competent
48 jurisdiction.

49
50 (C) Termination in the Event of Bankruptcy.

1 (1) This Franchise will terminate automatically by force of law 180 calendar
2 days after an assignment for the benefit of creditors or the appointment of
3 a receiver or trustee to take over the business of the Franchisee, whether
4 in a receivership, reorganization, bankruptcy assignment for the benefit of
5 creditors, or other action or proceeding. However, the Franchise may be
6 reinstated within that one hundred eighty (180) day period, if:

- 7
- 8 i. Such assignment, receivership or trusteeship has been vacated; or
- 9
- 10 ii. Such assignee, receiver or trustee has fully complied with the terms and
11 conditions of this Franchise, and has executed an agreement, approved
12 by any court having jurisdiction, assuming and agreeing to be bound by
13 the terms and conditions of this Franchise. In the event of foreclosure or
14 other judicial sale of any of the facilities, equipment or property of the
15 Franchisee, the City may revoke the Franchise following a public hearing
16 before the City Council, by serving notice upon the Franchisee and the
17 successful bidder at the sale, in which event the Franchise and all rights
18 and privileges thereunder will be revoked and will terminate thirty (30)
19 calendar days after serving such notice, unless:

20

21 (a) The City has approved the transfer of the Franchise to the
22 successful bidder; and

23

24 (b) The successful bidder has covenanted and agreed with the City
25 to assume and be bound by the terms and conditions of the
26 Franchise.

27

28 (D) Effect of termination or forfeiture.

29

30 (1) Upon termination or forfeiture of this Franchise, whether by action of the
31 City as provided above, or by passage of time, the City may do one or a
32 combination of the following:

33

34 i. The Franchisee must, should the City so direct, stop using the Cable
35 System for the purposes authorized by the Franchise.

36

37 ii. The City may require the former Franchisee to remove all or a portion of
38 its facilities and equipment at the former Franchisee's expense, subject
39 to any right the Franchisee may have to abandon property in place. If
40 the former Franchisee fails to remove its property within a reasonable
41 period of time, the City may have the removal done at the former
42 Franchisee's and/or surety's expense. Such removal by the Franchisee
43 must be done in accordance with all applicable laws and construction
44 standards. Conditions of the site of removal must be left in substantially
45 as good of condition as before the equipment was removed.

46

47 **Section 17. MISCELLANEOUS PROVISIONS.**

48

49 (A) Compliance with Laws. The Franchisee shall comply with all applicable federal,
50 state and local laws and regulations as they become effective, unless otherwise

1 stated herein.

2
3 (B) Governing Law. This franchise shall be governed and construed in accordance
4 with applicable federal law and the statutes and laws of the state of New Mexico.

5
6 (C) No Pledging of the City's Credit. Under no circumstances shall the Franchisee
7 have the authority or power to pledge the credit of the City or incur any obligation
8 in the name of the City. The Franchisee shall save and hold harmless the City, its
9 Governing Body, its officers, employees, boards and commissions for expenses
10 arising out of any unauthorized pledges of the City's credit by the Franchisee under
11 this franchise.

12
13 (D) Venue. In the event that suit shall be brought by either party, the parties agree that
14 venue shall be exclusively vested in the Thirteenth Judicial District Court, State of
15 New Mexico or, where otherwise appropriate, exclusively in the United States
16 District Court for the district of New Mexico.

17
18 (E) Force Majeure. The Franchisee shall not be deemed in default with provisions of
19 its franchise where performance was rendered impossible by war or riots, civil
20 disturbances, floods or other natural catastrophes beyond the Franchisee's control
21 or the unforeseeable unavailability of labor or materials. The acts or omissions of
22 affiliates are not beyond the Franchisee's control, and the knowledge of affiliates
23 shall be imputed to Franchisee. The Franchise shall not be revoked or the
24 Franchisee penalized for such noncompliance, provided that the Franchisee takes
25 immediate and diligent steps to bring itself back into compliance and to comply as
26 soon as possible under the circumstances with its Franchise without unduly
27 endangering the health, safety and integrity of the Franchisee's employees or
28 property, or the health, safety and integrity of the Public, Public Rights-of-Way,
29 Public Property, or private property.

30
31 (F) Notices. Unless otherwise expressly stated herein, notices required under this
32 franchise shall be mailed first class, postage prepaid, or sent overnight delivery to
33 the addressees below. Each party may change its designee by providing thirty (30)
34 days written notice to the other party, but each party may only designate one entity
35 to receive notice.

36
37 Notices to the Franchisee shall be mailed to the designated entity at the
38 following address:

39
40 ATTN: Government Affairs
41 Comcast of New Mexico, LLC
42 4611 Montbel PI NE
43 Albuquerque, NM 87107

44
45 with a copy to:

46
47 ATTN: Government Affairs
48 Comcast Cable
49 8000 E. Iliff Avenue
50 Denver, CO 80231

1
2
3
4 (1) Notices to the City shall be mailed to the designated entity at the following
5 address:

6
7 City Manager
8 City of Rio Rancho
9 3200 Civic Center Circle
10 Rio Rancho, New Mexico 87144

11 with a copy to:

12
13
14 City Attorney
15 City of Rio Rancho
16 3200 Civic Center Circle
17 Rio Rancho, New Mexico 87144
18

19 (G) Calculation of Time. Unless otherwise indicated, when the performance or doing
20 of any act, duty, matter or payment is required hereunder and a period of time or
21 duration for the completion thereof is prescribed and is fixed herein, the time shall
22 be computed so as to exclude the first and include the last day of the prescribed
23 or fixed period of duration/time.
24

25 (H) Time of Essence; Maintenance of Records of Essence. In determining whether the
26 Franchisee has substantially complied with its franchise, the parties agree that time
27 is of the essence to this franchise. The maintenance of records and provision of
28 reports in accordance with the franchise is also of the essence to this franchise.
29

30 (I) Publication Costs. The Franchisee shall pay the cost of publication of the franchise
31 ordinance upon the Franchisee's acceptance of the Franchisee.
32

33 (J) Captions. The captions and headings of this franchise are for convenience and
34 reference purposes only and shall not affect in any way the meaning and
35 interpretation of any provisions of this franchise.
36

37 (K) Third Parties. The parties agree this Franchise Agreement creates no rights for
38 any third party.
39

40 **Section 18. ANTI-TAMPERING.**

41
42 (A) It shall be unlawful for any person, firm, corporation or other entity:

43
44 (1) To make any unauthorized connection, whether physically, electrically,
45 acoustically;

46
47 (2) inductively or otherwise, with any part of the Cable System within the City for
48 the purpose of taking or receiving television signals, radio signals, lights signals
49 or other electronic signals;
50

- 1 (3) To make any unauthorized connection, whether physically, electrically,
2 acoustically;
3
- 4 (4) inductively or otherwise, with any part of a Cable System within the City for the
5 purpose of enabling himself or herself or others to receive any television signal,
6 radio signal, light signal or other electronic signal, without payment to the
7 Franchisee operating such System; or
8
- 9 (5) To willfully tamper with, remove or injure any cable, wires or equipment of the
10 Cable System used by the Franchisee within the Franchise Area for distribution
11 of such signals without the consent of the Franchisee operating such System.
12
- 13 (6) Any person convicted of a violation of this section shall be guilty of a
14 misdemeanor and shall be punished by a fine of not more than \$500 or by
15 imprisonment of not more than ninety (90) days or by both fine and
16 imprisonment or the maximum permitted under applicable law. Every violation
17 of this section shall be a misdemeanor. Every day such violation is committed
18 or permitted to continue shall be considered a separate offense and shall be
19 punishable as such hereunder.
20

21 **Section 19. SEVERABILITY CLAUSE.**

22 If any section, paragraph, sentence, clause, word or phrase of this Ordinance is for any
23 reason held to be illegal, unconstitutional, invalid or unenforceable by a court, agency or
24 legislature of competent jurisdiction, said provision shall be considered a separate,
25 distinct, and independent part of this Franchise, and such decision shall not affect the
26 validity of the remaining provisions of this ordinance. The City Council hereby declares
27 that it would have passed this Ordinance and each section, paragraph, sentence, clause,
28 word or phrase thereof irrespective of any provision being declared unconstitutional or
29 otherwise invalid. In the event that a court or agency or legislature of competent and
30 controlling jurisdiction acts so that any material provision of this agreement is
31 unenforceable according to its terms, or is otherwise void, the parties agree to
32 immediately enter into negotiations in good faith to restore the relative burdens and
33 benefits of this franchise. If the parties are unable to agree to a modification of this
34 Agreement within sixty (60) days, either party may with ninety (90) days prior notice,
35 terminate or shorten the franchise term; or resort to litigation to seek any available
36 equitable relief; or do both. Each party agrees to participate in up to sixteen (16) hours of
37 negotiation during the sixty (60) day period. Notwithstanding the foregoing, if a party
38 believes a provision is not material, it must so notify the other party within fourteen (14)
39 days of a request by such other party that it enter into negotiations, or else the materiality
40 claim is waived. The obligation to negotiate is not tolled, and the parties must discharge
41 their negotiation responsibility notwithstanding the dispute as to materiality. The
42 remedies provided for herein do not prevent a party from contending that a particular
43 provision is enforceable, or foreclose any remedies if a provision is enforceable.
44

45 **Section 20. MERGER; AMENDMENT.**

46 This Franchise represents the entire agreement between the parties with respect to the
47 matters addressed herein, and all prior franchises, agreements, covenants, and
48 understandings between the parties concerning the same have been merged into this
49 written Franchise. This Franchise shall not be altered, modified, changed, or amended
50 except by a written instrument executed by the parties.

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Section 21. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after adoption.

ADOPTED THIS ____ DAY OF _____, 2023.

For Comcast of New Mexico, LLC:

By: _____

Name:

Title:

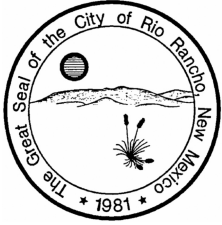
Date: _____

For The City of Rio Rancho, New Mexico:

Greggory D. Hull, Mayor

ATTEST:

Rebecca Martinez, City Clerk
(SEAL)



CITY OF RIO RANCHO COVER PAGE

Legislation Item: R61

AGENDA DATE:

April 27, 2023

DEPARTMENT:

City Clerk

SUBJECT:

R61, Resolution Establishing an Annual Schedule of Governing Body Meetings and Determining Reasonable Notice for Public Meetings of the City of Rio Rancho

BACKGROUND AND ANALYSIS:

This Resolution serves to fulfill two obligations. First, it sets the annual schedule of regular Governing Body meetings (May 2023-May 2024). Second, it communicates what constitutes reasonable notice for all meetings held by the Governing Body and Rio Rancho boards, commissions and committees. Each of these tasks are required by the New Mexico Open Meetings Act, Section 10-5-1, NMSA 1978 and City regulation, Section 2.09 of the City Charter and Section 30.04 of the Municipal Code.

The Resolution proposes the following:

Regular Governing Body Meeting Schedule

- In 2023 - May, June, Aug., Sept., and Oct. In 2024 - Jan., Feb., March, April - every 2nd and 4th Thursday of the month at 6:00 p.m.
- July 2023 - 4th Thursday of the month at 6:00 p.m.
- Nov. 2023 - 3rd Thursday of the month at 6:00 p.m.
- Dec. 2023 - 2nd Thursday of the month at 6:00 p.m.
- Notice must be posted on the City's website and in the City Hall Lobby at least 10 days prior to meeting
- Agenda must be posted on the City's website and in the City Hall Lobby no later than 72 hours prior to the meeting

Work Sessions

- In 2023 - June, Aug., Oct. In 2024 - Feb., April - every other month on 3rd Tuesday of the month at 3:00 p.m.
- Dec. 2023 - 2nd Tuesday of the month at 3:00 p.m.
- Notice must be posted on the City's website and in the City Hall Lobby at least 10 days prior to meeting
- Agenda must be posted on the City's website and in the City Hall Lobby no later than 72 hours prior to the meeting

Special Meetings

- May be called by the Mayor or 3 or more City Councilors at least 72 hours prior to the meeting
- Notice and Agenda must be posted on the City's website and in the City Hall Lobby no later than 72 hours prior to the meeting

Reasonable Notice for Boards, Commissions and Committees

- Notice must be posted on the City's website and in the City Hall Lobby at least 10 days prior to meeting
- Agenda must be posted on the City's website and in the City Hall Lobby no later than 72 hours prior to the meeting

The Resolution provides other details related to closed meetings (called during an open meeting or separately), emergency meetings, and how to properly reconvene a meeting.

IMPACT:

The approval of the Resolution will ensure compliance with State and local law, and will provide the public with information about when the Governing Body will conduct its meetings and what items will be considered.

ALTERNATIVES:

Approve Resolution as proposed,
Amend Resolution, or
Do not approve Resolution and be out of compliance with State and local law.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of this Resolution.

ATTACHMENT: [Resolution](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION ESTABLISHING AN ANNUAL SCHEDULE OF GOVERNING BODY
MEETINGS AND DETERMINING REASONABLE NOTICE FOR PUBLIC MEETINGS
OF THE CITY OF RIO RANCHO**

WHEREAS: Subsection B of Section 10-15-1, NMSA 1978 requires all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body, or other policy making body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times except as otherwise provided in the Constitution or the provisions of the Open Meetings Act; and

WHEREAS: any meeting subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS: the Rio Rancho Governing Body being a local public body subject to the Open Meeting Act, in accordance with Subsection D of Section 10-15-1, NMSA 1978, and Section 2.09 of the City Charter, shall determine annually what constitutes reasonable notice for its public meetings, as well as, the public meetings of the boards, commissions and committees it has created; and

WHEREAS: the Governing Body must also establish an annual schedule of its regular meetings at the second meeting in April of each year, pursuant to Section 30.04(A)(1), Revised Ordinances of Rio Rancho, New Mexico 2003.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY
OF RIO RANCHO:**

Section 1. Regular Meetings. Regular meetings of the Governing Body will be held on the second and fourth Thursdays of each month at 6:00 p.m., except for July, when only one meeting will be held on the fourth Thursday at 6:00 p.m., November, when only one meeting will be held on the third Thursday at 6:00 p.m. and December, when only one meeting will be held on the second Thursday at 6:00 p.m. Regular meetings will be held in the Council Chambers in City Hall, or via virtual software, as provided by law.

A. Every attempt will be made to broadcast meetings on the government cable television channel and streamed on the City website www.rrnm.gov.

B. Meetings may be canceled, postponed, or rescheduled by vote of at least four members of the Governing Body. Furthermore, the Mayor may cancel a regular meeting in the event of an emergency, for lack of a quorum, or for lack of agenda

1 items by giving such notice as is practical under the circumstances. In the case of
2 cancellation or postponement, a notice shall be posted on the entrance door of the
3 meeting location and on the City's website www.rrnm.gov as soon as practicable.

4 C. Notice of regular meetings shall be given no fewer than 10 days in advance of the
5 meeting date and shall indicate how a copy of the agenda may be obtained.

6 D. Agendas for each meeting shall contain a list of specific items of business to be
7 discussed or transacted and will be available at least seventy-two hours prior to
8 the meeting on the City's website www.rrnm.gov and posted in the City Hall Lobby,
9 3200 Civic Center Circle NE, Rio Rancho, New Mexico.

10
11 **Section 2. Work Sessions.** Beginning in February, regular work sessions of the
12 Governing Body will be held every other month on the third Tuesday of the month at 3:00
13 p.m., except for December, when the meeting will be held on the second Tuesday at 3:00
14 p.m. Preferred locations for the work sessions will be the Overflow Room or the Council
15 Chambers at City Hall; however, locations may vary, to include via virtual software, as
16 provided by law. Non-regular work sessions may be called by the Mayor or by three or
17 more members of the City Council.

18
19 A. No action shall be taken in a work session.

20 B. Every attempt will be made to broadcast meetings on the government cable
21 television channel and streamed on the City website.

22 C. Work session topics can be proposed by individual Governing Body members or
23 the City Manager.

24 D. Work sessions may be canceled, due to lack of agenda items or a quorum. A notice
25 of cancellation shall be posted on the entrance door of the meeting location and
26 on the City's website www.rrnm.gov as soon as practicable.

27
28 **Section 3. Special Meetings.** Special meetings of the Governing Body may be called
29 by the Mayor or by three or more members of the City Council, with notice of special
30 meeting given no later than seventy-two hours prior to the meeting. The notice shall
31 indicate who called the meeting, a list of specific items of business to be discussed or
32 transacted or instructions on how a copy of the agenda may be obtained. Agendas for
33 special meetings will be available at least seventy-two hours prior to the meeting on the
34 City's website www.rrnm.gov and posted in the City Hall Lobby, 3200 Civic Center Circle
35 NE, Rio Rancho, New Mexico.

36
37 **Section 4. Reasonable Notice of Rio Rancho Board, Commissions and**
38 **Committee Meetings.**

39
40 A. Notice of regular meetings shall be given no fewer than 10 days in advance of the
41 meeting date and shall indicate how a copy of the agenda may be obtained.

42 B. Agendas for each meeting shall contain a list of specific items of business to be
43 discussed or transacted and will be available at least seventy-two hours prior to
44 the meeting on the City's website www.rrnm.gov and posted in the City Hall Lobby,
45 3200 Civic Center Circle NE, Rio Rancho, New Mexico.

- 1 C. If a meeting is cancelled due to a lack of a quorum, or for lack of agenda items, a
2 notice shall be posted on the entrance door of the meeting location and on the
3 City's website www.rnm.gov as soon as practicable.
4

5 **Section 4. Emergency Meetings.** Emergency meetings of the Governing Body will
6 be called only under unforeseen circumstances, which demand immediate action to
7 protect the health, safety and property of citizens or to protect the public body from
8 substantial financial loss. Emergency meetings will be avoided whenever possible and
9 may be called by the Mayor or by no fewer than three members of the City Council upon
10 twenty-four hours' notice, unless threat of personal injury or property damage requires
11 less notice. All emergency meeting notices shall include an agenda or information on how
12 the public may obtain a copy of the agenda and will be posted on the City's website
13 www.rnm.gov and in the City Hall Lobby, 3200 Civic Center Circle NE, Rio Rancho, New
14 Mexico. Within ten days of acting on an emergency matter, the Governing Body is
15 required to report to the New Mexico Attorney General's Office the action taken and the
16 circumstances creating the emergency; provided that the requirement to report to the
17 attorney general is waived upon the declaration of a state or national emergency.
18

19 **Section 5. Closed Meetings.** The Governing Body will close a meeting to the public
20 only if the subject matter of such discussion or action is excepted from the requirement
21 under Subsection H of Section 10-15-1, NMSA 1978.
22

- 23 A. If a meeting is closed during an open meeting, such closure shall be approved by
24 a majority vote of a quorum of the Governing Body taken during the open meeting.
25 The authority for the Closed Meeting and the subject(s) to be discussed shall be
26 stated with reasonable specificity in the motion to close and the vote of each
27 individual member on the motion will be recorded in the minutes. Only those
28 subjects specified in the motion may be discussed in the closed meeting.
- 29 B. If the decision to hold a Closed Meeting is made when the Governing Body is not
30 in an open meeting, the Closed Meeting shall not be held until public notice as
31 required in Subsection I of Section 10-15-1, NMSA 1978 is given to the members
32 and to the general public. Non-emergency Closed Meetings may be called by the
33 Mayor or by at least three members of the City Council upon not less than seventy-
34 two hours' notice.
- 35 C. Following completion of the Closed Meeting, the minutes of the open meeting that
36 was closed, or the minutes of the next open meeting, if the Closed Meeting was
37 separately scheduled, shall state whether the matter(s) discussed in the Closed
38 Meeting were limited only to those specified in the motion or notice for closure, as
39 required by Subsection J of Section 10-15-1, NMSA 1978.
- 40 D. In accordance with the Open Meetings Act any action taken as a result of
41 discussions in a Closed Meeting shall be made by a vote of the Governing Body
42 in an open public meeting.
43

44 **Section 6. Reconvened Meetings.** Pursuant to Subsection E of Section 10-15-1,
45 NMSA 1978, the Governing Body may recess and reconvene a meeting to a day
46 subsequent to that stated in the meeting notice, if, prior to recessing, the Governing Body
47 specifies the date, time and place for continuation of the meeting, and immediately

1 following the recessed meeting, posts notice of the date, time and place for the
2 reconvened meeting on or near the door of the place where the original meeting was held
3 and in at least one other location appropriate to provide public notice of the continuation
4 of the meeting. Only matters appearing on the agenda of the original meeting may be
5 discussed at the reconvened meeting.

6
7 **Section 7. Notice Posting Locations and Content.** For the purposes of all meetings
8 of the Governing Body described in this Resolution, notice requirements are met if notice
9 of the date, time, place and agenda is posted on the City’s website and in the City Hall
10 Lobby. Appropriate notice shall also be provided to those broadcast stations licensed by
11 the Federal Communications Commission and newspapers of general circulation, which
12 have made a written request for notice of public meetings. All notices shall contain the
13 following language: “If you are an individual with a disability who needs a reader, amplifier,
14 qualified sign language interpreter or any other form of auxiliary aid or service to attend
15 or participate in the hearing or meeting, please contact the City Clerk at 505-891-5004 at
16 least 48 hours in advance to make arrangements. Public documents, including the
17 agenda and minutes, can be provided in various accessible formats. Please contact the
18 City Clerk if a summary or other type of accessible format is needed.”

19
20 **Section 8. Publication of Annual Schedule and Notice Requirements for Public**
21 **Meetings of Governing Body.** The City Clerk is hereby instructed to publish this
22 Resolution, in its entirety in a newspaper of general circulation, immediately after
23 adoption.

24
25
26 ADOPTED THIS ____ DAY OF _____, 2023.

27
28
29
30 _____
Greggory D. Hull, Mayor

31
32 ATTEST:

33
34 _____
35 Rebecca A. Martinez, City Clerk
36 (SEAL)



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R62

AGENDA DATE:
April 27, 2023

DEPARTMENT:
Financial Services

SUBJECT:
R62, Resolution Authorizing the Defeasance and Optional Prior Redemption of the City of Rio Rancho, New Mexico General Obligation Improvement and Refunding Bonds, Series 2016 Maturing on or After August 1, 2026 (The "Defeased Series 2016 Bonds"); Approving a Form of Escrow Agreement and Notices of Defeasance and Redemption of the Defeased Series 2016 Bonds, and the Use of Funds on Deposit in the Debt Service Fund Established for the Series 2016 Bonds for Such Purpose; Ratifying Action Previously Taken in Connection Therewith, and Repealing Action Inconsistent with the Provisions of this Resolution

BACKGROUND AND ANALYSIS:
The City's General Obligation Bond (GOB) Debt Service Fund currently has a surplus due to higher than anticipated revenue the past several years. The 2016 Series General Obligation and Refunding Bonds maturing on or after August 1, 2026 are subject to redemption at the option of the City on or after August 1, 2024.

This Resolution will allow the City to set-aside the excess revenue from the GOB Debt Service Fund in an escrow to defease and optionally redeem those bonds that mature on or after August 1, 2026 in an aggregate principal amount of \$2,210,000. This action will assist the City to maintain a stable debt service property tax rate in accordance with its long-range capital planning and bond cycling program.

IMPACT:
The City will be able to defease and optionally redeem the referenced bonds and maintain stable property tax rates.

ALTERNATIVES:
Approve the Resolution.

Do not approve the Resolution, which will result in fluctuations in the City's property tax rate for debt service.

DEPARTMENT RECOMMENDATION:
Staff recommends approval of the Resolution.

ATTACHMENT: [Resolution](#)

ATTACHMENT: [Escrow Agmt - 2016 defeasance](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO. _____

ENACTMENT NO. _____

1 **RESOLUTION AUTHORIZING THE DEFEASANCE AND OPTIONAL PRIOR**
2 **REDEMPTION OF THE CITY OF RIO RANCHO, NEW MEXICO GENERAL**
3 **OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 2016 MATURING**
4 **ON AND AFTER AUGUST 1, 2026 (THE “DEFEASED SERIES 2016 BONDS”);**
5 **APPROVING A FORM OF ESCROW AGREEMENT AND NOTICES OF DEFEASANCE**
6 **AND REDEMPTION OF THE DEFEASED SERIES 2016 BONDS, AND THE USE OF**
7 **FUNDS ON DEPOSIT IN THE DEBT SERVICE FUND ESTABLISHED FOR THE**
8 **SERIES 2016 BONDS FOR SUCH PURPOSE; RATIFYING ACTION PREVIOUSLY**
9 **TAKEN IN CONNECTION THEREWITH, AND REPEALING ACTION INCONSISTENT**
10 **WITH THE PROVISIONS OF THIS RESOLUTION.**

11
12 **WHEREAS:** the Governing Body (the “Governing Body”) of the City of Rio Rancho (the
13 “City”) has been advised that there is a surplus in the debt service fund or
14 account established in connection with the issuance by the City of its
15 General Obligation Improvement Bonds, Series 2016 (the “Series 2016
16 Bonds”); and

17
18 **WHEREAS:** the Series 2016 Bonds maturing on and after August 1, 2026, which are
19 outstanding in an aggregate principal amount of \$2,210,000, are subject to
20 redemption at the option of the City on and after August 1, 2024 (the
21 “Defeased Series 2016 Bonds”); and

22
23 **WHEREAS:** the defeasance and optional early redemption of the Defeased Series 2016
24 Bonds will enable the City to maintain level property tax rates in connection
25 with the City’s outstanding general obligation bonds and related debt
26 service requirements; and

27
28 **WHEREAS:** the Governing Body has been presented with a form of Escrow Agreement,
29 including Notices of Defeasance and Redemption of Redemption of the
30 Defeased Series 2016 Bonds; and

31
32 **WHEREAS:** the Governing Body hereby determines and declares that it is in the best
33 interest of the City and its residents to defease and optionally redeem the
34 Defeased Series 2016 Bonds pursuant to the terms and provisions of this
35 Resolution and the Escrow Agreement.

36
37 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF**
38 **RIO RANCHO:**

39
40 **Section 1.** All action, not inconsistent with the provisions of this Resolution, heretofore
41 taken by the Governing Body and the officers of the City directed toward the defeaance
42 and optional redemption of the Defeased Series 2016 Bonds is ratified, approved and
43 confirmed.
44

1 **Section 2.** The Governing Body hereby elects to exercise the City’s option to redeem,
2 on August 1, 2024, the Series 2016 Bonds maturing on and after August 1, 2026, pursuant
3 to the terms and conditions of the Escrow Agreement and this Resolution.
4

5 **Section 3.** The Escrow Agreement, in substantially the form presented to the
6 Governing Body in connection with this Resolution, is hereby approved. The Mayor, City
7 Manager and Director of Financial Services (“Authorized Officers”) are each authorized
8 to execute and deliver the Escrow Agreement to BOKF, NA, as Escrow Agent (the
9 “Escrow Agent”), with such revisions, modifications and completions as they deem
10 appropriate, in consultation with the City’s Municipal Advisor and Bond Counsel.
11

12 **Section 4.** The funding of the defeasance escrow established pursuant to the Escrow
13 Agreement with money on deposit in the debt service fund or account established in
14 connection with the Series 2016 Bonds (the “2016 Debt Service Account”) is hereby
15 authorized. The Financial Services Director is hereby authorized to transfer funds from
16 the 2016 Debt Service Account to the Escrow Agent pursuant to the Escrow Agreement
17 for such purposes.
18

19 **Section 5.** The Authorized Officers and other officers of the City are hereby authorized
20 and directed, for and on behalf of the City, to take all action necessary or appropriate to
21 effectuate the provisions of this Resolution, including, without limiting the generality of the
22 foregoing, the publication of any notices deemed necessary or advisable by the
23 Authorized Officers.
24

25 **Section 6.** If any section, paragraph, clause or provision of this Resolution shall for any
26 reason be held to be invalid or unenforceable, the invalidity or unenforceability of such
27 section, paragraph, clause or provision shall not affect any of the remaining provisions of
28 this resolution.
29

30 **Section 6.** All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent
31 herewith are hereby repealed to the extent only of such inconsistency. This repealer shall
32 not be construed to revive any bylaw, order, resolution or ordinance, or parts thereof,
33 heretofore repealed.
34

35 ADOPTED THIS _____ DAY OF _____, 2023.
36
37

38 _____
39 Gregory D. Hull, Mayor
40
41

42
43 ATTEST:
44

45 _____
46 Rebecca A. Martinez, City Clerk
47

48 (SEAL)

ESCROW AGREEMENT

THIS ESCROW AGREEMENT DATED as of the ___ day of _____, 2023, by and between the City of Rio Rancho, New Mexico (the "City"), a municipality duly organized under the laws of the State of New Mexico, and BOKF, NA, Albuquerque, New Mexico, a national banking association duly organized and existing under the laws of the United States of America and a member of the Federal Deposit Insurance Corporation, possessing and exercising full trust powers and doing business in the State of New Mexico (the "Escrow Agent").

WHEREAS, pursuant to the provisions of law, the Governing Body of the City (the "Governing Body"), by its Resolution No. R___ duly adopted on April 27, 2023 (the "Defeasance Resolution"), has authorized the defeasance of the City of Rio Rancho, New Mexico General Obligation Improvement and Refunding Bonds, Series 2016 maturing on and after August 1, 2026 in an aggregate principal amount of \$2,210,000 (the "Defeased Series 2016 Bonds"), a copy of which Defeasance Resolution has been delivered to the Escrow Agent herewith and which is incorporated herein by reference in its entirety, including to the extent not inconsistent herewith, the definitions; and

WHEREAS, the Defeasance Resolution provides for paying and advance refunding of the Defeased Series 2016 Bonds maturing on and after August 1, 2026 from legally available funds of the City and the payment of the interest on the Defeased Series 2016 Bonds as the same become due on and until August 1, 2024, which is the first optional redemption date, with respect to the Defeased Series 2016 Bonds (the "Call Date"), at which time all of the Defeased Series 2016 Bonds then outstanding will be called for prior redemption, pursuant to the City's call for prior redemption of the Defeased Series 2016 Bonds as set forth in the Defeasance Resolution; and

WHEREAS, the City has provided for \$2,235,401.12 in legally available funds of the City shall be deposited with the Escrow Agent and used to purchase the securities described in Exhibit I attached hereto and made a part hereof (the "Federal Securities") and which will be sufficient to pay the principal of and interest on the Defeased Series 2016 Bonds when due on and until the Call Date; and

WHEREAS, the Defeasance Resolution authorizes and directs officers of the City to take all necessary or appropriate action to approve, enter into and execute this Escrow Agreement with the Escrow Agent so as to insure the payment of the principal of and interest on the Defeased Series 2016 Bonds on and until the Call Date.

NOW, THEREFORE, THIS ESCROW AGREEMENT, WITNESSETH:

In consideration of the mutual agreements herein contained and for other good and valuable consideration, the receipt of which is hereby acknowledged by the Escrow Agent, and in order to protect the Federal Securities and moneys provided by the City and held in trust to pay the principal of and interest on the Defeased Series 2016 Bonds, as the same mature and become due, the parties hereto mutually undertake, promise and agree for themselves, their respective representatives, successors and assigns, as follows:

Section 1. There is hereby created special and separate trust funds, designated as the "The City of Rio Rancho, New Mexico General Obligation Improvement and Refunding Bonds, Series 2016, Escrow Account" (the "Escrow Account").

The Federal Securities shall be immediately deposited in the Escrow Account upon receipt thereof by the Escrow Agent. The Federal Securities are sufficient, together with interest income and profits, if any, realized and accrued on the Federal Securities, to assure that the funds available in the Escrow Account will at all times be sufficient to promptly pay the principal of and interest on the Defeased Series 2016 Bonds on and until their Call Date as described in Exhibit II attached hereto and made a part hereof. The proceeds from and interest on the Federal Securities and the Cash Deposit shall be used by the Escrow Agent and the City to make the payments due on the Defeased Series 2016 Bonds on and until their Call Date.

Section 2. The Escrow Agent shall, at all times, hold the Federal Securities in the Escrow Account for the account of the City and for the benefit of the holders of the Defeased Series 2016 Bonds and shall maintain the Escrow Account wholly segregated from other funds and securities on deposit with the Escrow Agent, shall never co-mingle such Federal Securities and other moneys with other funds or securities of the

Escrow Agent, and shall never at any time use, loan or borrow the same in any way, so that sufficient funds will be available to pay the interest and principal requirements of the Defeased Series 2016 Bonds as the same become due and payable.

Section 3. The City hereby represents that, and the Escrow Agent may conclusively rely on, the report of Causey, Demgen & Moore, P.C., which certifies that the Federal Securities and the Cash Deposit, together with any earnings on such deposits in the Escrow Fund will be sufficient to pay the interest and principal requirements of the Defeased Series 2016 Bonds as the same become due and payable on and until their Call Date.

Section 4.

(a) On each interest payment date until and including August 1, 2024, the Escrow Agent shall transfer immediately available funds to BOKF, NA as paying agent for the Defeased Series 2016 Bonds, to fully pay all principal of and interest on the Defeased Series 2016 Bonds to be paid and redeemed on August 1, 2024, all as shown on Exhibit II.

(b) On August 1, 2024, after the payments described in Section 4(a) above are made, the Escrow Agent shall remit to the City all moneys (expected to be \$0.00) then remaining in the Escrow Account.

Section 5. The escrow created hereby shall be irrevocable and the holders of the Defeased Series 2016 Bonds shall have an express lien on, and are hereby granted a security interest in, all moneys and Federal Securities, including the interest earned thereon, in the Escrow Account until paid, used and applied in accordance with this Escrow Agreement.

Section 6. The Escrow Agent shall hold any uninvested moneys in the Escrow Account in cash, except as otherwise permitted by Section 17(c) hereof.

Section 7. The Escrow Agent shall not be liable or responsible for any loss resulting from any investment made pursuant to this Escrow Agreement and made in compliance with the provisions hereof. The Escrow Agent has received all compensation to which it is entitled by virtue of this Escrow Agreement.

Section 8. If the Escrow Agent fails to account for any of the moneys and the Federal Securities received by it, such moneys and the Federal Securities shall be and remain the property of the City in trust for the holders of the Defeased Series 2016 Bonds, and if for any reason such moneys and the Federal Securities cannot be identified, the holders of the Defeased Series 2016 Bonds shall have and retain a preferred claim and first lien thereon and the proceeds thereof wherever located.

Section 9. The Escrow Agent shall immediately notify the City Finance Director by telephone and by registered, first-class mail, postage prepaid, whenever for any reason the moneys and Federal Securities on hand in the Escrow Account will be insufficient to pay the principal of and interest on the Defeased Series 2016 Bonds to be paid from the Escrow Account as the same become due and payable, and the City Financial Services Director shall forthwith cause to be deposited into the Escrow Account such additional funds as may be required to pay in full the amount of principal and interest prior to the date on which it becomes due and payable.

Section 10. The Escrow Agent, within fifteen (15) days after August 1, 2024, shall forward by first-class mail to the City Financial Services Director, a statement with respect to the Escrow Account stating in detail the income, investments, if any, and withdrawals of moneys therefrom.

Section 11. The City covenants and agrees that it will restrict the use of the moneys at any time in the Escrow Account in such manner and to such extent, if any, as may be necessary so that the Defeased Series 2016 Bonds will not constitute arbitrage bonds under Section 148 of the Internal Revenue Code of 1986, as amended, and the rules and regulations promulgated thereunder in effect at the time of such use and applicable to the Defeased Series 2016 Bonds. In furtherance of the covenant and agreement of the City set forth in this section, the Escrow Agent covenants and agrees it will follow all instructions set forth in this Agreement and other instructions of the City necessary to prevent the Defeased Series 2016 Bonds from constituting arbitrage bonds.

Section 12.

(a) The City has irrevocably elected and does hereby declare its intent to exercise, on behalf of and in the name of the City, its option to redeem on August 1, 2024 all of the outstanding Defeased Series 2016 Bonds maturing on and after August 1, 2026, at a redemption price equal to the principal amount of the Defeased Series 2016 Bonds to be optionally redeemed, plus accrued interest to August 1, 2024.

(b) The City Finance Director shall, not later than June 15, 2024, request that a Notice of Redemption of the Defeased Series 2016 Bonds to be mailed by BOKF, NA, as paying agent for the Defeased Series 2016 Bonds, by mailing a copy of the Notice of Redemption by first class mail, postage pre-paid, to the registered owners of the Defeased Series 2016 Bonds no later than June 30, 2024. The form of such notice of redemption is attached as Exhibit III. Notice of Defeasance and Redemption shall be mailed by first-class, postage prepaid mail to each registered owner of the Defeased Series 2016 Bonds as soon as possible after adoption of the Defeasance Resolution. The form of such notice of defeasance is attached as Exhibit IV.

Section 13. Time shall be of the essence in the performance of the obligations from time to time imposed upon the Escrow Agent and the City by this Agreement.

Section 14. The duties and responsibilities of the Escrow Agent are limited to those expressly and specifically stated in this Agreement. The Escrow Agent shall not be personally liable for any act which it may do or omit to do hereunder, while acting with reasonable care, except for duties expressly imposed upon the Escrow Agent hereunder or as otherwise expressly provided herein. The Escrow Agent shall be under no obligation to inquire into or be in any way responsible for the performance or non-performance by the City of any of its obligations, nor shall it be responsible in any manner for the recitals or statements contained herein, in the Defeasance Resolution, in the ordinance authorizing issuance of the Defeased Series 2016 Bonds or in any proceedings taken in connection therewith, such recitals and statements being made solely by the City. Nothing in this instrument creates any obligation or liabilities on the part of the Escrow Agent to anyone other than the City and the holders of the Defeased Series 2016 Bonds.

Section 15. The Escrow Agent may not resign from the trust hereby created except with the prior written consent of the City, which consent shall not be unreasonably withheld.

Section 16. If any section, paragraph, subdivision, sentence, clause or phrase hereof shall for any reason be held illegal or unenforceable, such decision shall not affect the validity of the remaining portions hereof. The parties hereby declare that they would have executed this Agreement and each and every other section, paragraph, subdivisions, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, paragraphs, subdivisions, sentences, clauses or phrases hereof may be held to be illegal, invalid or unenforceable. If any provision hereof contains any ambiguity which may be construed as either valid or invalid, the valid constructions shall be adopted.

Section 17.

(a) The Federal Securities initially deposited in the Escrow Account pursuant to this Agreement may be exchanged for or substituted by direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America and which are not callable prior to maturity by the issuer of such obligations ("Substitute Securities") upon delivery to the Escrow Agent of (i) a new verification report (calculated upon the assumption that such substitution will be made) from a nationally recognized firm of certified public accountants verifying the sufficiency of the Substitute Securities to provide for the payments required by Section 4 of this Agreement, (ii) an opinion of bond counsel to the effect that such substitution will not affect the tax-exempt status of interest on the Defeased Series 2016 Bonds, and (iii) written instructions to proceed with such substitution from the City Financial Services Director.

(b) Upon written direction from the City Financial Services Director, the Escrow Agent shall reinvest, to the extent possible, moneys not required to pay the Defeased Series 2016 Bonds in Substitute Securities purchased by the Escrow Agent for the account of the City which mature on or prior to the next required payment of the Defeased Series 2016 Bonds for which they are required, do not cause the Defeased Series 2016 Bonds to be diminished in rating from a rating previously accorded by each rating agency then

rating the Defeased Series 2016 Bonds, and which are state and local government series securities ("slgs") purchased by the Escrow Agent for the account of the City directly from the United States Government, in which event the Escrow Agent agrees to comply with Part 344 of Title 31, Code of Federal Regulations and with such other regulations of the United States Treasury, Bureau of Public Debt, as are from time to time in effect in subscribing for and purchasing such slgs, including without limitation requirements with respect to submitting subscriptions to a Federal Reserve Bank or Branch in advance of the date of purchase of the slgs.

(c) Except as set forth in the preceding paragraphs, the Escrow Agent shall not otherwise invest surplus cash which it holds from time to time in the Escrow Fund unless it receives an opinion of bond counsel as to the legality of any such investment and its effect, if any, on the tax exemption of the interest on the Defeased Series 2016 Bonds and it makes such investment in accordance with the provisions of this Section.

(d) Except as provided in this Section 17, and except for the purpose of curing any ambiguity herein, or to make minor corrections not inconsistent with the terms of the Defeasance Resolution, or for further assuring the security and rights hereunder of the owners of the Defeased Series 2016 Bonds, this Agreement shall not be modified, altered or amended by the parties hereto without the prior written consent of the owners of all of the Defeased Series 2016 Bonds. The City shall send a copy of any such modification, alteration or amendment to each rating agency then rating the Defeased Series 2016 Bonds.

Section 18. This Agreement shall be governed exclusively by the provisions hereof and by the applicable laws of the State of New Mexico. This Agreement expresses the entire understanding and all agreements of the parties hereto with each other with respect to the subject matter hereof and no party hereto has made or shall be bound by any agreement or any representation to any other party which is not expressly set forth in this Agreement.

Section 19.

(a) Whenever in this Agreement the City or the Escrow Agent is named or is referred to, such provision is deemed to include any successor of the City or the Escrow Agent, respectively, immediate or intermediate, whether so expressed or not.

(b) All of the stipulations, obligations and agreements by or on behalf of, and other provisions for the benefit of, the City or the Escrow Agent contained in this Agreement:

(1) shall bind and inure to the benefit of any such successor; and

(2) shall bind and inure to the benefit of any officer, board, agent or instrumentality to whom or to which there shall be transferred by or in accordance with law any relevant right, power or duty of the City or the Escrow Agent, respectively, or of its successor.

Section 20. All notices, requests, approvals and other similar instruments permitted or required hereunder shall be in writing and shall be deemed to have been properly received three days after they are sent by first-class United States mail, postage prepaid, to the following addresses:

If to the City:

The City of Rio Rancho, New Mexico
Attn: City Financial Services Director
3200 Civic Center Circle NE
Rio Rancho, New Mexico 87144
Telephone Number: (505) 891-5000
E-mail: Carole Jaramillo (cjaramillo@rrnm.gov)

If to the Escrow Agent:

BOKF, NA
Attn: Corporate Trust Department
100 Sun Avenue NE, Suite 500
Albuquerque, New Mexico 87109
Telephone Number: 505-222-8457
E-mail: Cindy.Mitchell@bankofalbuquerque.com>

If to Registrar/Paying Agent for the Defeased Series 2016 Bonds:

BOKF, NA
Attn: Corporate Trust Department
100 Sun Avenue NE, Suite 500

Albuquerque, New Mexico 87109
Telephone Number: 505-222-8457
E-mail: Cindy.Mitchell@bankofalbuquerque.com

or to such other address as a party may designate in the future by giving written notice of such address to other parties.

IN WITNESS WHEREOF, the City, duly authorized thereunder by its governing body, has caused this Agreement to be signed by the Mayor and attested by the City Clerk thereof, and its corporate seal to be hereunto affixed, and BOKF, NA, Albuquerque, New Mexico has caused this Agreement to be signed in its corporate name by its authorized officer and attested by its authorized officer and its corporate seal to be hereunto affixed, all as of the day and year first above written.

[Signature Page to Follow]

CITY OF RIO RANCHO, NEW MEXICO

[SEAL]

By: _____
Greggory D. Hull, Mayor

ATTEST:

By: _____
Rebecca A. Martinez, City Clerk

BOKF, NA
Albuquerque, New Mexico

By _____
Cindy Mitchell, Assistant Vice President
And Trust Officer

EXHIBIT I

ESCROW SECURITIES IN THE ESCROW ACCOUNT

As of May 25, 2023

<u>Type</u>	<u>Maturity Date</u>	<u>First Interest Payment Date</u>	<u>Par Amount</u>	<u>Coupon</u>
SLGS/CERT.	08/01/2023	08/01/2023	\$ 16,069.00	1.838%
SLGS/CERT.	02/01/2024	02/01/2024	4,647.00	1.826%
SLGS/Note	08/01/2024	08/01/2023	<u>2,214,695.00</u>	1.653%
			\$2,235,401.00	

EXHIBIT II

DEFEASED SERIES 2016 BONDS DEBT SERVICE

City of Rio Rancho, New Mexico
General Obligation Bonds, Series 2016

<u>Maturity Date</u> <u>(August 1)</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u>	<u>Total</u>
2026	\$745,000	\$46,000	\$791,000
2027	745,000	31,100	776,100
2028	720,000	16,200	736,200

2016 DEFEASED BONDS DETAILED DESCRIPTION

<u>Maturity Date</u> <u>August 1</u>	<u>Principal</u>	<u>Interest Rate</u>	<u>CUSIP</u>
2026	\$745,000	2.000%	767165EC3
2027	745,000	2.000%	767165ED1
2028	720,000	2.250%	767165EE9

EXHIBIT III

NOTICE OF REDEMPTION OF
\$11,310,000
City of Rio Rancho, New Mexico
General Obligation Improvement and Refunding Bonds, Series 2016

MATURING ON AND AFTER
August 1, 2026

NOTICE IS HEREBY GIVEN to all owners of the outstanding City of Rio Rancho, New Mexico General Obligation Improvement and Refunding Bonds, Series 2016, originally issued on June 21, 2016, and maturing on and after August 1, 2026, in the total principal amount of \$2,210,000 (the "Called Bonds") and more completely described as follows:

**City of Rio Rancho, New Mexico
General Obligation Improvement and Refunding Bonds, Series 2016**

Maturity Date	<u>Principal</u>	<u>Interest Rate</u>	<u>CUSIP</u>
August 1 2026	\$745,000	2.000%	767165EC3
2027	745,000	2.000%	767165ED1
2028	720,000	2.250%	767165EE9

have been called for redemption on August 1, 2024. On August 1, 2024, there will become due and payable the principal amount of the Called Bonds and accrued interest to the redemption date.

Owners of the Called Bonds should present their bonds to BOKF, NA, acting as the Paying Agent/Registrar, on or after August 1, 2024, at the following address for payment:

BOKF, NA
Attn: Corporate Trust Department
100 Sun Avenue NE, Suite 500
Albuquerque, New Mexico 87109
Telephone Number: 505-222-8457
E-mail: Cindy.Mitchell@bankofalbuerque.com

Payment will be made upon presentation and surrender of the Called Bonds to be redeemed at the address stated above on or after August 1, 2024. From and after June 1, 2018, interest on the Called Bonds will cease to accrue.

No representation is made as to the correctness of the CUSIP numbers either as printed on the Called Bonds or as contained herein.

Federal tax law requires individual holders of municipal bonds to submit their tax identification number (Social Security number) with each bond presented for payment (whether upon sale, maturity or redemption). Please submit a Form W-9 at the time the Called Bonds are presented for payment. Forms W-9 are available at your local bank or broker. FAILURE to comply with the tax law will subject payment of principal to the backup withholding provisions of the tax law which requires the withholding a portion of the principal payment as tax.

BOKF, NA, as paying agent/registrar for the Called Bonds

Publication Requirements: None

Mailing Requirements: No later than April 30, 2024, by first-class United States mail, postage prepaid, to all registered owners of the Called Bonds at the address shown on the registration books kept by the Paying Agent/Registrar.

On the date mailed to registered owners, electronically to:

Call Notification Department
The Depository Trust Company
55 Water Street, 50th Floor
New York, New York 10041-0099
(212) 855-4349
redemptionnotification@dtcc.com

Municipal Securities Rulemaking Board
Electronic Municipal Market Access
<http://emma.msrb.org>

EXHIBIT IV

NOTICE OF DEFEASANCE AND REDEMPTION OF
\$11,310,000
CITY OF RIO RANCHO, NEW MEXICO
GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 2016

NOTICE IS HEREBY GIVEN that there is now deposited under the control of BOKF, N.A., (the "Escrow Agent"), under an Escrow Agreement between the City of Rio Rancho, New Mexico (the "City") and the Escrow Agent, cash and direct obligations of the United States of America in an amount which will be sufficient to pay \$2,210,000 of the outstanding principal amount of the City of Rio Rancho, New Mexico General Obligation Improvement and Refunding Bonds, Series 2016 (the "Refunded Bonds") maturing on and after August 1, 2026. The Refunded Bonds maturing on and after August 1, 2026 will be called on their first optional redemption date of August 1, 2024, plus accrued interest to the redemption date.

The Refunded Bonds listed below are deemed paid and discharged under the provisions of the Defeasance Resolution authorizing the defeasance and redemption of the Refunded Bonds (the "Resolution").

**City of Rio Rancho, New Mexico
General Obligation Improvement and Refunding Bonds, Series 2016**

<u>Maturity Date</u>	<u>Principal</u>	<u>Interest Rate</u>	<u>CUSIP</u>
August 1 2026	\$745,000	2.000%	767165EC3
2027	745,000	2.000%	767165ED1
2028	720,000	2.250%	767165EE9

Pursuant to the Escrow Agreement, \$2,210,000 aggregate principal amount of the Refunded Bonds maturing on August 1, 2026 and thereafter will be called for early redemption on August 1, 2024 at a redemption price equal to the \$2,210,000 principal amount of such Refunded Bonds, plus accrued interest to the redemption date.

THIS NOTICE IS GIVEN as of the 30th day of June, 2024.

BOKF, NA,
as paying agent/registrars for the Refunded Bonds

Publication Requirements: None

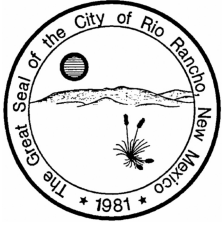
Mailing Requirements: No later than June 30, 2024, by first-class United States mail, postage prepaid, to all registered owners of the Bonds at the
Exhibit IV

address shown on the registration books kept by the Paying Agent/Registrar.

On the date mailed to registered owners, electronically to:

Call Notification Department
The Depository Trust Company
55 Water Street, 50th Floor
New York, New York 10041-0099
(212) 855-4349
redemptionnotification@dtcc.com

Municipal Securities Rulemaking Board
Electronic Municipal Market Access
<http://emma.msrb.org>



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R63

AGENDA DATE:
April 27, 2023

DEPARTMENT:
Financial Services

SUBJECT:
R63, Resolution Adopting the Community Development Block Grant (CDBG) 2023-2027 Consolidated Plan and First Annual Action Plan for the 2023-2024 Fiscal Year

BACKGROUND AND ANALYSIS:

City staff completed all applicable requirements to finalize the 2023-2027 Consolidated Plan and 2023 Annual Action Plan for approval and submission to the U.S. Department of Housing and Urban Development (HUD) no later than May 5, 2023, the deadline for submission of the plan.

The City of Rio Rancho is eligible to receive funds from HUD by virtue of its population exceeding 50,000 persons. Every five years, HUD requires entitlement communities, such as the City of Rio Rancho, to submit a Consolidated Plan (ConPlan). This document establishes priorities, objectives and goals for the City's proposed and ongoing housing, economic development, and community development activities. The ConPlan serves as a comprehensive planning document as well as an application for HUD's CDBG funds. The ConPlan is carried out through Annual Action Plans (AAPs), which provide a concise summary of the actions, activities, and federal/non-federal resources which will be used to address priority needs and goals identified by the ConPlan during a program year.

The City received an annual award of \$489,772 from HUD for Fiscal Year 2023-2024. The 2023-2024 First Annual Action Plan consists of CDBG-funded project awards totaling \$489,772 as recommended by staff, the Capital Improvements Plan Citizen's Advisory Committee (CIPCAC), and considering any public comment offered during the required 30-day public comment period. The 2023-2024 CDBG Projects and activities can be found in *Section AP-38 Projects Summary* of the attached 2023-2027 Consolidated Plan and are proposed as follows:

- | | |
|--|-----------|
| • Haven House Shelter Salary Support | \$28,450 |
| • Saint Felix Pantry – Homelessness Prevention | \$28,450 |
| • Sandoval Co Permanent Supportive Housing | \$16,500 |
| • Habitat for Humanity Residential Emergency | |
| and Critical Home Repair | \$318,417 |
| • Planning and Administration | \$97,954 |

Total Allocation

\$489,772

In accordance with the Citizen Participation Plan, the 30-day Public Comment Period and Public Hearing dates were advertised in the Albuquerque Journal and City website on March 16, 2023. The Public Comment Period began March 16, 2023 and concluded April 16, 2023.

IMPACT:

The City's low-to-moderate income and at-risk residents will be better served with the array of services and critical home repair project contained within the 2023-2024 Annual Action Plan. There will be no impact on the City's General Fund.

ALTERNATIVES:

If the Resolution is not approved, the City cannot submit the 2023-2027 Consolidated Plan and First Annual Action Plan for the 2023-2024 Fiscal Year per HUD deadlines and requirements.

DEPARTMENT RECOMMENDATION:

The Financial Services Department recommends approval of the Resolution.

ATTACHMENT: [Resolution](#)

ATTACHMENT: [FY2023-2027 Rio Rancho Consolidated Plan](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) 2023-2027 CONSOLIDATED PLAN AND FIRST ANNUAL ACTION PLAN
FOR THE 2023-2024 FISCAL YEAR**

WHEREAS: the City of Rio Rancho is eligible to receive federal funds from the United States Department of Housing and Urban Development (HUD) as an entitlement community due to its population exceeding 50,000 persons; and

WHEREAS: the City has conducted two public hearings and published notifications of a thirty-day public comment period to obtain citizen participation, and has identified needs and services from which its low-to-moderate income and at-risk residents will benefit; and

WHEREAS: consideration has been given to any public comments received on the 2023-2027 Consolidated Plan and First Annual Action Plan for the 2023-2024 Fiscal Year; and

WHEREAS: the 2023-2027 Consolidated Plan established the City's plan to accomplish the priorities, objectives, and goals of the City's proposed and ongoing housing, economic development, and community development activities; and

WHEREAS: the City has developed the First Annual Action Plan for the 2023-2024 Fiscal Year reflecting the goals established in the 2023-2027 Consolidated Plan.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF
RIO RANCHO:**

The Governing Body adopts the Community Development Block Grant 2023-2027 Consolidated Plan and First Annual Action Plan for the 2023-2024 Fiscal Year, incorporated herein by reference.

ADOPTED THIS _____ DAY OF _____, 2023.

Greggory D. Hull, Mayor

ATTEST:

1
2
3

Rebecca A. Martinez, City Clerk
(SEAL)

2023

City of Rio Rancho Consolidated Plan



Executive Summary

ES-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

As a recipient of federal grant funds, the City of Rio Rancho is required by HUD to produce a Consolidated Plan and Annual Action Plan. Rio Rancho has contracted with WFN Consulting for the development of these planning documents. These plans serve as the application for funding for the Community Development Block Grant, a federal entitlement programs that serve low-income individuals and/or families for the City of Rio Rancho.

The City's Five-Year Consolidated Plan identifies the community's affordable housing, community development and economic development needs and outlines a comprehensive and coordinated strategy for addressing them. This document includes narrative responses to specific questions that grantees must provide a response to achieve compliance with the Consolidated Planning Regulations.

2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

During the development of the Consolidated Plan, several priority needs were identified. Guidelines for addressing these priority needs over the five-year time period from 2023-2027 are summarized below:

- Housing Affordability - Rehabilitation
 - Rehabilitation of Existing Units
 - Financial Assistance to Homebuyers
- Public Infrastructure Reinvestment
 - Construct Public Infrastructure
 - Construct Repair Public Infrastructure
- Public Facility Reinvestment
 - Acquire Public Facilities
 - Construct Public Facilities

- Rehabilitate Public Facilities
- Increase Capacity of Public Services
 - Services for the homeless and at-risk populations
 - Youth and childcare programs
 - Transportation for seniors and youth
 - Rental Housing Subsidies to prevent homelessness
 - Senior Services
 - Services for victims of domestic violence, dating violence, sexual assault, or stalking

3. Evaluation of past performance

Each year, the City of Rio Rancho reports its progress in meeting the five-year and annual goals in the Consolidated Annual Performance Evaluation Report (CAPER). Listed below are some of the goals and accomplishments in the City's 2021 CAPER.

The City made progress on housing affordability by engaging contractors from the National Development Council (NDC) to conduct a housing affordability analysis. An electronic survey was circulated to evaluate housing concerns, priorities, and preferences among Rio Rancho's residents and workforce. Paper copies of the survey were made available through the Broadmoor Senior Center, Meadowlark Senior Center, and the Rio Rancho public library system. The CDBG office contributed to survey development and circulation. The CDBG Grants Administrator also connected the City's NDC consultants to stakeholders within Rio Rancho's low-to-moderate income-serving (LMI) organization network. The final housing affordability analysis was made available in the fall of 2022.

The City continued to work with developers to construct affordable, accessible, multi-family dwelling complexes. The site plan of the La Plazuela de Sandoval development was approved by Rio Rancho's Governing Body in June of 2022. It is envisioned as a mixed-use development, containing commercial facilities and multi-family residences. An affordable retirement community is planned to contain 257 apartments, assisted living units, and beds for seniors. La Plazuela will also have a regional park and ride facility offering bus connection to the Albuquerque-Santa Fe commuter rail. These factors were established as goals in the 2017 AFFH and the 2018-2022 Con Plans and are not identified as projects or activities in the Integrated Disbursement and Information System (IDIS); therefore, accomplishments could not be entered for these goals in IDIS.

The City of Rio Rancho utilized CDBG funds to improve public facilities, increase public services, prevent homelessness, and assist first-time homebuyers with the purchase of affordable housing through down payment assistance. ADA-compliance projects were completed at the City Sports Complex Softball Fields and throughout the Sabana Grande neighborhood. Programs offered by Subrecipients such as Haven House, Saint Felix Pantry, and Sandoval County Permanent Supportive Housing provided services and support to victims of domestic violence, low-income households, and people experiencing homelessness. Although dozens of Down Payment

Assistance (DPA) inquiries were fielded by the CDBG office, only one application was completed, and no household qualified for funding in PY21. Local housing market conditions led many homeowners with existing DPA mortgages to refinance or sell their properties. Both actions trigger the DPA mortgages' repayment clause; as a result, the DPA program generated over \$44,000 in program income. These funds were required to be spent first before annual entitlement funds could be drawn.

4. Summary of citizen participation process and consultation process

During the preparation of the Rio Rancho 2023-2027 Consolidated Plan and PY2023 Action Plan, two public hearings were held on Thursday, April 13, 2023, to obtain the specific housing and related services needs for Rio Rancho. All comments received will be included in this plan at the close of the public comment period on April 16, 2023. The following methods were used to obtain public and private input:

- Public Hearings
- Interviews
- Focus Groups
- Stakeholders Meetings

5. Summary of public comments

No public comments were received.

6. Summary of comments or views not accepted and the reasons for not accepting

No public comments were received.

7. Summary

Over the next five years, the City will continue to provide low- and moderate-income homeowners with housing repair assistance through the Emergency and Critical Repair Initiative and continue to allocate CDBG funds to local nonprofit organizations to provide essential social services for the non-homeless special needs population.

2023-2027 Consolidated Plan Strategic Priorities:

- Housing Affordability and Rehabilitation
- Public Infrastructure Reinvestment
- Public Facility Reinvestment
- Increased Capacity for Public Services

The Process

PR-05 Lead & Responsible Agencies 24 CFR 91.200(b)

1. Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	Rio Rancho	Financial Services Department
CDBG Administrator	Rio Rancho	Financial Services Department
HOPWA Administrator	N/A	N/A
HOME Administrator	N/A	N/A
HOPWA-C Administrator	N/A	N/A

Table 1 – Responsible Agencies

Narrative

The City of Rio Rancho is the lead agency for the development and administration of the Consolidated Plan and Annual Action Plan. The Budget and Grants Division of the City of Rio Rancho's Department of Financial Services provides oversight of grants funds allocated through the Community Development Block Grant (CDBG). The City has prepared the Consolidated Plan and First-Year Action plan to provide a comprehensive a strategy to address community development, affordable housing, and homelessness needs with CDBG funds.

Consolidated Plan Public Contact Information

Tara Pawley, ALM, CDBG Grants Administrator
City of Rio Rancho, Financial Services Department
3200 Civic Center Circle, NE
Rio Rancho, New Mexico 87144
(505) 896-8766

PR-10 Consultation – 91.100, 91.110, 91.200(b), 91.300(b), 91.215(I) and 91.315(I)

1. Introduction

The City of Rio Rancho conducted significant consultation through interviews and focus groups with citizens, municipal officials, non-profit agencies, public housing agencies, private developers, governmental agencies, and the Continuum of Care in preparing this plan. The City also held a public meeting prior to the development of the plan and one public meeting to review the draft priorities. These meetings are summarized in the Citizen Participation Section of this plan.

Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I)).

The Albuquerque Housing Authority, Bernalillo County Housing Authority, Santa Fe Civic Housing Authority, and the Town of Bernalillo Housing Authority are the local public housing agencies serving Rio Rancho and were consulted in the preparation of this plan. These agencies provided data on tenant and housing choice voucher holder characteristics, waiting lists, and future plans for development. In addition to the public housing agencies, the City consulted with other private and governmental agencies, mental health, and service agencies was instrumental in developing priorities and the preparation of this plan. These agencies also provided input during the charrette process.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness

Rio Rancho is a part of the New Mexico Balance of State Continuum of Care. The New Mexico Balance of State CoC’s mission is to offer comprehensive services, housing options, resources, funding, and advocacy to support homeless individuals and families. In consultation to develop this plan, the City of Rio Rancho consulted with the Continuum to gain access to all CoC data and an understanding of how the City and the CoC work together. The City was provided data from the Point-in-Time Count (PIT), the Housing Inventory Count, and information from the Annual Homeless Assessment Report (AHAR). Data was available for the Continuum but not isolated to the City of Rio Rancho. Coordination between the City and the CoC ensures that CoC goals and the City’s Consolidated Plan priorities are integrated into the plan.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS

The City of Rio Rancho is a member of the New Mexico Balance of State Continuum of Care. The City does not receive Emergency Solutions Grant funds and therefore does not need to develop performance standards or policies and procedures.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities

Representatives from the broad community, nonprofit council, social service agencies, private businesses, housing agencies, community development corporations, housing developers, and other government agencies participated in person and virtual stakeholder meetings to provide feedback about housing and social service needs. Agencies also provided input by completing an online survey. The agencies that were consulted are listed below:

Agency/Group/Organization	Agency/Group/Organization Type	Section of Plan Addressed by Consultation	How Consulted
City of Rio Rancho	Government	All	Interview
NM Coalition to End Homelessness	Nonprofit Organization	Homelessness Needs	Interview
Sandoval County - Permanent Supportive Housing	Government	Homelessness Needs; Housing Needs	Interview
SCPSH Client Advisory Board	Department and Agencies	Non-Homeless Special Needs	Public Meeting
Homewise	Nonprofit Organization	Homelessness Needs	Interview

Haven House	Nonprofit Organization	Homelessness Needs, Non-Homeless Special Needs	Interview
St. Felix Pantry	Nonprofit Organization	Homelessness Needs, Non-Homeless Special Needs	Interview
City of Rio Rancho Development Services	Department and Agencies	Housing Needs	Interview
Greater Albuquerque Housing Partnership	Nonprofit Organization	Housing Needs	Survey
Capital Improvement Projects Citizens Advisory Committee/ NM Finance Authority	Department and Agencies	Non-Homeless Special Needs	Survey
Titan Development	Private Industry	Housing Needs	Focus Group
MRCOG - Dial A Ride	Department and Agencies	Non-Homeless Special Needs	Survey
Rio Rancho Public Schools	Public Institution	Non-Homeless Special Needs	Survey
Albuquerque Housing Authority	PHA	Housing Needs	Public Meeting

Bernalillo County Housing Department	PHA	Housing Needs	Public Meeting
Santa Fe Civic Housing Authority	PHA	Housing Needs	Public Meeting
Habitat for Humanity Greater ABQ	Nonprofit Organization	Housing Needs	Group Forum

Table 2 – Agencies, groups, organizations who participated

Identify any Agency Types not consulted and provide rationale for not consulting

The City did not exclude any agency type or agency during this consolidated planning process.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Rio Rancho Affordable Housing Plan	City of Rio Rancho	Market Analysis
Rio Rancho Comprehensive Plan	City of Rio Rancho	Market Analysis

Table 3 – Other local / regional / federal planning efforts

Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(I))

As the City of Rio Rancho implements this 5-Year Consolidated Plan, it will continue to work with other local public and private entities, regional organizations, Sandoval County, and the state of New Mexico. Several public entities provided input during the development of this Plan, including the Bernalillo County Housing Department, Santa Fe Civic Housing Authority, Albuquerque Housing Authority, NM Coalition to End Homelessness, Sandoval County, SCPSH Client Advisory Board, and City of Rio Rancho Development Services.

Narrative (optional):

PR-15 Citizen Participation – 91.105, 91.115, 91.200(c) and 91.300(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation

Summarize citizen participation process and how it impacted goal-setting

A Community Needs Survey was conducted to solicit input from residents and workers in the City. Respondents were informed that the City was updating the Consolidated Plan for federal funds that primarily serve low- to moderate-income residents and areas. The questionnaire polled respondents about the level of need in their neighborhood for various types of improvements that can potentially be addressed by the use of Consolidated Plan funds. In order to give as many people as possible the chance to voice their opinion, emphasis was placed on making the survey widely available and gathering a large number of responses rather than administering the survey to a controlled, statistically representative pool. Therefore, the survey results should be viewed as an indicator of the opinions of the respondents, but not as representing the opinions of the City population as a group. The survey was distributed through a number of channels in order to gather responses from a broad sample. It was made available in hard copy format, as well as electronic format via Survey Monkey. Electronic responses were possible via smartphone, tablet, and web browsers. The survey was available online and offline in English and Spanish.

Public meetings were also held in order to provide forums for residents of the study area and other interested parties to contribute to this Consolidated Plan and Annual Action Plan. Morning and evening meetings were held in various locations across the City and County, providing a variety of options for residents and stakeholders to attend. Public notices of the meetings were displayed in local newspapers and through email notifications to stakeholder contacts. Meetings were held at the times and locations shown in the following table throughout the City. A summary of comments received at the meetings is included in the Appendix to this document and a list of meeting times and locations is shown on the next page.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons
1	Public Meetings	Community Stakeholders, Nonprofits, County Departments, CIDS, cities, low-and moderate-income county residents.	One public meeting was held to receive citizen input from residents in on community development, housing, and homeless needs.	Affordable housing, services for the homeless and at-risk of homelessness, public infrastructure needs, housing rehabilitation, and services for domestic violence survivors were the top needs identified. Some other concerns expressed were good of coordination of services from non-profits, but not enough service providers to address needs of residents locally, nimby attitudes throughout the city, lack of amenities, and transportation.	All comments were accepted
2	Public Hearings	Nontargeted/broad community	One public hearing was held to receive citizen input from residents in on community development, housing, and homeless needs.	A summary of comments will be added here at the end of the comment period.	All comments will be accepted.
3	Newspaper Ad	Nontargeted/broad community	The public was notified of the public meetings via a newspaper ad in the ABQ Journal.	Any comments received from this method will be added to the plan at the end of the comment period.	All comments will be accepted.
4	Survey	Nontargeted/broad community	The survey received 103 responses.	The survey was used to capture comments. The survey analysis is attached.	All comments were accepted

Table 4 – Citizen Participation Outreach

Needs Assessment

NA-05 Overview

Needs Assessment Overview

The City of Rio Rancho – Financial Services Department facilitates the development and preservation of quality housing, suitable living environments for persons of low and moderate income through the Consolidated Planning process. The Needs Assessment is based on an analysis of housing problems across Rio Rancho among renters and owners. The following data indicates the number and percentage of renters and homeowners who may be subject to housing problems, based on income level.

Comprehensive Housing Affordability Strategy (CHAS) data is used to demonstrate the number of households in need of housing assistance. HUD’s CHAS data set is a “special tabulation” of 2016-2020 American Community Survey (ACS) data from the Census Bureau. This “special tabulation” data provides counts of the numbers of households’ problems that fit certain combinations of HUD-specified criteria such as housing needs. HUD-defined income limits (primarily 30, 50, and 80% of Area Median Income) and household types of particular interest to planners and policymakers. Since CHAS data requires the Census Bureau to further calculate estimated housing problems at a micro level, CHAS data often lags behind more recent ACS data.

Assessing the specific housing needs of Rio Rancho is critical to creating a realistic and responsive affordable housing strategy. As such, an assessment of the affordable rental and single-family homes was conducted based on available demographic, economic, and housing data for the city. The assessment utilized HUD’s new eCon Planning Suite within the Integrated Disbursement and Information System (IDIS). The eCon Planning Suite pre-populates the most up-to-date housing and economic data available to assist jurisdictions in identifying funding priorities in the Consolidated Plan and Annual Action Plan.

The Needs Assessment concludes with a review of non-housing community development needs, including the need for public facilities, public improvements, and public services. Highlights of the assessment are provided in the sections below.

NA-10 Housing Needs Assessment - 24 CFR 91.205 (a,b,c)

Summary of Housing Needs

In 2009, Rio Rancho had a population of 75,331 consisting of 28,430 household units with a median income of \$59,182.00 per year. According to the 2013-2017 American Community Survey (ACS), the City of Rio Rancho population grew by 24%; increasing the total population to 93,315 residents consisting of 33,370 households by 2017. The median annual household income increased by 7% to \$63,180.00 annually.

Demographics	Base Year: 2009	Most Recent Year: 2017	% Change
Population	75,331	93,315	24%
Households	28,430	33,370	17%
Median Income	\$59,182.00	\$63,180.00	7%

Table 5 - Housing Needs Assessment Demographics

Data 2000 Census (Base Year), 2013-2017 ACS (Most Recent Year)
Source:

Number of Households Table

The table below describes these households in three separate categories (0-30%HAMFI, >30-50%HAMFI, and >50-80% HAMFI); however, these families often face similar housing problems such as overcrowding and cost burden. For the purposes of this plan and HUD's focus on low-income populations, we will focus on families with incomes less than 80% AMFI. Additionally, this plan will identify families with more than five members as large families.

The most common household type in Rio Rancho is small-family households which is defined as a household having at least two non-elderly members up to four members. Small families remain the most common type even when controlled for income. Families with incomes above the median family income ranked the highest in the city, followed by families earning between 50-80% of the Area Median Family Income (AMFI).

	0-30% HAMFI	>30- 50% HAMFI	>50- 80% HAMFI	>80- 100% HAMFI	>100% HAMFI
Total Households	3,060	2,745	4,475	3,855	19,235
Small Family Households	830	845	2,030	1,255	10,290
Large Family Households	285	225	300	680	2,395
Household contains at least one person 62-74 years of age	725	765	1,170	1,035	3,930

	0-30% HAMFI	>30- 50% HAMFI	>50- 80% HAMFI	>80- 100% HAMFI	>100% HAMFI
Household contains at least one person age 75 or older	405	540	650	435	1,260
Households with one or more children 6 years old or younger	580	475	830	700	2,795

Table 6 - Total Households Table

Data 2013-2017 CHAS

Source:

Housing Needs Summary Tables

1. Housing Problems (Households with one of the listed needs)

In the table below, 9,415 households are facing at least one housing problem according to 2013-2017 CHAS Data. That means that 39.94% Renters and 60.06% of Owners are facing housing problems with housing cost burden being their biggest problem.

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Substandard Housing - Lacking complete plumbing or kitchen facilities	55	0	25	0	80	0	0	0	35	35
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	0	0	40	0	40	0	0	0	10	10

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Overcrowded - With 1.01-1.5 people per room (and none of the above problems)	95	75	95	70	335	45	20	20	90	175
Housing cost burden greater than 50% of income (and none of the above problems)	840	520	365	0	1,725	860	730	370	80	2,040
Housing cost burden greater than 30% of income (and none of the above problems)	30	280	650	320	1,280	180	530	1,360	835	2,905
Zero/negative Income (and none of the above problems)	300	0	0	0	300	490	0	0	0	490

Table 7 – Housing Problems Table

Data 2013-2017 CHAS

Source:

2. Housing Problems 2 (Households with one or more Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden)

In the table below, 14,150 households are facing at least one of the four housing problem according to 2013-2017 CHAS Data. That means 31.42% of household are having one or more housing problems, 63.00% have none of the four housing problems and 5.58% household has negative income.

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Having 1 or more of four housing problems	990	595	525	70	2,180	905	755	390	215	2,265
Having none of four housing problems	80	330	850	865	2,125	305	1,065	2,710	2,710	6,790
Household has negative income, but none of the other housing problems	300	0	0	0	300	490	0	0	0	490

Table 8 – Housing Problems 2

Data 2013-2017 CHAS

Source:

3. Cost Burden > 30%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	315	315	605	1,235	240	430	935	1,605

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
Large Related	200	19	155	374	65	165	65	295
Elderly	250	305	140	695	510	510	535	1,555
Other	215	230	245	690	270	180	195	645
Total need by income	980	869	1,145	2,994	1,085	1,285	1,730	4,100

Table 9 – Cost Burden > 30%

Data 2013-2017 CHAS
Source:

4. Cost Burden > 50%

The data in Table 10 indicates that 4.16 percent of total households in Rio Rancho pay half or more of their income for housing cost (1,849 renter households and 2,030 owner-occupied households). Below is a breakdown of family income of renters experiencing cost burden of over 50 percent of family income:

- 47.82% have incomes under 30% AMI
- 32.97% have incomes between 30-50% AMI
- 19.66% have incomes between 50-80% AMI.

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	285	130	185	600	195	265	150	610
Large Related	200	4	0	204	65	85	0	150
Elderly	250	205	55	510	435	265	150	850
Other	215	185	135	535	210	140	70	420
Total need by income	950	524	375	1,849	905	755	370	2,030

Table 10 – Cost Burden > 50%

Data 2013-2017 CHAS

Source:

5. Crowding (More than one person per room)

HUD defines overcrowding as homes that have more than one person per room. Additionally, there are classifications of severe overcrowding where there are more than 1.5 persons per room. Cost burden occurs when housing costs, including utilities, cost more than 30% of monthly income. Severe cost burden occurs when monthly housing costs exceed 50% of monthly income.

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Single family households	95	60	80	70	305	45	20	4	100	169

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Multiple, unrelated family households	0	15	10	0	25	0	0	15	0	15
Other, non-family households	0	0	40	0	40	0	0	0	0	0
Total need by income	95	75	130	70	370	45	20	19	100	184

Table 11 – Crowding Information – 1/2

Data 2013-2017 CHAS

Source:

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
Households with Children Present								

Table 12 – Crowding Information – 2/2

Describe the number and type of single person households in need of housing assistance.

While the CHAS data does not estimate the need for housing assistance among single person households, it is likely that single-person households occupied by a person 65 years and older will need housing assistance if the occupant is also cost-burdened and disabled. Such services may include housing repairs, accessibility modifications and tenant-based rental assistance. There is also a need for individuals in shelters or transitional housing programs for homeless people. In order to meet the needs of homeless individuals, the level of services available within shelters for single individuals must be significantly increased. Shelter capacity could be reconfigured into smaller facilities that will have adequate space to this higher level of services to residents; provide more intensive case management services that support individual development; provide comprehensive on-site daytime services instead of forcing residents to exit during the day.

Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault and stalking.

According to the New Mexico Coalition to End Homelessness PIT report, there are 43 (16%) Unsheltered Homeless due to domestic violence; 58 (6%) staying in an emergency shelter that identified as adult survivors of domestic violence; and 10 (6%) living in transitional housing that identified as adult survivors of domestic violence.

What are the most common housing problems?

The most common housing problem is Cost Burden. Cost burden is when a household pay more than 30% of the household's income for housing and a severe housing cost burden is when a household pay more than 50% for housing costs. According to 2013-2017 CHAS data report, housing cost burden is the most common problem in Rio Rancho, affecting an estimate of 93,586 low- and moderate-income households. 84.44% (44.85% of renters and 43.18% of owners) are paying more than 30-50% of their income towards housing costs. When considering the total number of low- and moderate-income households who pay more than 30-50% of their total monthly income towards housing, the housing trend reflects renters are much more likely to have housing problems than homeowners and higher income households. This housing problem is experienced by all income levels but is more common among renters.

Are any populations/household types more affected than others by these problems?

Families at less than 80 percent AMFI are most affected by higher housing expenses and lack of decent affordable housing. These income thresholds tend to coincide within the City's racial and ethnic minority populations. These households are disproportionately affected by these problems.

Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance

In Rio Rancho, homelessness is linked to a shortage of housing for individuals and families with very low- and extremely low-incomes. HUD defines very low-income as 50% of the area median income (AMI) and extremely low-income as 30% AMI. There is a need for more transitional housing, financial assistance, affordable childcare, and other supportive services, especially for the first six months to a year after a person leaves a shelter environment. Additional barriers for housing include:

- Poor credit
- Recent criminal history
- Poor rental history, including prior eviction and money owed to property managers
- Active substance use disorder
- Lack of availability of subsidized housing
- Aging housing stock being converted to higher-end homes
- Rents continuing to rise faster than incomes

These are the key needs for individuals who are currently receiving rapid re-housing and are near termination of housing assistance. The primary need of these individuals, as it is for all very low- to extremely low-income individuals, is an increased supply of affordable housing. These needs is addressed in Rio Rancho's goal to provide support for Emergency Housing and Supportive Services for the Homeless individuals that qualify as homeless or at risk of homelessness using other resources to provide overnight or emergency shelter. The location of affordable housing is also an important need. Due to limited public transportation, individuals need to live near their place of employment and education.

If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used

Rio Rancho does receive an estimation of its at-risk population through the New Mexico Coalition to End Homelessness. The New Mexico Coalition to End Homelessness prepares a point in time count, *Joint Albuquerque and Balance of State Report*, to estimate the number of people that are considered at-risk. The most recent data (from 2022) estimated 1,283 individuals were homeless in the Balance of State. This is based on very low or extremely low-income households that are experiencing housing problems. These households have a propensity to be at the brink of homelessness. Due to this data being a point in time count, the scope of what can be seen in a singular night raises questions about the accuracy of the count.

Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness

Households are considered cost burdened when their housing costs exceed 30 percent of their gross income, and severely cost burdened when their housing costs exceed 50 percent of their gross income. There are large numbers of households in Rio Rancho paying half of their gross monthly income for housing costs. Increased costs (due to inflation) for food, transportation, healthcare, utilities, and other expenditures potentially make these households vulnerable to eviction and homelessness. Consequently, a household can be more vulnerable if unexpected life issues such as illness, job loss or

another circumstances that causes a loss of income or an unexpected expense. Limited or lack of income can be linked to instability and risk of becoming homeless.

The lack of affordable housing units for those who earn very low- and extremely low-incomes is linked with increased risk of becoming homeless. Severe cost burden is the greatest predictor of homelessness risk, with populations paying more than 50% of their income towards housing costs or having incomes at or below 50% AMI. Currently more than 10,973 households (2013-2017 CHAS) are cost burdened or severely cost burdened in Rio Rancho. Additional reasons for instability and increased risk of homeless in Rio Rancho include the continued local housing market recovery after the COVID-19 pandemic, the high unemployment rate, and the lack of financial support and community services available for those families and individuals that are suffering from homelessness.

Discussion

NA-15 Disproportionately Greater Need: Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

Housing needs are based primarily on the condition of existing homes and on the ability of residents to maintain and repair their homes, as well as on their ability to afford the costs of rental or home mortgage payments. HUD defines disproportionately greater need as persons of racial or ethnic minority groups that have problems at rate of 10% or more of the entire income group. For the purposes of this analysis, HUD's definition of disproportionately greater need will apply. The four housing problems are as follows:

1. Lacks complete kitchen facilities;
2. Lacks complete plumbing facilities;
3. Overcrowding (more than one person per room); and
4. Cost Burden greater than 30%.

The 2013-2017 CHAS data tables below summarize the percentage of each racial and ethnic group experiencing housing problems by HUD Adjusted Median Income (AMI) levels. The tables are separated into four ranges of 0% - 30% of Area Median Income, 30% - 50% of Area Median Income, 50% - 80% of Area Median Income, and 80% - 100% of Area Median Income.

0%-30% of Area Median Income

Table 13 shows 2,105 households with less than 30% AMI have at least one of the four identified housing problems. For those households that experienced one or more housing problems; 55.82% were White, 34.44% were Hispanic, 4.99% were Black/African American and 3.33% were Asian, American Indian, Alaska Native. These number shows White, and Hispanic have the greatest number of housing problems racially and ethnically.

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	2,105	165	790
White	1,175	100	335
Black / African American	105	25	15
Asian	20	0	0
American Indian, Alaska Native	50	0	40

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Pacific Islander	0	10	0
Hispanic	725	30	395

Table 13 - Disproportionally Greater Need 0 - 30% AMI

Data 2013-2017 CHAS

Source:

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

30%-50% of Area Median Income

Table 14 shows 2,160 households have one or more of the four housing problems with incomes between 30-50%t AMI. White households have the highest housing problems at 56.02%, Hispanic at 38.43%, Black/African American at 2.31%, and Asian, American Indian, Alaska Native at 1.85%. Even though White households have the highest percentage (56.02%) of housing problems demographically; racially, Hispanic families have the highest incidence of having housing problems.

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	2,160	580	0
White	1,210	415	0
Black / African American	50	0	0
Asian	30	0	0
American Indian, Alaska Native	10	0	0
Pacific Islander	0	0	0
Hispanic	830	170	0

Table 14 - Disproportionally Greater Need 30 - 50% AMI

Data 2013-2017 CHAS

Source:

*The four housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than one person per room,
4. Cost Burden greater than 30%

50%-80% of Area Median Income

The 50%-80% AMI group has the largest number of households that are suffering from one of the four housing problems at 1,350 is Whites. These households have the majority of household problems at 46.2% and Hispanics at 43.8% respectively. The demographic group that experiences the most housing problems are White at 46.15%, Black/African American at 2.6%, Hispanic at 43.76% and Asian, American Indian, Alaska Native households at 4.96%.

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	2,925	1,545	0
White	1,350	1,190	0
Black / African American	75	0	0
Asian	95	25	0
American Indian, Alaska Native	50	20	0
Pacific Islander	0	0	0
Hispanic	1,280	315	0

Table 15 - Disproportionally Greater Need 50 - 80% AMI

Data 2013-2017 CHAS

Source:

*The four housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than one person per room,
4. Cost Burden greater than 30%

80%-100% of Area Median Income

The 80%-100% AMI group is the only group that has more households with no housing problems. A total of 62.16% of all households in this group experience no housing problems. In this income classification, every racial and ethnic demographic group saw a

dramatic reduction in the frequency of households experiencing housing problems.

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,440	2,415	0
White	655	1,480	0
Black / African American	59	10	0
Asian	20	19	0
American Indian, Alaska Native	15	20	0
Pacific Islander	0	0	0
Hispanic	650	810	0

Table 16 - Disproportionally Greater Need 80 - 100% AMI

Data 2013-2017 CHAS

Source:

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

Discussion

An overall assessment shows that Whites at all income levels have the greatest need with one or more housing problems. Hispanics are the second-highest category. This is not just a concern for residents that qualify as low-income. There are many residents qualified as moderate to higher income that still experience housing problems. The four housing problems identified are all major concerns that prevent households from functioning adequately and from providing an affordable residence. The condition and availability of housing within Rio Rancho is in need of repair as evidenced by the above data. Efforts to reduce the deterioration of housing through repairs to kitchens and plumbing will provide residents with access to basic needs while also helping to lower their cost burden.

NA-20 Disproportionately Greater Need: Severe Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

The ACS based HUD CHAS data points to the fact that housing problems related to overcrowding, severe cost burden, lack of kitchen facilities and lack of complete plumbing are borne by those who are poor and working poor. A disproportionately greater need exists when the percentage of persons in a category of need who are members of a racial or ethnic group is at least 10 percentage points higher than the percentage of persons in the category.

Whites and Hispanics are more likely to live in such housing, while elderly persons are also a substantial portion of those suffering from severe housing problems as well. The data indicate Whites to have a disproportionate number of housing units to have one or more of the four housing problems, followed closely by Hispanics. In addition, Whites, who have a cost burden of 50 to 80 percent, are disproportionately represented at higher than the jurisdiction as a whole.

The data in the tables below is based on special tabulations of the Comprehensive Housing Affordability Strategy (CHAS), provided by HUD, and shows that more low-income households are facing housing problems. The Housing Needs Tables below display these numbers on housing problems, income, and race for Rio Rancho.

0%-30% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,895	385	790
White	1,045	230	335
Black / African American	70	60	15
Asian	20	0	0
American Indian, Alaska Native	50	0	40
Pacific Islander	0	10	0
Hispanic	675	80	395

Table 17 – Severe Housing Problems 0 - 30% AMI

Data 2013-2017 CHAS
Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

30%-50% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,350	1,395	0
White	730	900	0
Black / African American	35	15	0
Asian	25	4	0
American Indian, Alaska Native	0	10	0
Pacific Islander	0	0	0
Hispanic	535	465	0

Table 18 – Severe Housing Problems 30 - 50% AMI

Data 2013-2017 CHAS

Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

50%-80% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	915	3,560	0
White	510	2,030	0
Black / African American	40	35	0
Asian	0	125	0

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
American Indian, Alaska Native	35	30	0
Pacific Islander	0	0	0
Hispanic	325	1,275	0

Table 19 – Severe Housing Problems 50 - 80% AMI

Data 2013-2017 CHAS

Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

80%-100% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	285	3,575	0
White	139	2,000	0
Black / African American	0	69	0
Asian	0	45	0
American Indian, Alaska Native	15	20	0
Pacific Islander	0	0	0
Hispanic	135	1,330	0

Table 20 – Severe Housing Problems 80 - 100% AMI

Data 2013-2017 CHAS

Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

Discussion

NA-25 Disproportionately Greater Need: Housing Cost Burdens – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction:

Per HUD definitions, a “disproportionate need” exists when any group has a housing need that is 10% or higher than the jurisdiction as a whole. Examination of the given data makes clear that for those at lower incomes ($\leq 30\%$ MFI) housing cost burden is a major barrier. Although the housing cost burden takes a greater percentage of household income, more White and Hispanic households suffer due to this factor. Regular income plays an important role in determining how much money a household needs to budget for housing expenses, such as a mortgage/rent payment and utilities, compared with income the household may need to maintain their individual standard of living. Regular income is also a strong indicator for mortgage lenders and landlords in determining their potential buyers’ or tenants’ capacity to maintain affordability of their future residence. While budgeting priorities are different for each household, a standard of 30% of household income is utilized as a threshold for housing cost burdens that have evolved over time from rent limits originally established in the United States National Housing Act of 1937. After 1937, rent limits for low-income subsidized households were adjusted again by the Brooke Amendment (1969) of the 1968 Housing and Urban Development Act.

The data provided in Table 21 displays household demographics in relation to the number of households that spend 30% or less of their income on housing costs and compares this population to the number of households with increased housing cost burdens over 30% of their income. Many households were faced with a lack of employment, an inability to fill available positions due to lack of education, inappropriate skill set or lack of transportation. In all but one of the income categories, the racial/ethnic group with disproportionately greater need, within the categories of severe housing problems, is Whites.

Housing Cost Burden

Housing Cost Burden	$\leq 30\%$	30-50%	$>50\%$	No / negative income (not computed)
Jurisdiction as a whole	22,825	5,690	4,035	825
White	14,570	2,745	2,265	370
Black / African American	555	190	140	15
Asian	330	160	45	0
American Indian, Alaska Native	295	50	85	40

Housing Cost Burden	<=30%	30-50%	>50%	No / negative income (not computed)
Pacific Islander	40	0	0	0
Hispanic	6,555	2,405	1,430	395

Table 21 – Greater Need: Housing Cost Burdens AMI

Data 2013-2017 CHAS

Source:

Discussion:

In conjunction with previous CHAS analysis, the most economically disadvantaged are also the most vulnerable. Since low-income residents are clearly identified as those most likely to be suffering from housing cost burden; it is difficult for them to afford high priced homes in higher economic opportunity areas or afford rents that go above fair market value. They pay the highest percentage of their income toward housing. People earning the state minimum wage which is higher than the federal minimum wage have to work 95 hours per week to afford the median rent in their community of residence. This limits housing choice and perpetuates the problems that already exist.

An overall assessment shows that all racial or ethnic groups have housing cost burdens in various income levels. According to 2013-2017 CHAS data, Rio Rancho has an estimated total of 22,825 households that spend 30% or less of their household income toward housing related costs. Table 21 reported that 14,570 White households (63.83%), 555 Black/African American households (2.43%), 330 Asian households (1.45%), 335 American Indian/Alaskan Native, Pacific Islander households (1.47%) and 6,555 of Hispanic households (28.72%) are estimated to have housing cost burdens at 30% or less.

NA-30 Disproportionately Greater Need: Discussion – 91.205(b)(2)

Are there any Income categories in which a racial or ethnic group has disproportionately greater need than the needs of that income category as a whole?

Those households with less than 30 percent AMFI are disproportionately represented. The data supports that White and Hispanic households and the elderly are disproportionately represented. In general, for the city, high housing cost burdens have been associated with lower economic income, the prevalence of housing problems, and the concentration of ethnicity, race, and senior residents within the specific locations of the city's geography.

Regarding housing, it is again, low-income, very low-income, and extremely low-income households in which at least one of the four housing problems is most likely to occur. Housing problems are tied to ethnic/racial groups, and different groups emerge within different categories of problems, such as cost burden, crowding, and severe housing problems. The greatest need is reflected by the cost burden at specific income levels within various demographics.

If they have needs not identified above, what are those needs?

Households that experience a disproportionately greater need may be faced with other needs such as affordable rentals in areas of opportunity (e.g. in proximity to public transit) and accessible to additional supportive services. Additionally, housing problems and severe housing problems can affect persons with disabilities. This group includes people with mental illness, and those with physical, intellectual and developmental disabilities. These individuals have some of the lowest incomes and worst-case housing needs. Income disparity is also reflected in:

- Children in low-income families
- Individuals with disabilities receiving Supplemental Security Income (SSI)
- Seniors on fixed incomes
- Single parent headed families and households
- Households headed by seasonal or temporary workers
- Individuals with low educational levels
- Individuals with limited English proficiency

Are any of those racial or ethnic groups located in specific areas or neighborhoods in your community?

There were not any racially or ethnically concentrated areas of poverty in Rio Rancho.

NA-35 Public Housing – 91.205(b)

Introduction

The City of Rio Rancho is covered under the Albuquerque Housing Authority [AHA]. AHA offers assistance to low-income residents in the City of Albuquerque. AHA receives federal funds from the U.S. Department of Housing and Urban Development (HUD) to provide these services. AHA is the owner and manager of approximately 950 housing units scattered throughout Albuquerque. These units provide decent housing for low-income families, the elderly and disabled individuals at rents they can afford. Tenants of public housing units pay 30% of their income toward their rent, then any additional costs are subsidized with federal funding. Through this program AHA is currently assisting more than 900 households who have an average monthly rent of \$152. The average length of stay in the program is 3.6 years.

The Assisted Housing Programs include the Housing Choice Voucher (HCV) Program, also known as the Section 8 program, and the Special Programs which target specific groups such as homeless persons or persons with disabilities. The HCV Program provides eligible low-income individuals and families with the ability to afford decent, safe, and sanitary housing in the private market. Participants are free to choose housing from single-family homes, townhouses, and apartments, as long as the units meet the requirements of the program. This freedom of choice offers participants a chance for a better quality of life by providing them with access to better job opportunities, schools, transportation, and other services. Project Based Section 8 housing, also known as PBV, is a government-funded program that provides rental housing to low-income households in privately owned and managed rental units. AHA accepts Project Based Vouchers funded through HUD. The City of Rio Rancho works with the Santa Fe Civic Housing Authority, Bernalillo County Housing Department, and the Albuquerque Housing Authority to distribute and manage housing choice vouchers.

The mission of AHA is to empower people in the community through affordable housing and self-sufficiency opportunities. The vision is AHA is to become a high performing agency that is dedicated to providing quality housing and services that equip residents to succeed through operational excellence and staff empowerment. Core values provide the foundation for the AHA staff members to perform work and conduct themselves in a professional way. The AHA's core values are so fundamental that they are expected to stand the test of time—regardless of future changes in society, government, politics, or technology.

- **Service** – We empower clients and coworkers through education and opportunities for growth and success.

- **Compassion** – We serve our clients and coworkers with understanding, empathy, and respect.
- **Accountability** – We achieve organizational excellence by operating as a team, investing in staff training, and embracing the belief that every individual has the capacity to solve problems and fulfill personal goals.
- **Integrity** – We are consistent in dealing professionally, honestly, and fairly with the public and each other.
- **Stewardship** – We are committed to growing and sustaining AHA’s financial resources and implementing environmentally friendly practices in all operations and facilities.

Totals in Use

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher		
				Total	Project-based	Tenant-based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers in use	0	15	925	3,873	0	3,825	48	0	0

Table 22 - Public Housing by Program Type

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Data PIC (PIH Information Center)
Source:

Characteristics of Residents

	Program Type							
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher	
				Total	Project-based	Tenant-based	Veterans Affairs Supportive Housing	Family Unification Program
Average Annual Income	0	8,559	10,215	11,273	0	11,237	14,142	0
Average length of stay	0	4	5	5	0	5	1	0
Average Household size	0	1	2	2	0	2	1	0
# Homeless at admission	0	0	2	0	0	0	0	0
# of Elderly Program Participants (>62)	0	3	190	815	0	802	13	0
# of Disabled Families	0	9	287	1,427	0	1,416	11	0
# of Families requesting accessibility features	0	15	925	3,873	0	3,825	48	0
# of HIV/AIDS program participants	0	0	0	0	0	0	0	0
# of DV victims	0	0	0	0	0	0	0	0

Table 23 – Characteristics of Public Housing Residents by Program Type

Data PIC (PIH Information Center)
Source:

Race of Residents

Race	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher		
				Total	Project-based	Tenant-based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
White	0	15	754	3,281	0	3,241	40	0	0
Black/African American	0	0	70	303	0	298	5	0	0
Asian	0	0	14	78	0	78	0	0	0
American Indian/Alaska Native	0	0	81	181	0	178	3	0	0
Pacific Islander	0	0	6	30	0	30	0	0	0
Other	0	0	0	0	0	0	0	0	0

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Table 24 – Race of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Ethnicity of Residents

Ethnicity	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher		
				Total	Project-based	Tenant-based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Hispanic	0	10	598	2,330	0	2,313	17	0	0
Not Hispanic	0	5	327	1,543	0	1,512	31	0	0

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Table 25 – Ethnicity of Public Housing Residents by Program Type

Data PIC (PIH Information Center)
Source:

Section 504 Needs Assessment: Describe the needs of public housing tenants and applicants on the waiting list for accessible units:

At this time, there is no immediate needed for accessibility feature accommodations for public housing residents. HUD-collected data may include reporting errors for current public housing residents and current needs. Due to the infrequency of open application periods, there is not an accurate way to keep precise measurements for quantitative data that will indicate how many public housing units are equipped with accessibility features or how many applicants on each housing authority's waiting list for public housing would require accessibility features for disabled or elderly residents. There is no report that shows there is a sufficient number of requests for handicap accessible housing on their waiting lists and at this time do not anticipate urgent needs to increase the number of handicap accessible units.

Most immediate needs of residents of Public Housing and Housing Choice voucher holders

Public housing residents and Housing Choice Voucher holders have extremely low incomes. Becoming independent of governmental assistance is the goal of all non-elderly disabled families. Increased self-sufficiency programs will help increase an individual's employment skills, savings, and other life skills. Residents may also need access to affordable childcare and transportation to and from work. These immediate needs impact day to day success and the ability to maintain housing and employment. The most immediate needs noted by residents of Public Housing and the Housing Choice Voucher Programs include:

- Employment
- Training – skills/trade
- Education – high school diploma or equivalent and secondary education
- Access to affordable grocery stores, retail shopping, and department stores

How do these needs compare to the housing needs of the population at large

In many ways, the housing needs of the general population are the same as those in public housing. It can safely be said that improved income opportunities are the most immediate need of public housing residents. In Rio Rancho, accessible public transportation is dependent on housing location. However, affordable housing is challenging as extremely low-income residents have less disposable income.

Discussion

NA-40 Homeless Needs Assessment – 91.205(c)

Introduction:

The following section provides a general assessment of the City's homeless population and its needs. The U.S. Department of Housing and Urban Development (HUD) uses the following categories to define homelessness:

- **Literally Homeless:**
 - Sheltered Homeless: lives in emergency shelter, transitional housing for the homeless or a hotel or motel with the stay being paid for by an organization.
 - Unsheltered Homeless: lives in a car, park, abandoned building, encampment, dilapidated building, on the sidewalk, or similar location.
- **Imminently Homeless:** is facing loss of housing within two weeks, has no subsequent residence identified, and lacks the resources or support networks needed to obtain other permanent housing.
- **Other Homeless:** in jail, a hospital, or a detox program, but would otherwise have been homeless.
- **Fleeing/Attempting to Flee Domestic Violence:** Is fleeing, or is attempting to flee, domestic violence; has no other residence; and lacks the resources or support networks to obtain other permanent housing

Rio Rancho is a part of the Balance of State for New Mexico. The data below was extracted from HUD's 2022 Continuum of Care Homeless Assistance Programs Homeless Populations and Subpopulations report. This report is based on point-in-time information provided to HUD by Continuums of Care (CoCs) as part of their CoC Program application process, per the Notice of Funding Availability (NOFA) for the Fiscal Year 2022 Continuum of Care Program Competition. CoCs are required to provide an unduplicated count of homeless persons according to HUD standards (explained in HUD's annual HIC and PIT count notice and HUD's Point-in-Time Count Methodology Guide. HUD has conducted a limited data quality review but has not independently verified all of the information submitted by each CoC. Additionally, a shift in the methodology a CoC uses to count the homeless may cause a change in homeless counts between reporting periods.

If data is not available for the categories "number of persons becoming and exiting homelessness each year," and "number of days that persons experience homelessness," describe these categories for each homeless population type (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth):

Nature and Extent of Homelessness: (Optional)

Race:	Sheltered:	Unsheltered (optional)
Black or African American	182	38
White	1,345	332
Asian	10	2
American Indian or Alaska Native	273	151
Native Hawaiian or Other Pacific Islander	37	7
Multiple Races	159	24
Ethnicity:	Sheltered:	Unsheltered (optional)
Hispanic/Latino	934	235
Non-Hispanic/Non-Latino	1,072	319

Estimate the number and type of families in need of housing assistance for families with children and the families of veterans.

According to HUD's 2022 CoC Homeless Assistance Programs Homeless Populations and Subpopulations report there is approximately 180 sheltered families with children and 15 unsheltered families with children in New Mexico. There are 71 sheltered veteran families and 20 unsheltered families in New Mexico.

Describe the Nature and Extent of Homelessness by Racial and Ethnic Group.

According to HUD's 2022 CoC Homeless Assistance Programs Homeless Populations and Subpopulations report, 66% of people served were White, 17% were American Indian or Alaska Native and the remaining 17% were comprised of Black, Asian, native Hawaiian, and multiple races. Only 46% of program participants identified as Hispanic or Latino.

Describe the Nature and Extent of Unsheltered and Sheltered Homelessness.

Rio Rancho relies on the New Mexico Coalition to End Homeless point-in-time count data to provide a baseline to determine the nature and extent of homelessness for the sheltered and unsheltered population in the Rio Rancho area. The length of homelessness was measured by exploring the differences, sums, and averages of project entry and exit dates by project type.

Discussion:

NA-45 Non-Homeless Special Needs Assessment - 91.205 (b,d)

Introduction:

This section will discuss the characteristics and needs of persons in various subpopulations of Rio Rancho who are not homeless but may require supportive services, including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with HIV/AIDS and their families, persons with alcohol or drug addiction, and victims of domestic violence, persons with a criminal record, those who have limited English proficiency, and those who are transportation disadvantaged. Persons belonging to this population may have additional needs before, during, and after an incident in functional areas including but not limited to maintaining independence, communication, transportation, supervision, and medical care.

Describe the characteristics of special needs populations in your community:

Non-homeless special needs populations experience many of the same housing and service needs and barriers that others in the Rio Rancho area experience. In fact, non-homeless special needs populations tend to be those who have extremely low or very low income who are at risk of becoming homeless as described earlier. Characteristics of non-homeless special needs populations include people who:

- Live on fixed income, limited income, or no income
- Lack available affordable housing
- Wait on long waiting lists for subsidized housing
- Lack housing with supportive services
- Lack credit history, have negative credit or rental history, have criminal backgrounds or other factors that affect their ability to find a willing landlord
- Have health issues, such as substance use or mental health disorders
- Lack job opportunities or are unable to work
- Lack affordable childcare
- Lack dependable transportation

The section below will describe why identifying the characteristics and needs of these sub-populations is essential to the planning process for these federal dollars.

Elderly and Frail Elderly

Elderly and frail elderly are often unable to maintain existing homes or to afford rent. They are often over-housed in homes that have more square footage than the elderly homeowner or renter can maintain on a limited budget. Housing cost burden-related issues are often compounded by the requirement of additional services it takes for elderly and frail-elderly to age in place. These services may include costly medical and other daily living assistance services. Frail and elderly individuals are in a higher state of vulnerability for adverse health outcomes compared to non-frail elderly individuals, either due to slow declines or terminal illnesses.

Persons with Physical Disability

ACS defines ambulatory difficulties as seriously affecting motility and the ability to walk or climb stairs. Finding housing that is both affordable and accessible is a basic challenge for persons with physical disabilities.

The 2017 ACS five-year estimate reports there were approximately 12,258 persons with disabilities in Rio Rancho representing 13.2% of the population. Of this total, 4,864 were elderly disabled, representing 5.2% of the disabled population. There were 6,517 disabled adults ages 18-64, or 7% of the population. Ambulatory difficulties represent 7.2% of the population, consume a small portion of the disabled population.

Persons with Developmental Disabilities

Persons with developmental disabilities are individuals with mental or physical disabilities or a combination of mental and physical conditions resulting in significant impairments to daily functioning, including mental retardation, autism, traumatic brain injury, fetal neurological disorders, epilepsy and cerebral palsy. The disability's origin is in the brain and is usually established early in life and the disability must be expected to last indefinitely. Persons living with developmental disabilities in Rio Rancho include individuals who have hearing, vision, cognitive, developmental, ambulatory, self-care, or independent living difficulties, and many individuals have multiple difficulties.

The 2017 ACS five-year estimate reports 4.45% of the disabled population is identified as have cognitive difficulty. Additional services to help developmentally disabled persons stay with their families as well as additional housing and residential facilities would be welcomed. Other needed services include vocational services, social and community involvement, and transportation.

Domestic Violence

Domestic violence affects families and communities as a whole. The Bureau of Justice Statistics defines domestic violence as victimizations committed by intimate partners (current or former spouses, boyfriends, or girlfriends), immediate family members (parents, children, or siblings), and other relatives.

What are the housing and supportive service needs of these populations and how are these needs determined?

The primary housing and supportive needs of these subpopulations include affordable, safe housing opportunities in areas with access to transportation, commercial and job centers, social services, and for education regarding fair housing rights and actions that can be taken in the event those rights are violated. Persons with disabilities often require accessible features and ground floor housing units. Victims of domestic violence need

safe housing, removal of barriers to relocation, and for perpetrators to be held accountable. Many of the supportive needs of these subpopulations are available through existing nongovernmental organizations. However, there is a strong need for greater collaboration and education among local government agencies and nonprofits in order to serve the various special needs subpopulations more efficiently and comprehensively.

These needs were determined by input from both service providers and the public through the Needs Assessment survey, public meetings, and stakeholder interviews.

Discuss the size and characteristics of the population with HIV/AIDS and their families within the Eligible Metropolitan Statistical Area:

Persons living with HIV/AIDS

The City of Rio Rancho does not collect data on persons with HIV/AIDS. Data is collected at the level by the New Mexico Department of Health HIV Surveillance and Epidemiology Program. According to the Diagnosis of HIV Infections Among Adults and Adolescents in New Mexico Annual Report of Cases through 2019, there were 1,861 persons were living with HIV and 2,093 persons were living with AIDS. Case surveillance data provides the basis for understanding the burden of HIV and is used to guide public health action at the federal, state, and local levels. Knowing how many people are diagnosed with HIV infection each year, and their stage of disease at diagnosis, is important for planning and resource allocation and for monitoring trends and disparities between groups. Similarly, monitoring HIV incidence is critical for allocating resources and evaluating the effectiveness of HIV testing and other prevention programs. Improved surveillance methods allow resources to be better directed for programs and resources to the populations most affected. The Centers for Disease Control and Prevention's annual HIV Surveillance Report provides an overview of the current epidemiology of HIV disease in the U.S.

However, due to the extremely high percentage of Program clients who are living at or below the federal poverty level, individuals living with HIV/AIDS have an acute need for affordable housing. Due to real estate dynamics such as land acquisition costs and construction costs, the real estate market does not produce units with asking rents in the \$300/month range, which is what a single individual living at or below the poverty level would need in order to not be housing cost burdened. Therefore, many Program clients will need direct financial assistance for housing in the form of a voucher or will need to locate a rent-restricted unit in an affordable housing development.

Discussion:

NA-50 Non-Housing Community Development Needs – 91.215 (f)

HUD identifies publicly owned facilities and infrastructure such as streets, playgrounds, and underground utilities, and buildings owned by non-profits that are open to the public, as Public Facilities and Improvements under the CDBG program. The continued population growth mandates the need for additional public facilities to meet the needs of the increased population. Publicly owned community facilities include a wide range of recreational uses, including recreation and aquatic centers, senior centers, libraries, specialty parks, and event plazas. These facilities offer a specific stand-alone use, though they can be located within or adjacent to public parks sharing facilities to integrate related programming. Each community facility has location and service levels that need to be evaluated based on land area required, demographics of residents it serves and relationship to other city facilities and parks.

How were these needs determined?

Several sources were considered to determine these public facilities' needs. In preparing the Consolidated Plan, the Financial Services Department of the City of Rio Rancho consulted with the public, other City departments, and outside government and private service agencies. In order to solicit online feedback from stakeholders regarding the Consolidated Plan, the city conducted a resident needs survey in February 2023. An online survey was utilized due to ongoing social distancing protocols related to the COVID-19 pandemic. The SurveyMonkey platform was selected because it has a mobile-friendly interface that allows stakeholders to easily access the survey from a computer or any type of mobile device, including a cell phone. The survey was made available in both English and Spanish.

Describe the jurisdiction's need for Public Improvements:

A suitable living environment supports the quality of life of individuals and communities and can be improved by increasing the livability of neighborhoods. Remedies include eliminating blight, increasing access to quality facilities and services, restoring and preserving properties of special historic, architectural, or aesthetic value, and conserving energy resources. All these actions support quality of life improvement. In consultation with the public and interested parties, and based on past results, the City plans to address the jurisdiction's public facilities needs by constructing and/or rehabilitating neighborhood facilities including streets.

Rio Rancho plans to promote “development that leverages and protects the public's investment in major green infrastructure and natural resources. The City's strategy is to connect and integrate health, affordable housing, economic development, education, transportation, arts and culture, and equitable neighborhood revitalization. When citizens were asked to prioritize the expenditure of funds for public improvement projects, Rio

Rancho residents indicated that streets, roads, and sidewalk improvements were their highest priorities followed closely by public safety offices.

How were these needs determined?

Several sources were considered to determine these public facilities' needs. In preparing the Consolidated Plan, the Financial Services Department of the City of Rio Rancho consulted with the public, other City departments, and outside government and private service agencies. In order to solicit online feedback from stakeholders regarding the Consolidated Plan, the city conducted a resident needs survey in February 2023. An online survey was utilized due to ongoing social distancing protocols related to the COVID-19 pandemic. The SurveyMonkey platform was selected because it has a mobile-friendly interface that allows stakeholders to easily access the survey from a computer or any type of mobile device, including a cell phone. The survey was made available in both English and Spanish.

Describe the jurisdiction's need for Public Services:

The COVID-19 pandemic has caused extreme mental stress and emotional turmoil for individual City residents and their family units. The City of Rio Rancho is committed to serving the needs of low-income and special needs Populations with various community services that aid the families in participating fully in the community. These families include those at or below poverty levels, at risk of homelessness, unemployed or underemployed, physically challenged, aging, lacking access to health care, or lacking education or literacy skills. Another important unmet community service need identified is mental health services. Health care services, senior services, youth activities, and childcare were also prioritized as needs. Some mental health stressors that residents face, include worrying about how to pay their rent/utility bills and experiencing difficulty finding childcare. The following public service activities have been identified as a need in the city.

- Homelessness Solutions
- Legal Services for Homeless Individuals
- Transitional Housing and Transportation Services for transitional residents
- Job Preparedness and Training for Teens and Developmentally Disabled Adults
- Childcare and Afterschool Programs for lower income communities
- Financial Literacy and Single Parenting Education
- Mental Health Counseling

How were these needs determined?

Several sources were considered to determine these public facilities' needs. In preparing the Consolidated Plan, the Financial Services Department of the City of Rio Rancho

consulted with the public, other City departments, and outside government and private service agencies. In order to solicit online feedback from stakeholders regarding the Consolidated Plan, the city conducted a resident needs survey in February 2023. An online survey was utilized due to ongoing social distancing protocols related to the COVID-19 pandemic. The SurveyMonkey platform was selected because it has a mobile-friendly interface that allows stakeholders to easily access the survey from a computer or any type of mobile device, including a cell phone. The survey was made available in both English and Spanish.

Housing Market Analysis

MA-05 Overview

Housing Market Analysis Overview:

The purpose of the Market Analysis is to provide a clear picture of the environment in which the jurisdiction must administer its programs over the course of the Consolidated Plan. In conjunction with the Needs Assessment, the Market Analysis will provide the basis for the Strategic Plan and the programs and projects to be administered. The Housing Market Analysis provides information on:

- Significant characteristics of Rio Rancho's housing market in general, including the supply, demand, and condition and cost of housing
- Housing stock available to serve persons with disabilities and other special needs
- Condition and need of public and assisted housing
- Brief inventory of facilities, housing, and services to meet the needs of homeless persons
- Regulatory barriers to affordable housing
- Significant characteristics of the jurisdiction's economy

The City of Rio Rancho lacks multi-family units which contributes to a limited supply of affordable rental opportunities. According to the 2013-2017 American Community Survey (ACS), Rio Rancho has an estimated a total of 36,027 housing units. Of those units, 33,372 units are occupied and 87.59% of them are single-family, detached homes. The single unit attached and multi-unit structures account for 10.29% of the housing units while the mobile home, boat, RV, and van dwellings account for only 2.12% of the occupied housing stock. 78.4% of housing units in Rio Rancho are owner-occupied and 21.6% are renter occupied. The city's vacancy rate has decreased from 6.1% in 2010 to 3.8% 2020. The city's housing market is characterized by relatively new housing stock in which more than 79% of Rio Rancho homes were built from 1980-2009. As these homes continue to age, the need for rehabilitation and repair will be necessary.

The City has a shortage of both for-sale and rental properties that are affordable for low- and moderate-income individuals and households. The lack of diversity of housing stock may be one driver of housing affordability, since there are very few townhomes, cottage homes and garden homes. The most prevalent housing unit type is 1-unit detached structures, which account for 87.6% of the housing stock. According to the ACS 2017 5yr estimates the median home value is \$178,000; an 2.8% increase in value

from the reported 2011-2015 ACS value of \$173,100. While housing opportunities can be limited by household income and purchasing power; the lack of affordable housing options can result in a significant hardship for low- moderate income households. Low-moderate income residents often have fewer financial resources available for making monthly rent or mortgage payments often preventing them from meeting other basic needs. Those that choose to purchase a home must ensure more funds are available for taxes, insurance, homeowner's association fees, and home maintenance/ repairs. Many low- moderate income households choose to rent because of the cost burden and long-term responsibility that comes with home ownership. The terms and conditions listed under residential leases require less responsibility and investment from the occupant.

MA-10 Number of Housing Units – 91.210(a)&(b)(2)

Introduction

This section discusses the supply of housing in Rio Rancho. The tables and narrative below portray the housing market in Rio Rancho by unit number, type, tenure, and size. Data provided by the 2013-2017 ACS, as shown in Table 31, shows that overall, the majority of the housing units are single family detached structures. The remaining housing stock was in a variety of multi-family configurations, ranging from 2- 4-unit structures to structures with 20 or more units. By size, majority of owner-occupied units in the county are large, having three bedrooms and more. Rental units are also quite large as measured by number of bedrooms, where nearly three-fourths of rental units have two or three or more bedrooms.

All residential properties by number of units

Property Type	Number	%
1-unit detached structure	31,180	87%
1-unit, attached structure	930	3%
2-4 units	1,290	4%
5-19 units	810	2%
20 or more units	915	3%
Mobile Home, boat, RV, van, etc.	895	2%
Total	36,020	100%

Table 26 – Residential Properties by Unit Number

Data 2013-2017 ACS
Source:

Unit Size by Tenure

	Owners		Renters	
	Number	%	Number	%
No bedroom	50	0%	180	3%
1 bedroom	195	1%	695	10%
2 bedrooms	2,605	10%	1,820	25%
3 or more bedrooms	23,330	89%	4,500	63%
Total	26,180	100%	7,195	101%

Table 27 – Unit Size by Tenure

Data 2013-2017 ACS
Source:

Describe the number and targeting (income level/type of family served) of units assisted with federal, state, and local programs.

The City of Rio Rancho currently has 269 subsidized units available with only 81 units occupied according to the HUD's 2022 Picture of Subsidized Households for Rio Rancho, New Mexico. The average household income per year for this group is \$16,133. Majority of the households fall within the very low and extremely low-income categories, with over 50% having a head of household with a disability. CDBG grant funds are utilized to carry out public facility and public service activities that service individuals at or below 80% Area Median Income (AMI).

Data Source: <https://www.huduser.gov/portal/datasets/assthsg.html>

Provide an assessment of units expected to be lost from the affordable housing inventory for any reason, such as expiration of Section 8 contracts.

Rio Rancho does not expect to lose any affordable housing units from the inventory during this Consolidated Plan period.

Does the availability of housing units meet the needs of the population?

The availability of housing units does not fully meet the needs of the population since the city has a shortage of both for-sale and rental properties that are affordable for low- and moderate-income individuals and households. The lack of diversity of housing stock may be one driver of housing affordability. Rental trends indicate that housing costs-burdens are likely to continue to grow as average rents rise at rates that outpace income growth. There is a significant disconnect between the supply and location of affordable housing units and the quality and the condition of these homes.

Describe the need for specific types of housing:

There are very few market rate apartments to accommodate single individuals. Households in the market for moderate- to high-priced rentals, homeownership opportunities, and owner-occupied homes with three or more bedrooms have plenty of options. Renters with low-incomes or who need three or more bedrooms, low-moderate income families seeking affordable homeownership opportunities, elderly, and disabled households are likely to find more limited options. Rent has significantly increased as home values have increased but incomes have not drastically increased further widening the gap between low-income wage earners and affordable units. Rio Rancho can work to improve access to affordable housing opportunities by leveraging resources and develop partnerships to create new affordable housing units for renters and homebuyers.

Discussion

MA-15 Housing Market Analysis: Cost of Housing - 91.210(a)

Introduction

This section contains pre-populated tables that provide an overview of the cost of housing and affordability for homeowners and renters in Rio Rancho based on 2013-2017 ACS data. This section addresses housing cost starting with an overview of how housing costs have changed, examines Fair Market Rents relative to market rents, and summarizes top needs based on the gaps analysis, resident surveys, and stakeholder consultation. The limited stock of affordable housing creates barriers to available homeownership and rental opportunities for low- and moderate-income households. Rapidly rising home sales prices and steadily increasing rents are issues that will negatively affect the ability of low- and moderate-income City residents to secure affordable housing. While rising home sales prices benefit existing homeowners who choose to sell their homes, these higher sales prices prevent low- and moderate-income homebuyers from being able to purchase a home. In recent years there has been a significant uptick in housing prices that is not captured in this data but is important to note as we assess cost of housing for this Consolidated Plan period.

Cost of Housing

	Base Year: 2009	Most Recent Year: 2017	% Change
Median Home Value	172,100	178,000	3%
Median Contract Rent	789	924	17%

Table 28 – Cost of Housing

Data Source: 2000 Census (Base Year), 2013-2017 ACS (Most Recent Year)

Rent Paid	Number	%
Less than \$500	43	0.63%
\$500-999	2,629	38.44%
\$1,000-1,499	2,839	41.51%
\$1,500-1,999	1,083	15.84%
\$2,000 or more	245	3.58%

Table 29 - Rent Paid

Data Source: 2013-2017 ACS

Housing Affordability

% Units affordable to Households earning	Renter	Owner
30% HAMFI	1,040	1,790
50% HAMFI	1,795	4,100
80% HAMFI	1,285	2,410
100% HAMFI	2,430	17,075

Table 30 – Housing Affordability

Data 2015-2019 CHAS
Source:

Monthly Rent

Monthly Rent (\$)	Efficiency (no bedroom)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Fair Market Rent	\$522	\$670	\$822	\$1,197	\$1,448
High HOME Rent					
Low HOME Rent					

Table 31 – Monthly Rent

Data HUD FMR and HOME Rents
Source:

Is there sufficient housing for households at all income levels?

No, there is no sufficient housing for households at all income levels. There is a cumulative shortage of rental units and/or subsidized units for renters earning less than \$25,000. An analysis of affordable ownership found a shortage of starter homes for renters who would like to buy. Income is a major factor when determining affordability in the housing market and what factors contribute to associated cost burdens. According to data 2015-2019 CHAS data, 33% of households in Rio Rancho are costs burdened — using more than 30% of their income for housing costs. Individuals and families budget for mandatory expenditures such as the mortgage, rent, and utility payments before determining how much money is available for living expenses, savings, and investments.

How is affordability of housing likely to change considering changes to home values and/or rents?

If housing affordability becomes more of a challenge in the City of Rio Rancho, it is likely that residents seeking affordability and a suburban or ex-urban setting will continue to look to surrounding areas for housing. As the city grows denser, the cost of housing will increase if residential development in the area does not keep pace with demand to

accommodate needs. Some residents who have considered moving have not due to the lack of affordable housing in other areas and/or because friends and family live nearby. Given these factors, it is unlikely that turnover of existing housing will play a significant role in meeting demand.

How do HOME rents / Fair Market Rent compare to Area Median Rent? How might this impact your strategy to produce or preserve affordable housing?

Rio Rancho does not receive HOME funds, so this analysis is based on Fair Market Rent (FMR). As Rio Rancho develops its affordable housing strategy, it will review the benefits of using small area rents and other factors in determining affordable housing goals. According to the National Low Income Housing Coalition’s “Out of Reach” 2022 Annual Report, the Fair Market Rent (FMR) for a two-bedroom apartment for the Albuquerque Area (MSA) is \$913. Fair Market Rents are generally lower than actual median rents; however, current FMRs appear sufficiently attractive to developers and affordable to tenants with a moderate level of HOME subsidy. Research shows that rising housing costs undermine equitable access to neighborhoods that offer health and quality of life benefits such as safety, walkability, open space, and healthy food options. The growing demand for housing and associated development is a result of a steady growing population.

Discussion

MA-20 Housing Market Analysis: Condition of Housing – 91.210(a)

Introduction

This section discusses housing condition. It begins by addressing the new HUD requirement for assessing natural disaster risks; describes challenges in housing condition from the perspective of residents; and concludes with an assessment of lead-based paint risk. The age and condition of housing units in Rio Rancho are also important variables in assessing the overall characteristics of the local housing market. This section will review data to assess important factors that affect the city's housing stock. For the purposes of this analysis, property located in low-income neighborhoods that are more than 30 years old is considered “older housing stock”.

The tables below we will compare and contrast the condition of homeowner- and renter-occupied units in Rio Rancho, evaluate the age differences between homeowner- and renter-occupied units, and compare the number of vacant units to the number of units that are at risk of having lead-based paint.

Definitions

Housing Conditions: (1) lacks complete plumbing facilities, (2) lacks complete kitchen facilities, (3) more than one person per room (overcrowding), and (4) cost burden greater than 30%. A housing unit is considered to have “complete kitchen facilities” if it has a sink with a faucet, a stove or range, and a refrigerator.

Overcrowding is defined by HUD as 1.01 to 1.50 persons per room, while severe overcrowding is 1.51 or more persons per room.

Cost Burden is when a household has expended more than 30% of the gross household income on housing costs (rent or mortgage) that include utilities (electricity, gas, sewer, and water). Cost burdened households will find it difficult to meet all household needs; severely cost burdened households may be in danger of homelessness.

Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	6,495	25%	3,295	46%
With two selected Conditions	65	0%	340	5%
With three selected Conditions	35	0%	8	0%
With four selected Conditions	0	0%	0	0%
No selected Conditions	19,580	75%	3,550	49%

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total	26,175	100%	7,193	100%

Table 32 - Condition of Units

Data Source: 2013-2017 ACS

Year Unit Built

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	11,285	43%	2,820	39%
1980-1999	11,340	43%	2,980	41%
1950-1979	3,460	13%	1,360	19%
Before 1950	95	0%	39	1%
Total	26,180	99%	7,199	100%

Table 33 – Year Unit Built

Data Source: 2013-2017 CHAS

Risk of Lead-Based Paint Hazard

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	3,555	14%	1,399	19%
Housing Units build before 1980 with children present	4,975	19%	3,380	47%

Table 34 – Risk of Lead-Based Paint

Data Source: 2013-2017 ACS (Total Units) 2013-2017 CHAS (Units with Children present)

Vacant Units

	Suitable for Rehabilitation	Not Suitable for Rehabilitation	Total
Vacant Units			
Abandoned Vacant Units			
REO Properties			
Abandoned REO Properties			

Table 35 - Vacant Units

Need for Owner and Rental Rehabilitation

Rio Rancho considers a housing unit in “substandard condition” if it is in poor condition and is both structurally and financially feasible to rehabilitate. Older housing, particularly rentals,

often has code and deferred maintenance issues that can impact the longevity of the structure. As a result, housing stock is diminished in terms of accessibility and affordability. For planning purposes, owner- and renter-occupied units that lack a minimum of one out of four selected housing conditions will establish a base number of units that require financial assistance. Among these households, the improvements or modifications needed include:

- Grab bars
- Wider doors
- Ramps
- Fire alarm/doorbell made accessible for person with hearing disability/deaf
- Service or emotional support animal allowed in the home
- Stair lifts
- Reserved accessible parking spot by entrance
- Alarm

Estimated Number of Housing Units Occupied by Low or Moderate Income Families with LBP Hazards

HUD regulations regarding lead-based paint apply to all federally assisted housing. Exposure to lead-based paint represents one of the most significant environmental threats from a housing perspective. Lead is a highly toxic metal that can cause a range of health problems for individuals, and especially children. The major source of lead exposure comes from lead-contaminated dust found in deteriorating homes and buildings. Lead was banned from residential paint in 1978, prior to which it was a major ingredient in most interior and exterior oil-based house paint. Housing built before 1978, therefore, may present a lead hazard if any coat of paint contains lead. Unfortunately, measuring the exact number of housing units with lead-based paint hazards is difficult. In most circumstances, low-income households that earn between 0 to 50% Median Family Income (MFI) are least able to afford well-maintained housing and, therefore, are often at greater risk of lead poisoning. The potential health hazards of living in a home built prior to 1978 and being exposed to lead-based paint are more likely to have harmful effects on children.

According to the Census data, in the Rio Rancho CDBG service area, 3,380 owner occupied units and 4,975 renter occupied units were built before 1980 and have children living in the home.

Discussion

MA-25 Public and Assisted Housing – 91.210(b)

Introduction

The City of Rio Rancho does not have its own Public Housing Authority to supply public housing and subsidy vouchers for its low-income families. The City works with the Santa Fe Civic Housing Authority, Bernalillo County Housing Department, and the Albuquerque Housing Authority to distribute and manage housing choice vouchers.

Totals Number of Units

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers available	0	18	953	4,102	0	4,102	606	0	444
# of accessible units									
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition									

Table 36 – Total Number of Units by Program Type

Data PIC (PIH Information Center)

Source:

Describe the supply of public housing developments:

There are no public housing developments in the City of Rio Rancho.

Describe the number and physical condition of public housing units in the jurisdiction, including those that are participating in an approved Public Housing Agency Plan:

There are no public housing developments in the City of Rio Rancho.

Public Housing Condition

Public Housing Development	Average Inspection Score
City of Albuquerque Housing Authority	81
Bernalillo County Housing Department	93
Santa Fe Civic Housing Authority	82

Table 37 - Public Housing Condition

Describe the restoration and revitalization needs of public housing units in the jurisdiction:

N/A. The City does not have a public housing authority.

Describe the public housing agency's strategy for improving the living environment of low- and moderate-income families residing in public housing:

N/A. The City does not have public housing authority.

Discussion:

MA-30 Homeless Facilities and Services – 91.210(c)

Introduction

There are no homeless facilities in the City of Rio Rancho. The information shown in the table below was reported by the New Mexico Balance of State CoC during the annual Point-In-Time Count during the last week of January 2022. The data presented in this report are limited to beds available for occupancy on the night of the count (beds under development are excluded). At this time of this report, the County of Sandoval Shelter Plus Care program was the only participating agency reporting beds available in the Rio Rancho area. The County of Sandoval has a total of 56 shelter beds plus care beds comprised of 9 family beds and 47 adults only beds¹. There were no beds dedicated to veterans or unaccompanied youth.

The City does however have a domestic violence shelter (Haven House)² located in Rio Rancho that serves all of Sandoval County. At capacity, the shelter can serve 20 individuals fleeing domestic violence. St. Felix Pantry provides services such as food, clothing, and referrals for families/individuals experiencing homelessness or at risk of homelessness. Many Rio Rancho residents rely on services offered by agencies in neighboring Albuquerque, which has its own CoC.

Facilities and Housing Targeted to Homeless Households

	Emergency Shelter Beds		Transitional Housing Beds	Permanent Supportive Housing Beds	
	Year-Round Beds (Current & New)	Voucher / Seasonal / Overflow Beds	Current & New	Current & New	Under Development
Households with Adult(s) and Child(ren)	512	144	166	675	0
Households with Only Adults	737	0	60	877	0
Chronically Homeless Households	n/a	0	0	495	0
Veterans	25	0	0	354	0
Unaccompanied Youth	59	0	56	60	0

Table 38 - Facilities and Housing Targeted to Homeless Households

¹ HUD 2022 Continuum of Care Homeless Assistance Programs Housing Inventory Count Report

² Haven House Website: Accessed March 10, 2023 - <https://havenhouseinc.org/services/shelter/>

Describe mainstream services, such as health, mental health, and employment services to the extent those services are use to complement services targeted to homeless persons

There are mainstream services available to complement the other more targeted services offered to people who are homeless, however, their availability is often constrained due to funding. These mainstream services, while not specifically designed for or targeted to people who are homeless, are available and accessible to them and can support their access to healthcare and employment opportunities.

List and describe services and facilities that meet the needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. If the services and facilities are listed on screen SP-40 Institutional Delivery Structure or screen MA-35 Special Needs Facilities and Services, describe how these facilities and services specifically address the needs of these populations.

Service Provider	Services Provided
City of Rio Rancho	Emergency Rent Assistance, Utility Assistance, and Referrals
Sandoval County - Permanent Supportive Housing	Permanent Supportive Housing
Homewise	Home Ownership and Housing Rehabilitation
Haven House	Emergency Shelter and Transitional Housing for families fleeing Domestic Violence
St. Felix Pantry	Food, clothing, and referrals
Titan Development	Affordable Housing
MRCOG - Dial A Ride	Transportation
Albuquerque Housing Authority	Housing Choice Vouchers
Bernalillo County Housing Department	Housing Choice Vouchers
Santa Fe Civic Housing Authority	Housing Choice Vouchers
Habitat for Humanity Greater ABQ	Home Ownership and Housing Rehabilitation

MA-35 Special Needs Facilities and Services – 91.210(d)

Introduction

Rio Rancho has a limited range of supported services for special needs populations. The city has a network of providers that deliver housing and supportive services to people who are elderly or frail elderly, people with mental, physical and/or developmental disabilities, and people with substance abuse addictions. Rio Rancho does not receive funding through the Housing Opportunities for Persons with AIDS Program (HOPWA) for people living with HIV/AIDS.

Including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, public housing residents and any other categories the jurisdiction may specify, and describe their supportive housing needs

The elderly and frail elderly have physical, medical, maintenance, social, emotional, and financial needs. Elderly and frail elderly are often unable to maintain existing homes or to afford rent. Housing cost burden related issues are often compounded by the requirement of additional services it takes for elderly and frail elderly to age in place. These services may include costly medical and other daily living assistance services. As the population continues to age, the need for age-related services increases. The housing assistance caseworkers are reliant upon frequent professional assessments, often by a primary care physician, to fully understand and reciprocate an appropriate action and accommodations. Access is particularly important for the physically disabled. Physically disabled persons often require specially designed dwellings to permit access both within the unit, as well as to and from the site.

The Albuquerque Housing Authority provides housing preference for low-income seniors and disabled individuals. Additionally, if other extenuating circumstances are present such as being involuntarily displaced because of flood or fire, fleeing domestic violence, participating in welfare-to-work programs, or job training programs, a higher preference is given. Because the demand for these services far exceeds program resources, there is often a waiting list for this program, and it can be as long as several months.

Describe programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing

Supportive housing is frequently a need for people with mental health and substance abuse disorders after being discharged from inpatient treatment to prevent homelessness. Local service providers are well-networked and often make referrals to one another to provide shelter, temporary food, clothing, and other immediate services.

Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance

with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. 91.315(e)

Rio Rancho will continue to support the supportive service organizations providing services to vulnerable families in the community. The City will continue to support St. Felix Pantry, which provides food assistance, homelessness prevention, clothing, and referral assistance. The City partners with Sandoval County Permanent Supportive Housing, to assist people with chronic disabilities who experience homelessness. In addition, the City partners with Haven House, which delivers emergency shelter and supportive services to persons experiencing domestic violence traumas. Each of these non-profits applied for CDBG funds for FY 23/24 and have specific number of persons assisted as year one goals for Rio Rancho.

The City will also partner with the Greater Albuquerque Habitat for Humanity to offer home repair services to elderly and/or cost-burdened lower income homeowners (following HUD guidelines) of Rio Rancho living in older neighborhoods through our Emergency/Critical Home Repair Initiatives. Qualifying low- income homeowners, this program provides a variety of services, including water heater, swamp cooler, furnace, and roof repair, ADA compliance and Health and Safety type work.

For entitlement/consortia grantees: Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. (91.220(2))

Rio Rancho provides funds (subject to applicable cap) to support emergency shelter operations for domestic violence survivors, homeless prevention, and supportive services for the homeless. Supporting organizations that assist families and individuals with varying circumstances promotes self-sufficiency throughout the city. Additionally, programs are selected based on the ability to collaborate and strengthen the capacity of homelessness service providers and advocacy organizations.

MA-40 Barriers to Affordable Housing – 91.210(e)

Negative Effects of Public Policies on Affordable Housing and Residential Investment

The Rio Rancho Governing Body amended the City's Comprehensive Five-Year Plan in February 2015, to allow increased residential densities. The higher densities are intended to facilitate development of affordable housing as well as service efficiencies. The City's code does not proactively favor high density housing development through regulatory and incentive methods. The current zoning ordinance does not permit density bonuses for affordable and mixed-income housing. Since the City of Rio Rancho has a higher ratio of dirt roads to paved roads than most cities in New Mexico, the development cost of affordable housing may be higher than elsewhere due to the cost of offsite infrastructure and access road development. This increased cost, coupled with lack of incentives and subsidized funding, may limit the amount of affordable housing that can be produced. The scarcity of funding and the cost of home retrofits are barriers to the development of housing for persons with disabilities.

MA-45 Non-Housing Community Development Assets – 91.215 (f)

Introduction

In determining priorities for the allocation of federal funds, the City has recognized the need to foster a competitive local economy that expands economic opportunities for present and future residents. This section describes the local workforce, the nature of current employment, and activities that coordinate economic development activities across local and regional agencies.

Economic Development Market Analysis

Business Activity

Business by Sector		Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Agriculture, Mining, Oil & Gas Extraction	201	263	5	1	0	-1
Arts, Entertainment, Accommodations	4,245	4,868	2,578	14	14	0
Construction	3,604	2,468	1,178	7	6	-1
Education and Health Care Services	10,992	6,903	3,364	19	18	-1
Finance, Insurance, and Real Estate	4,627	2,111	741	6	4	-2
Information	1,145	997	168	3	1	-2
Manufacturing	3,048	2,192	2,345	6	12	6
Other Services	1,554	1,183	573	3	3	0
Professional, Scientific, Management Services	5,731	3,586	635	10	3	-7
Public Administration	4,453	0	0	0	0	0
Retail Trade	3,685	5,314	2,552	15	14	-1
Transportation and Warehousing	2,586	942	196	3	1	-2
Wholesale Trade	1,401	1,507	698	4	4	0

Business by Sector		Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Total	47,272	32,334	15,033	--	--	--

Table 39 - Business Activity

Data 2013-2017 ACS (Workers), 2017 Longitudinal Employer-Household Dynamics (Jobs)

Source:

Labor Force

Total Population in the Civilian Labor Force	45,690
Civilian Employed Population 16 years and over	42,405
Unemployment Rate	7.20
Unemployment Rate for Ages 16-24	24.06
Unemployment Rate for Ages 25-65	4.08

Table 40 - Labor Force

Data 2013-2017 ACS

Source:

Occupations by Sector

Occupations by Sector	Number of People
Management, business and financial	18,496
Farming, fisheries and forestry occupations	153
Service	6,971
Sales and office	12,626
Construction, extraction, maintenance and repair	3,285
Production, transportation and material moving	3,957

Table 41 – Occupations by Sector

Data 2013-2017 ACS

Source:

Travel Time

Travel Time	Number	Percentage
< 30 Minutes	17,783	48.48%
30-59 Minutes	14,294	38.97%
60 or More Minutes	4,604	12.55%
Total	36,681	100%

Table 42 - Travel Time

Data Source: 2013-2017 ACS?

Education:

Educational Attainment by Employment Status (Population 25 and Older)

Educational Attainment	In Labor Force		Not in Labor Force
	Civilian Employed	Unemployed	
Less than high school graduate	1,429	0	1,483
High school graduate (includes equivalency)	7,924	377	1,608
Some college or Associate's degree	14,192	1,560	7,025
Bachelor's degree or higher	16,113	597	3,026

Table 43 - Educational Attainment by Employment Status

Data 2021 ACS Estimates

Source:

Educational Attainment by Age

	Age				
	18–24 yrs	25–34 yrs	35–44 yrs	45–65 yrs	65+ yrs
Less than 9th grade	2,132	1,253	N/A	N/A	N/A
9th to 12th grade, no diploma	N/A	N/A	N/A	N/A	N/A
High school graduate, GED, or alternative	2,816	13,936	13,764	25,369	42,882
Some college, no degree	N/A	N/A	N/A	N/A	N/A
Associate's degree	2,326	N/A	N/A	N/A	N/A
Bachelor's degree	466	4,013	5,647	10,076	17,625
Graduate or professional degree	N/A	N/A	N/A	N/A	N/A

Table 44 - Educational Attainment by Age

Data 2013-2017 ACS

Source:

Educational Attainment – Median Earnings in the Past 12 Months

Educational Attainment	Median Earnings in the Past 12 Months
Less than high school graduate	\$31,017
High school graduate (includes equivalency)	\$43,489
Some college or Associate’s degree	\$38,948
Bachelor’s degree	\$52,609
Graduate or professional degree	\$77,458

Table 45 – Median Earnings in the Past 12 Months

Data 2021 ACS-1 Year Estimates

Source:

Based on the Business Activity table above, what are the major employment sectors within your jurisdiction?

The largest sector of the workforce in Rio Rancho is educational services and health care, making up 19% of the total workforce. The second largest percentage of the workforce is retail trade at 15%, followed by Arts, Entertainment, Accommodations at 13%. A detailed account of the workforce is included in the tables above.

Describe the workforce and infrastructure needs of the business community:

The local economy will depend on a strong workforce skilled in the education, health care, and professional and management sector; the transportation and warehousing sector; and the wholesale trade, retail trade and utilities sector. Affordable land, abundant labor supply, and low cost of living contributes to the city’s attractiveness to expanding industries. The City is committed to securing new industries by providing a complete infrastructure area dedicated to attracting businesses that will advocate the development of secure jobs that provide a living wage. Stakeholders reported that transportation, road improvements and sidewalks were important infrastructure needs.

Describe any major changes that may have an economic impact, such as planned local or regional public or private sector investments or initiatives that have affected or may affect job and business growth opportunities during the planning period. Describe any needs for workforce development, business support or infrastructure these changes may create.

There are no major changes anticipated that would impact the workforce development, business support, or infrastructure needs identified in this Consolidated Plan.

How do the skills and education of the current workforce correspond to employment opportunities in the jurisdiction?

Currently, the largest sector of the workforce in the city is educational services and health care, followed by retail trade, and arts, entertainment, and accommodations. This corresponds with the level of educational attainment in the city with a majority of city residents completing a graduate degree, bachelor's degree, and/or some college. However, with burgeoning new industries in technology, the city could benefit from supporting new education models based on science, technology, engineering, and mathematics to meet the demands of new industries.

Describe any current workforce training initiatives, including those supported by Workforce Investment Boards, community colleges and other organizations. Describe how these efforts will support the jurisdiction's Consolidated Plan.

During the next Consolidated Plan period, the City will continue to partner with Workforce Innovation and Opportunity Act (WIOA) programs to help job seekers access employment, education, training, and support services to succeed in the labor market and match employers with the skilled workers they need to be competitive in the global economy.

Does your jurisdiction participate in a Comprehensive Economic Development Strategy (CEDS)?

The City does not participate in a Comprehensive Economic Development Strategy.

If so, what economic development initiatives are you undertaking that may be coordinated with the Consolidated Plan? If not, describe other local/regional plans or initiatives that impact economic growth.

Not applicable

Discussion

MA-50 Needs and Market Analysis Discussion

Are there areas where households with multiple housing problems are concentrated? (include a definition of "concentration")

According to the 2017 Assessment of Fair Housing Plan (AFH) there are no priority areas within the City of Rio Rancho that have high concentration of low-income families. There are lower levels of diversity in Rio Rancho.

Are there any areas in the jurisdiction where racial or ethnic minorities or low-income families are concentrated? (include a definition of "concentration")

HUD defines an area of racial or ethnic concentration as one in which the minority population share is 20% higher than the group's countywide average. There are no areas of ethnic or minority concentration in Rio Rancho according to HUD's definition on concentration.

What are the characteristics of the market in these areas/neighborhoods?

The characteristics in these neighborhoods, as well as others identified in SP-10, are the age of housing, lack of funds for investment in rehabilitation, old infrastructures, and the concentration of the population with supportive social service needs. These areas are served by numerous social services programs, many of which receive CDBG funding.

Are there any community assets in these areas/neighborhoods?

Community assets include connected social service alliance to assist families in need. Rio Rancho/Corrales has a Dial-A-Ride which is a weekday door-to-door transportation service for Rio Rancho and Village of Corrales residents 62 years of age and older, and for disabled adults 18 years of age and older. This service is for Rio Rancho and Village of Corrales residents only and you must be registered to use the service.

Are there other strategic opportunities in any of these areas?

There are no strategic opportunities in any of these areas.

MA-60 Broadband Needs of Housing occupied by Low- and Moderate-Income Households - 91.210(a)(4), 91.310(a)(2)

Describe the need for broadband wiring and connections for households, including low- and moderate-income households and neighborhoods.

While broadband service is readily available in Rio Rancho, low- and moderate-income household's ability to access and/or afford these services is limited. In many of the high-poverty census tracts households did not have broadband, fiber optic or DLS internet subscription. Furthermore, over half of very low-income households do not have an internet subscription of any kind. And when this lack of high-speed internet access is examined based on Hispanic ethnicity, a substantial population in the city, more than one quarter of Hispanic households have no internet subscription of any kind. The primary issue around broadband access is a combination of available infrastructure (not wired) or it is not affordable. It all comes down to economics—either the ability to afford broadband or devices (or both).

Describe the need for increased competition by having more than one broadband Internet service provider serve the jurisdiction.

Competition for broadband service already exists in Rio Rancho, as there are at least 12 internet service providers that provide services that allow for download speeds of up to 1000 MBS, according to www.highspeedinternet.com.

MA-65 Hazard Mitigation - 91.210(a)(5), 91.310(a)(3)

Describe the jurisdiction's increased natural hazard risks associated with climate change.

HUD now requires that jurisdictions assess natural hazard risks to low- and moderate-income residents, including risks expected to increase due to climate change. The Department of Fire/Rescue, Emergency Management Division, conducts planning, training, hazard identification, risk and vulnerability analyses, and resource identification for the City of Rio Rancho to further individual, business and community preparedness for all hazards thereby promoting a safe working environment and a sustainable community in pursuit of the mission of the City of Rio Rancho. The goal of this division is to mitigate the effects of potential hazards, prepare/plan for measures to be taken which will preserve life and minimize damage to property, respond during emergencies and provide necessary assistance, and ensure a rapid recovery from disasters by restoring the community to its pre-disaster condition.

Describe the vulnerability to these risks of housing occupied by low- and moderate-income households based on an analysis of data, findings, and methods.

Low-and-moderate income households are always the most vulnerable to risks including natural hazards as a result of climate change. To mitigate natural disaster risks and address the needs of low- and moderate-income households who are most likely to be affected the following approaches are suggested:

Outreach and education: Provide residents with information about obtaining flood insurance and what to do when a flood occurs. To make this outreach effective, public entities need to build relationships with residents who are least likely to seek out help for various reasons (either they don't know about what assistance is available or they don't trust the government). Cities/counties should partner with already trusted community sources who can help bridge the gap including churches, Community Health Workers, trusted doctors/health care workers, and offices that offer other types of assistance and operate in rural areas, such as USDA.

Focused outreach: Outreach should focus on low-income renters and elderly and Limited English Proficiency (LEP) residents. Information needs to be in Spanish, as well as English, and be user-friendly. This applies to both outreach and education materials and post-flood damage assessment procedures and forms.

Standardize and simplify the process for damage assessments: Different types of assessments are required by different government agencies. Streamlining these requirements is needed.

Strategic Plan

SP-05 Overview

Strategic Plan Overview

The purpose of the Strategic Plan is to guide the use of CDBG funds in Rio Rancho over the next five years. The plan is guided by three overarching goals that are applied according to identified needs. The goals are:

- To provide decent housing by preserving the affordable housing stock, increasing the availability of affordable housing, reducing discriminatory barriers, increasing the supply of supportive housing for those with special needs, and transitioning homeless persons and families into housing.
- To provide a suitable living environment through safer, more livable neighborhoods, greater integration of low- and moderate-income residents throughout the County, increased housing opportunities, and reinvestment in deteriorating neighborhoods.
- To expand economic opportunities through more jobs paying self-sufficient wages, homeownership opportunities, development activities that promote long-term community viability, and the empowerment of low- and moderate-income persons to achieve self-sufficiency.

SP-10 Geographic Priorities – 91.215 (a)(1)

Geographic Area

Rio Rancho is the third largest City in New Mexico with just over 100,000 in population. Rio Rancho is the most populous and only city in Sandoval County and part of the expansive Albuquerque metropolitan area of New Mexico. Although Rio Rancho is the third largest city in New Mexico, the area covers over 103 square miles making the low-to moderate – income population less concentrated. The City relies on widely accepted data such as American Community Survey (ACS), HUD low and moderate-income summary data, and Federal Financial Institutions Examinations Council (FFIEC) data to determine areas throughout the community with concentrations of low- and moderate-income communities. Program resources are allocated citywide based on low-mod areas which can coincide with areas of minority concentration. Over the next five years, the City intends to use its resources in the geographical boundaries of the City. The City has elected not to use geographic priority areas as show in the table below:

1	Area Name	Citywide
	Other target area description	N/A
	Revitalization type	N/A
	Neighborhood boundaries	N/A
	Housing and commercial characteristics	N/A
	Consultation and citizen participation	N/A
	Target area needs	N/A
	Opportunities for improvement	N/A
	Barriers to improvement	N/A

Table 46 - Geographic Priority Areas

General Allocation Priorities

Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA)

Federal CDBG funds are intended to provide low and moderate income (LMI) households with viable communities, including decent housing, a suitable living environment and expanded economic opportunities. Eligible activities include community facilities and improvements, housing rehabilitation and preservation, affordable housing development activities, public services, economic development, planning, and administration. The system for establishing the priority for the selection of these projects is predicated upon

the following criteria:

- Meeting the statutory requirements of the CDBG program
- Meeting the needs of LMI residents
- Focusing on LMI areas or neighborhoods
- Coordination and leveraging of resources
- Response to expressed needs
- Sustainability and/or long-term impact
- The ability to demonstrate measurable progress and success

Public facility and infrastructure activities will be provided for areas where the percentage of LMI persons is 51% or higher. CDBG will also be used for beneficiaries that meet criteria under limited clientele beneficiary, such as the elderly, persons with disabilities, the homeless, etc. It is also expected that funding will be provided to assist low- and moderate- income homeowners. Public facilities and infrastructure activities will be based in the qualified census tracts according to the quartile method.

SP-25 Priority Needs - 91.215(a)(2)

Priority Needs

During the development of the Consolidated Plan, several priority needs were identified. Guidelines for addressing these priority needs over the five-year time frame of 2023-2027 are summarized below:

- Housing Affordability - Rehabilitation
 - Rehabilitation of Existing Units
 - Financial Assistance to Homebuyers
- Public Infrastructure Reinvestment
 - Construct Public Infrastructure
 - Construct Repair Public Infrastructure
- Public Facility Reinvestment
- Acquire Public Facilities
 - Construct Public Facilities
 - Rehabilitate Public Facilities
- Increase Capacity of Public Services
 - Services for the homeless and at-risk populations
 - Youth and childcare programs
 - Transportation for seniors and youth
 - Rental Housing Subsidies to prevent homelessness
 - Senior Services
 - Services for victims of domestic violence, dating violence, sexual assault, or stalking

1	Priority Need Name	Housing Affordability - Rehabilitation
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families
	Associated Goals	Provide Administrative Structure Rehabilitation of Existing Units
	Description	Provide financial assistance for low-to moderate - income homeowners to improve the quality of housing conditions.
	Basis for Relative Priority	Priority based on feedback through community meetings and agency interviews as well review of demographic information for the City resulted in this activity having the highest priority need. The city recognizes that as housing ages and the cost of housing increases, maintaining existing housing allows low- to moderate-income persons to maintain permanent housing and prevent homelessness.
2	Priority Need Name	Housing Affordability - Homebuyer Assistance
	Priority Level	Medium
	Population	Extremely Low Low Moderate Large Families
	Associated Goals	Provide Administrative Structure Financial Assistance to Homebuyers
	Description	Provide homeownership opportunities for households through down payment or closing cost assistance to increase affordability.

	Basis for Relative Priority	Priority based on feedback through community meetings and agency interviews as well review of demographic information for the City resulted in this activity having a medium priority need. Developers are building new housing that is out of reach for clients in the low-and moderate-income range.
3	Priority Need Name	Public Infrastructure Improvements
	Priority Level	Medium
	Population	Chronic Homelessness Veterans Extremely Low Victims of Domestic Violence Families with Children Persons with Developmental Disabilities Persons with Mental Disabilities Victims of Domestic Violence Individuals Low Persons with Alcohol or Other Addictions Elderly Chronic Substance Abuse Non-housing Community Development Persons with Physical Disabilities Elderly Mentally Ill Unaccompanied Youth Large Families Families with Children Moderate
	Associated Goals	Construct Public Infrastructure Construct Repair Public Infrastructure

	Description	Fund non-housing community development proposals that eliminate a threat to public health and safety to include water/sewer improvements, flood/drainage improvements, sidewalks, street improvements, and other infrastructure improvements.
	Basis for Relative Priority	Interviews with key community stakeholders, CHAS and other data on cost burden, market analysis
4	Priority Need Name	Public Facility Reinvestment
	Priority Level	High
	Population	Chronic Homelessness Veterans Extremely Low Victims of Domestic Violence Families with Children Persons with Developmental Disabilities Persons with Mental Disabilities Victims of Domestic Violence Individuals Low Persons with Alcohol or Other Addictions Elderly Chronic Substance Abuse Non-housing Community Development Persons with Physical Disabilities Elderly Mentally Ill Unaccompanied Youth Large Families Families with Children Moderate
	Associated Goals	Acquire Public Facilities Construct Public Facilities Rehabilitate Public Facilities

	Description	Fund public facility improvements in throughout the County that benefit low-income households and persons, and persons with special needs to include senior centers, neighborhood facilities, youth centers, childcare centers, health facilities, handicapped centers, abused and neglected children facilities, parks and recreational facilities, and other facilities.
	Basis for Relative Priority	Interviews with key community stakeholders, CHAS and other data on cost burden, market analysis
5	Priority Need Name	Increase Capacity of Public Services
	Priority Level	High
	Population	Chronic Homelessness Veterans Extremely Low Victims of Domestic Violence Families with Children Persons with Developmental Disabilities Persons with Mental Disabilities Victims of Domestic Violence Individuals Low Persons with Alcohol or Other Addictions Elderly Chronic Substance Abuse Non-housing Community Development Persons with Physical Disabilities Elderly Mentally Ill Unaccompanied Youth Large Families Families with Children Moderate

Associated Goals	<p>Services for the homeless and at-risk populations Youth and childcare programs Transportation for seniors and youth Rental Housing Subsidies to prevent homelessness Senior Services Services for victims of domestic violence, dating violence, sexual assault, or stalking Services for victims of domestic violence, dating violence, sexual assault, or stalking Provide Administrative Structure</p>
Description	<p>Fund projects that provide emergency services to families in crisis including rental assistance payments, services for the homeless, services for survivors of domestic violence, supportive services to low- and moderate-income households and persons with special needs; recreational activities, educational opportunities, and job skills to youth; and support for job training, continuing education, and employment services designed to assist low- and moderate-income persons obtain jobs.</p>
Basis for Relative Priority	<p>Interviews with key community stakeholders, CHAS and other data on cost burden, market analysis</p>

Table 47 – Priority Needs Summary

Narrative (Optional)

SP-30 Influence of Market Conditions – 91.215 (b)

Influence of Market Conditions

Affordable Housing Type	Market Characteristics that will influence the use of funds available for housing type
Tenant Based Rental Assistance (TBRA)	The cost of housing is increasing at a faster rate than income, which contributes to unaffordable rent for people with low income. TBRA is an important tool for families to maintain affordable housing. Severe cost burden is the greatest predictor of homelessness risk, with populations paying more than 50% of their income towards housing costs or having incomes at or below 50% AMI at greatest risk of becoming homeless.
TBRA for Non-Homeless Special Needs	Lack of units with supportive services Influences this program. Based upon consultations with homeless housing and social service agencies, a need for supportive housing has been identified as a priority. The special needs households include those with disabilities as well as dysfunctional households facing a variety of issues. Market characteristics impacting this priority relate to the shortage of privately-owned housing units which are available to provide supportive housing programs. This problem is intensified by the lack of public funds.
New Unit Production	A shortage of affordable, decent housing units is an identified need. The market characteristics influencing this priority include the age and condition of the existing housing stock without the rent levels to support rehabilitation. New construction faces the same market conditions.
Rehabilitation	City resulted in this activity having the highest priority need. The city recognizes that as housing ages and the cost of housing increases, maintaining existing housing allows low- to moderate-income persons to maintain permanent housing and prevent homelessness.
Acquisition, including preservation	Lack of Funding Available to Finance Projects There are opportunities to improve the conditions and affordability of housing by the acquisition of vacant, deteriorating structures. These structures are for the most part multi-unit in nature or previously nonresidential buildings appropriate for conversion. The cost and complexity of acquisition and rehabilitation of these structures usually requires implementations by an experienced housing development entity and financial assistance. When structures are of historic or architectural value, the cost can be increased.

Table 48 – Influence of Market Conditions

SP-35 Anticipated Resources - 91.215(a)(4), 91.220(c)(1,2)

Introduction

Rio Rancho receives CDBG entitlement funding and the Financial Services Department CDBG Program Office administers the funding for the City. Rio Rancho received \$489,772 in CDBG funds. Based on the FY2023 CDBG allocation, the City estimates that it will receive approximately \$2,448,860 over the next 5 years and the duration of this Consolidated Plan.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of Con Plan	Narrative Description
			Annual Allocation:	Program Income:	Prior Year Resources:	Total:		
CDBG	Public-Federal	Admin and Planning Housing Public Improvements Public Services Public Facility	\$489,772	\$0	\$0	\$489,772	\$2,448,860	CDBG funds will be used to carry out activities related to administration and planning, housing, public facility and infrastructure improvements, and public services.

Table 49 - Anticipated Resources

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City of Rio Rancho will use a combination of public and private funding to carry out activities identified in this plan. During this Consolidated Plan period, the City will research opportunities to apply for additional funding streams which are consistent with the goals of the Consolidated Plan. Rio Rancho will continue to investigate other sources of funding that are consistent with the goals of the 2023-2027 Consolidated Plan by working with community partners and non-profit organizations to encourage leveraging of available funding sources and strengthen capacity building.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City does not anticipate addressing the identified needs with publicly owned land or property located within city limits.

Discussion

SP-40 Institutional Delivery Structure – 91.215(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
City of Rio Rancho	Government	Affordable Housing, Homelessness, Non-Homeless Special Needs, Public Facilities, Neighborhood Improvements, Public Services, Economic Development	Jurisdiction
NM Coalition to End Homelessness	Nonprofit Organization	Homelessness	State
Sandoval County - Permanent Supportive Housing	Government	Homelessness, Ownership, Rental	Region
SCPSH Client Advisory Board	Department and Agencies	Public Services	Jurisdiction
Homewise	Nonprofit Organization	Ownership	Jurisdiction
Haven House	Nonprofit Organization	Homelessness, Ownership,	Jurisdiction
St. Felix Pantry	Nonprofit Organization	Homelessness	Jurisdiction
City of Rio Rancho Development Services	Department and Agencies	Affordable Housing	Jurisdiction
Greater Albuquerque Housing Partnership	Nonprofit Organization	Affordable Housing	Region
Capital Improvement Projects Citizens Advisory Committee/ NM Finance Authority	Department and Agencies	Planning	Region
Titan Development	Private Industry	Affordable Housing	State
MRCOG - Dial A Ride	Department and Agencies	Public Services	Region
Rio Rancho Public Schools	Public Institution	Public Services	Jurisdiction
Albuquerque Housing Authority	PHA	Public Housing	Region
Bernalillo County Housing Department	PHA	Public Housing	Region

Santa Fe Civic Housing Authority	PHA	Public Housing	Region
Habitat for Humanity Greater ABQ	Nonprofit Organization	Affordable Housing, Ownership	Region

Table 50 - Institutional Delivery Structure

Assess of Strengths and Gaps in the Institutional Delivery System

The City of Rio Rancho works collaboratively with partners throughout the community and maintains strong communication and partnerships with many local organizations including state and local government agencies, as well as other service providers to coordinate the delivery of services to City residents. Financial Services Department consulted with various housing, social services, elderly, and disability agencies to data and identify service gaps. The Nonprofit Alliance & Community Foundation collaborates with non-profit organizations to analyze existing needs and to assist in identifying gaps in services. Members of the Nonprofit Alliance noted the following strengths and gaps in the City’s institutional delivery system:

Strengths:

- High level of coordination among partner agencies
- Robust outreach to vulnerable residents
- Cultivation of new partners to provide services
- Reliable food service assistance
- Services are welcoming and inclusive

Gaps:

- No diversity in housing choices
- Lack of transportation in areas of town with newer housing stock, frontier area
- Bus routes do not coincide with work hours
- Not enough resources for childcare or job training
- Lack of shelter options and services for persons experiencing homelessness

Availability of services targeted to homeless persons and persons with HIV and mainstream services

Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Homelessness Prevention Services			
Counseling/Advocacy	X	X	-
Legal Assistance	X	X	-
Mortgage Assistance	X	X	-
Rental Assistance	X	X	-
Utilities Assistance	X	X	-

Street Outreach Services			
Law Enforcement	-	-	-
Mobile Clinics	X	-	-
Other Street Outreach Services	X	X	-
Supportive Services			
Alcohol & Drug Abuse	X	X	-
Child Care	X	X	-
Education	X	X	-
Employment and Employment Training	X	X	-
Healthcare	X	-	X
HIV/AIDS	-	-	-
Life Skills	X	X	-
Mental Health Counseling	X	-	-
Transportation	X	X	-
Other			
Other	-	-	-

Table 51 - Homeless Prevention Services Summary

Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)

Services are provided to homeless persons, including chronically homeless individuals and families, families with children, veterans and their families and unaccompanied youth through a highly cooperative and collaborative network of service providers. Agencies provide essential services like food assistance, transportation access, and referrals to area (Albuquerque) shelters for homeless persons include chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. Agencies also provide rent assistance, utility assistance, and housing referrals for persons at risk of homelessness. The City supports increasing housing options and self-sufficiency for persons experiencing homelessness and near homeless by providing support for the following:

- Emergency housing and supportive services for homeless families and individuals.
- Developing transitional housing; and
- Preventing persons released from institutions from entering homelessness.

Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above

The strength of the delivery system for special needs populations and persons experiencing homelessness is an active Nonprofit Alliance representing numerous agencies/programs that coordinates to ensure no duplications of services. A gap exists in the lack of permanent affordable housing and supportive housing. There is also a gap in the lack of services for homeless persons living with HIV/AIDS.

Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs

The City will overcome gaps and improve the institutional structure by:

- Continuing to be involved with the many cooperative groups such as the Nonprofit Alliance and the New Mexico Coalition to End Homelessness, and other agencies described throughout the Consolidated Plan that offer services to residents. The City will work cooperatively with these groups to identify gaps in services that may arise.
- Using City staff or procuring private sector entities to implement the non-housing portions of the Consolidated Plan, such as public facility and infrastructure improvements
- Contracting with nonprofit agencies to administer public service.
- Maintaining a strong working relationship with the regional housing authorities (City of Albuquerque Housing Authority, the Bernalillo County Housing Department, and the Santa Fe Civic Housing Authority) based on the mutually shared goal of providing suitable housing for low- and extremely low-income persons.
- Using established lines of communication to identify opportunities for joint ventures with agencies that provide funding to construct affordable housing and/or finance homeownership opportunities.

SP-45 Goals Summary – 91.215(a)(4)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Rehabilitation of Existing Units	2023	2027	Affordable Housing	Citywide	Access to Affordable Housing;	CDBG	Homeowner Housing Added: 30
2	Financial Assistance to Homebuyers	2023	2027	Affordable Housing	Citywide	Access to Affordable Housing	CDBG	Direct Financial Assistance to Homebuyers: 15
3	Construct or Repair Public Infrastructure	2023	2027	Non-Housing Community Development	Citywide	Construct or Repair Public Infrastructure	CDBG	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 3000
4	Acquire, Construct, or Rehabilitate Public, Public Facilities	2023	2027	Non-Housing Community Development	Citywide	Public Facility Improvements	CDBG	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 3000
5	Provide Funding to Support Public service programs	2023	2027	Non-Housing Community Development	Citywide	Increase the Capacity of Public Services	CDBG	Public Service Activities other than Low/Moderate Income Housing Income Benefit: 750
6	Provide Administrative Structure	2023	2027	Administration	Citywide	Planning & Administration	CDBG	Planning & Administration: 5

Table 52 – Goals Summary

Goal Descriptions

Goal #1. Rehabilitation of Existing Units - Provide financial assistance for low-to moderate - income homeowners to improve the quality of housing conditions.

Goal #2. Financial Assistance to Homebuyers - Provide homeownership opportunities for households through down payment or closing cost assistance to increase affordability.

Goal #3. Construct or Repair Public Infrastructure – Fund non-housing community development proposals that eliminate a threat to public health and safety to include water/sewer improvements, flood/drainage improvements, sidewalks, street improvements, and other infrastructure improvements.

Goal #4. Acquire, Construct, or Rehabilitate Public Facilities - Fund public facility improvements in throughout the County that benefit low-income households and persons, and persons with special needs to include senior centers, neighborhood facilities, youth centers, childcare centers, health facilities, handicapped centers, abused and neglected children facilities, parks and recreational facilities, and other facilities.

Goal #5. Provide Funding to Support Public Service Programs - Fund projects that provide emergency services to families in crisis including rental assistance payments, services for the homeless, services for survivors of domestic violence, supportive services to low and moderate income households and persons with special needs; recreational activities, educational opportunities, and job skills to youth; and support for job training, continuing education, and employment services designed to assist low and moderate income persons obtain jobs.

Goal #6: Provide Administrative Structure – Planning and Administration

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)

The City anticipates providing affordable housing for 50 extremely low, low-income, and moderate-income families by rehabilitating 30 owner-occupied homes and providing down payment assistance to 15 households.

SP-50 Public Housing Accessibility and Involvement – 91.215(c)

Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary Compliance Agreement)

Not Applicable. The City of Rio Rancho does not have a public housing authority.

Activities to Increase Resident Involvements

The Albuquerque Housing Authority, the Bernalillo County Housing Department, and the Santa Fe Civic Housing Authority undertakes a variety of initiatives to increase resident involvement, including a comprehensive, updated website that provides information on all facets of the housing authority operations, policies, and procedures. These housing providers have established programs that serve Rio Rancho residents living in housing developments. These providers coordinate programs, activities, and services offered to residents, including:

- Family Self Sufficiency Program - designed to assist residents with achieving self-sufficiency. This effort is accomplished through goal setting, intervention, advocacy, and community collaboration. When entering the program, the residents meet with a Family Self Sufficiency (FSS) Program Coordinator to discuss their needs and to set goals. Residents can receive assistance with seeking employment, job training, and educational opportunities.
- Homeownership Program – designed to help interested participants find an appropriate mortgage lender and work with the participant through the process of buying a home.

Is the public housing agency designated as troubled under 24 CFR part 902?

There are no public housing developments in the City of Rio Rancho. The Albuquerque Housing Authority, the Bernalillo County Housing Department, and the Santa Fe Civic Housing Authority are in good standing and not designated as troubled.

Plan to remove the ‘troubled’ designation

Not Applicable. The City of Rio Rancho does not have a public housing authority.

SP-55 Barriers to affordable housing – 91.215(h)

Barriers to Affordable Housing

This section of the plan explains whether the cost of housing or the incentives to develop, maintain, or improve affordable housing is affected by policies that may affect land and other property, zoning ordinances, building codes, growth limits, and policies that affect the return on residential investment. These issues are presented based on programmatic experience, previous analyses, and were explored as part of the Assessment to Fair Housing portion of the Consolidated Planning process.

The City of Rio Rancho in partnership with the City of Albuquerque, and the Albuquerque Housing Authority in 2017 conducted an Assessment of Fair Housing. The AFH included the following four-county area: Bernalillo County, Sandoval County, Tarrant County and Valencia County. The City is currently in the process of preparing the 2023 Assessment to Fair Housing.

Strategy to Remove or Ameliorate the Barriers to Affordable Housing

As noted in the AFH, the City has committed to the following goals to remove or ameliorate barriers to affordable housing:

- Increase affordable housing options in high opportunity areas, which may be defined as near public transit, low crime areas, proficient elementary schools and employment opportunities.
- Incentivize investment of affordable housing funds for rehabilitation and /or preservation in areas in need of reinvestment that have an existing concentration of affordable housing.
- Increase the percentage of affordable accessible units in new developments funded by the City.
- Expand the City's community outreach and educational efforts regarding tenant/landlord rights by providing education/training.
- Expand the number of low and moderate-income senior or disabled homeowners receiving disability retrofit modifications.
- Increase housing available to the City's most vulnerable residents, including people with severe mental illness, bad credit ratings, history of eviction and criminal records.

- Rehabilitate and expand Albuquerque Housing Authority (AHA) housing units through generating more funding for investment in public housing.
- Adjust payment standards to encourage greater dispersion of vouchers throughout Albuquerque and Rio Rancho.
- Increase supply of higher density housing in new planned communities and specific area plans by evaluating planning and zoning ordinances and encouraging development of subsidized housing.
- Increase supply of subsidized accessible high-density housing.

SP-60 Homelessness Strategy – 91.215(d)

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The primary source of funding for homelessness programs and services in the City of Rio Rancho is through the New Mexico State Homeless Continuum of Care. The local organizations receiving funding from this stream will continue to be engaged in the work of outreach to homeless persons in order to assess individual needs and share information about available resources. The County of Sandoval Shelter Plus Care program offers residents of Bernalillo and Rio Rancho with supportive housing rental assistance coupled with optional tenancy-based case management, service coordination and advocacy services to chronically disabled persons. While the City of Rio Rancho is not an ESG recipient, the City will continue to utilize its CDBG resources to support homeless initiatives throughout the City.

Addressing the emergency and transitional housing needs of homeless persons

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

While the City is not a recipient of ESG funds, the City does support and collaborate with the Sandoval County Permanent Supportive Housing (PSH) Program which provides services social services for chronically homeless individuals and families residing in Rio Rancho. The New Mexico Mortgage Finance Authority (NM MFA) manages the Continuum of Care program that supports nonprofit agencies that provide homelessness prevention services throughout the County. The program is funded through New Mexico State Homeless funds. NW MFA partners with the New Mexico Coalition to End Homelessness to provide funding through this program to agencies across the state. At-risk households with a history of housing instability will receive case management to address barriers & link to mainstream resources such as SNAP, TANF, SSI and mainstream rental assistance programs.

Help low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are likely to become homeless after being discharged from a publicly funded institution or system of

care, or who are receiving assistance from public and private agencies that address housing, health, social services, employment, education or youth needs

The Continuum of Care is continuing to work to reduce length of stay in homelessness. The CoC uses a coordinated housing referral process to refer, prioritize & match participants to CoC housing. Length of Stay is one factor considered when prioritizing. Individuals and families experiencing homelessness have access to case management services to help link them to services and housing resources. Housing Locators work with adults and families in shelter to identify housing options and help them move more quickly into permanent housing.

Homeless providers assist participants to develop independent living skills, increase income & access services to reduce returns to homelessness. Those existing homeless persons who are unable to maintain housing on their own are linked Permanent Supportive Housing, subsidized housing, or family/friends with whom they can live. Homelessness prevention assistance including financial assistance & case management is provided to those who are at risk of returning to homelessness. Program participants with multiple service needs & significant housing instability participate in an intensive integrated teaming that brings to together the participant with service providers to identify needed supports.

Returns to homelessness are tracked at the client & the program level. At the client level, the common assessment tool documents housing history and identifies those with a prior spell of homelessness. In addition, the CoC's open HMIS system is used to verify previous spells within the CoC.

SP-65 Lead based paint Hazards – 91.215(i)

Actions to address LBP hazards and increase access to housing without LBP hazards

The City will continue to implement countermeasures to minimize exposure of lead-based paint hazards found in existing housing built prior to 1978. The City provides lead-based paint disclosure for participants utilized down-payment assistance with CDBG funds to educate residents on the hazards of lead-based paint and protecting children. According to the 2021 Census ACS estimates, a total of 6,298 homes (15%) of the City's housing stock was built prior to 1978 that may have the potential to contain lead-based paint.

During this 5-year Consolidated Plan period the City will ensure homes assisted through the City's CDBG Home Repair Assistance and Down Payment Assistance programs that were built prior to 1978 will be assessed for potential lead-based paint hazards.

How are the actions listed above related to the extent of lead poisoning and hazards?

Children under the age of six years and pregnant women are most at risk. Attention deficit disorder, hyperactivity, learning disabilities, convulsions, hearing loss, or mental retardation may result from too much lead in the blood. The major source of exposure for children is lead paint dust from deteriorated lead paint or from home renovation. Most childhood exposure occurs through children's normal hand- to-mouth activity after contact with a source of leaded dust. The most effective prevention of childhood lead poisoning is to reduce or eliminate being around lead.

The New Mexico Lead Poisoning Prevention Program collects blood lead level data and provides case management services to Children and Adults with elevated blood lead levels. In an effort to prevent lead poisoning and decrease elevated lead levels in exposed children, the program provides:

- Education
- Home Visits
- Lead Risk Assessment
- Cuestionario de Exposición al Plomo Para Niños
- Consultation with Healthcare Providers

How are the actions listed above integrated into housing policies and procedures?

The City annually reviews and updates its policies for the CDBG Home Repair Assistance and Down Payment Assistance programs to ensure that all housing built before 1980 is evaluated for lead-based paint. Lead-Based paint testing and inspections will occur prior

to disturbing any surfaces. The City also provides Lead-Based Paint Disclosures for all participants in the Down Payment Assistance Program and will conduct abatement of lead, if necessary, prior to purchase.

SP-70 Anti-Poverty Strategy – 91.215(j)

Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families

The core premise of the anti-poverty strategy is that employment is the vehicle through which those who are impoverished can best achieve the goal of self-sufficiency. The most efficient method for reaching this goal is for the City to strive for an economic climate that leads to the availability of a wide range of possible jobs available for these individuals.

Sandoval County has an economic mix that includes manufacturing, customer service centers, healthcare, education, retail and tourism. The Sandoval County is located within the Albuquerque Metropolitan Statistical Area – which consists of Rio Rancho, Bernalillo and Corrales. Rio Rancho is the 3rd largest New Mexico city with a population of more than 100,000, making it one of the fastest growing cities within the region. The Rio Rancho Regional Chamber partners with Sandoval Economic Alliance to deliver economic development programs.

The City's anti-poverty strategies were derived from the need to increase economic development activities in the jurisdiction which included: creating jobs, retaining jobs, enhancing the tax base, improving residents' quality of life, and provide additional economic options for residents.

How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan?

The City will continue to increase its efforts to implement anti-poverty strategies for the citizens of the City over the next five years. The City will strive to increase its efforts in assisting homeowners and low-income households with housing rehabilitation and renovation of affordable housing to decrease the financial burden on low-to-moderate-income residents.

SP-80 Monitoring – 91.230

Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City's Consolidated Plan must describe the standards and procedures that the City will use to monitor activities carried out in furtherance of the Consolidated Plan.

The City will conduct annual subrecipient monitoring and site visits during the program year. CDBG activities are monitored according to program requirements. Subrecipients and contractors are required to submit periodic progress, personnel policies and procedures, conflict of interest certification, beneficiary income qualification documents and financial reports and submit quarterly benefit data reports. DHCA staff maintains regular telephone and email contact with subrecipients and contractors.

Subrecipients will be notified in writing of deficiencies identified during monitoring with a request from the City to respond with corrective actions within 30 days from the notice of deficiency. Depending on the severity of the deficiency further funding of the City may suspend Subrecipient expenditure requests and the Subrecipient will be held responsible for reimbursing the City's CDBG program for any ineligible CDBG expenses.

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	Public-Federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	\$489,772	\$0	\$0	\$489,772	\$2,448,860	CDBG funds will be used to carry out activities related to acquisition, administration and planning, housing, economic development, public facility improvements, and public services.

Table 53 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City of Rio Rancho will use a combination of public and private funding to carry out activities identified in this plan. During this Consolidated Plan period, the City will research opportunities to apply for additional funding streams which are consistent with the goals of the Consolidated Plan. Rio Rancho will continue to investigate other sources of funding that are consistent with the goals of the 2023-2027 Consolidated Plan by working with community partners and non-profit organizations to encourage leveraging of available funding sources and strengthen capacity building.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City does not anticipate addressing the identified needs with publicly owned land or property located within city limits.

Discussion

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Rehabilitation of Existing Units	2023	2027	Affordable Housing	Citywide	Access to Affordable Housing;	CDBG	Homeowner Housing Added: 10
2	Services for the homeless and at-risk populations	2023	2027	Non-Housing Community Development	Citywide	Increase the Capacity of Public Services	CDBG	Public Service Activities other than Low/Moderate Income Housing Income Benefit: 150
3	Services for victims of domestic violence, dating violence, sexual assault, or stalking	2023	2027	Non-Housing Community Development	Citywide	Increase the Capacity of Public Services	CDBG	Public Service Activities other than Low/Moderate Income Housing Income Benefit: 100
4	Provide Administrative Structure	2023	2027	Administration	Citywide	Planning & Administration	CDBG	Planning & Administration: 1

Table 54 – Goals Summary

Goal Descriptions

Goal #1. Rehabilitation of Existing Units - Provide financial assistance for low-to moderate - income homeowners to improve the quality of housing conditions.

Goal #2. Services for the homeless and at-risk populations - Fund projects that provide emergency services to families in crisis including rental assistance payments and other basic needs for the homeless.

Goal #3. Services for victims of domestic violence, dating violence, sexual assault, or stalking - Fund projects that provide services for survivors of domestic violence.

Goal #4: Provide Administrative Structure – Planning and Administration

Projects

AP-35 Projects – 91.220(d)

Introduction

Projects planned for the 2023-2027 program year are identified in the table below, with additional detail provided in AP-38. Over the next year, the City of Rio Rancho anticipates assisting low- and moderate- income homeowners with home rehabilitation and emergency repair. The City will also use CDBG funds for the provision of public services such as providing rental assistance to prevent homelessness, services for domestic violence survivors, services for the homeless, and permanent supportive housing.

Projects

#	Project Name
1	Haven House Shelter Services
2	Sandoval County Permanent Supportive Housing
3	St. Felix Pantry Homelessness Prevention
4	Habitat for Humanity – Residential Emergency and Critical Repair
5	CoRR Administration

Table 55 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The projects were selected to meet identified needs in the community with the resources provided. The greatest obstacle to meeting the City's underserved needs is limited financial resources. Rio Rancho will continue to estimate allocations for this Consolidated Plan period based on the final allocation amount and the priorities identified in the PY2023-2027 Consolidated Plan, community input, qualified applications for funding, and Department of Finance and City Council. The City recognizes there are multiple needs for low and moderate-income persons of the City that are met through the use of CDBG funds. These needs include access to affordable housing for low and moderate-income persons, services for homeless and at-risk populations; increased capacity for public services and addressing community development needs. The City prioritizes grant allocations by ensuring that all proposed projects will:

- Directly benefit low and moderate-income persons or households as defined by HUD's Income Limit Guidelines based on the Albuquerque Metropolitan Statistical Area (MSA); or
- Take place in an area where more than 51% of the population is lower income according to HUD Income Limits.

AP-38 Project Summary

Project Summary Information

Project Name	Haven House Shelter Salary Support
Target Area	Citywide
Goals Supported	Services for victims of domestic violence, dating violence, sexual assault, or stalking
Needs Addressed	Increase Capacity of Public Services
Funding	CDBG: \$28,450.00
Description	CDBG funds will be used to offset administrative costs by providing salary support for staff who provide shelter and services to domestic violence victims and their children. In addition to offering shelter beds, help victims achieve not only immediate safety but also the knowledge, skills, and resources to move on with their daily lives.
Target Date	6/23/2024
Estimate the number and type of families that will benefit from the proposed activity	Approximately 250 abuse victims and their children.
Location Description	Haven House, Inc.'s physical location is confidential. PO Box 15611, Rio Rancho, NM 87174
Planned Activities	CDBG funds will be used to offset administrative costs by providing salary support for staff who provide shelter and services to Domestic Violence victims and their children. In addition to offering shelter beds, help victims achieve not only immediate safety but also the knowledge, skills and resources to move on with their daily lives.
Project Name	Sandoval County Permanent Supportive Housing
Target Area	Citywide
Goals Supported	Services for the homeless and at-risk populations
Needs Addressed	Increase Capacity of Public Services
Funding	CDBG: \$16,500.00

Description	CDBG funds will be used to offset administrative costs by providing salary support for staff who provide long-term supportive housing assistance and comprehensive outreach, case management, and advocacy services to chronically disabled persons who are experiencing homelessness. In addition, the grant provides salary support for ongoing HUD-funded rental assistance to help persons exit homelessness by securing housing and providing support necessary for the participant to retain housing and successfully build self-sufficiency.
Target Date	6/23/2024
Estimate the number and type of families that will benefit from the proposed activity	The Sandoval Permanent Supportive Housing program will serve 56 persons.
Location Description	711 S. Camino Del Pueblo Bernalillo, NM 87004
Planned Activities	CDBG funds will be used to offset administrative costs by providing salary support for staff who provide long-term supportive housing assistance and comprehensive outreach, case management, and advocacy services to chronically disabled persons who are experiencing homelessness. In addition, the grant provides salary support for ongoing HUD-funded rental assistance to help persons exit homelessness by securing housing and providing support necessary for the participant to retain housing and successfully build self-sufficiency.
Project Name	St. Felix Pantry Homelessness Prevention
Target Area	Citywide
Goals Supported	Services for the homeless and at-risk populations
Needs Addressed	Increase Capacity of Public Services
Funding	CDBG: \$28,450.00
Description	Homelessness prevention to assist in-need Rio Rancho households with utility and mortgage/rent monies resulting from continued economic concerns for low-income households.
Target Date	6/23/2024
Estimate the number and type of families	170 Homeless Persons

that will benefit from the proposed activity	
Location Description	4020 Barbara Loop SE, Rio Rancho, NM 87124
Planned Activities	Homelessness prevention to assist in-need Rio Rancho households with utility and mortgage/rent monies resulting from continued economic concerns for low-income households.
Project Name	Habitat for Humanity - Residential Emergency and Critical Repair
Target Area	Citywide
Goals Supported	Rehabilitation of Existing Units
Needs Addressed	Housing Affordability - Rehabilitation
Funding	CDBG: \$318,417.60
Description	CDBG funds will be used to make home repairs for elderly and cost burdened low-income families living in older neighborhoods. This program provides a variety of services, including water heater, swamp cooler, furnace, and roof repair, ADA compliance and Health and Safety type work. Each home would receive situational repairs on one area of focus for each home.
Target Date	6/23/2024
Estimate the number and type of families that will benefit from the proposed activity	10 Homeowner Units Rehabbed
Location Description	Various Addresses
Planned Activities	CDBG funds will be used to make home repairs for elderly and cost burdened low income families living in older neighborhoods. This program provides a variety of services, including water heater, swamp cooler, furnace, and roof repair, ADA compliance and Health and Safety type work. Each home would receive situational repairs on one area of focus for each home.
Project Name	CoRR Administration
Target Area	Citywide
Goals Supported	Planning and Administration

Needs Addressed	Planning and Administration
Funding	CDBG: \$97,954.40
Description	Planning and Administration costs determined-by and subject-to 20% federally mandated spending cap.
Target Date	6/23/2024
Estimate the number and type of families that will benefit from the proposed activity	1
Location Description	3200 Civic Center Circle NE, Rio Rancho, NM 78144
Planned Activities	Planning and Administration costs determined-by and subject-to 20% federally mandated spending cap.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The City of Rio Rancho receives entitlement program funds directly from HUD and assistance will be provided throughout low-income census tracts and directly to low and moderate-income residents.

Geographic Distribution

Target Area	Percentage of Funds
Citywide	80%

Table 56 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Rio Rancho covers over 103 square miles which causes the low and moderate- income population to be less concentrated as in most centralized cities. The City relies on widely accepted data such as American Community Survey, HUD’s low and moderate-income summary data, and Federal Financial Institutions Examinations Council’s (FFIEC) data to determine areas throughout the community with concentrations of low and moderate-income communities. Program resources are allocated City-wide based on low-mod areas which often coincide with areas of minority concentration.

Discussion

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The City will continue its priority of serving low-income families and underserved populations such as veteran families, single parent head of households, seniors, homelessness, and near-homeless populations within the City of Rio Rancho. The City will also continue to fund CDBG activities specific to housing and supportive housing needs of homeless and near homeless populations. The City will also provide down payment assistance to ensure housing is affordable for low-income residents.

One Year Goals for the Number of Households to be Supported	
Homeless	306
Non-Homeless	170
Special-Needs	0
Total	476

Table 57 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	20
Acquisition of Existing Units	0
Total	20

Table 58 - One Year Goals for Affordable Housing by Support Type Discussion

AP-60 Public Housing – 91.220(h)

Introduction

The City of Rio Rancho does not have a Public Housing Agency. The Town of Bernalillo and Bernalillo County Housing Authority provide Section 8 Vouchers for residents in Rio Rancho. The Santa Fe Civic Housing Authority (SFCHA) manages a Housing Choice Voucher Homeownership Program, Resident Opportunities and Self-Sufficiency Program (ROSS), Family Self-Sufficiency Program (FSS), and the Capital Fund Program (CFP).

The Housing Authority currently manages 198 public housing units and 307 Housing Choice Vouchers between its various voucher programs. This program assists very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market.

To qualify for housing assistance, families must qualify as low income (below 80 percent of the area median income). The Housing Authority also implements a Working Family Preference in which families working a minimum of 24 hours per week qualify and full-time students for participating in the self-sufficiency program. The Guidelines that regulate the Housing Choice Voucher Program are stipulated in the Administrative Plan. The Family Self-Sufficiency Program guidelines are contained in the Program's Action Plan. These guidelines are posted in the lobby of the Housing Authority's Administration Office.

Actions planned during the next year to address the needs to public housing

The City does not have any plans to address the needs of public housing.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

The City does not have any actions to encourage public housing residents during the next consolidated plan period.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

HUD's Real Estate Assessment Center conducts physical property inspections of properties that are owned, insured or subsidized by HUD, including public housing and multifamily assisted housing. According to HUD's 2021 Public Housing Agency Score (PHAS), the Santa Fe Civic Housing Authority scored a 77 in its last HUD inspection held on June 23, 2015 and is designated a standard performer and is not considered by HUD to be troubled or poorly performing.

Discussion

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City goals and actions for supporting homeless and other special needs activities consist of providing homeless prevention activities and public services for ending homelessness. The City will continue to support Saint Felix Pantry that provides homeless prevention services for families with children, veterans, chronically homeless, and youth. The City will also provide funding to the Sandoval County Permanent Supportive Housing to provide supportive housing rental assistance for persons who may be chronically disabled and in need of housing assistance.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs.

The City will continue to support agencies in the area that provide homeless and other services to low and moderate-income individuals. While the City has not adopted any specific strategies to address homelessness and the priority needs of homeless persons, the CoC continues to strengthen the street outreach network to address the needs of the unsheltered population. The New Mexico Coalition to End Homelessness utilizes the Homeless Management Information System (HMIS) to help quantify the shelter and unsheltered homeless persons.

NMHELP offers emergency assistance, on the job training, work experience, training related support services, classroom training, specialized training, supportive housing, child and adult care food program, OLAO program (daycare), Foster Grandparent and Senior Companion programs, and a variety of other trainings such as financial literacy, job readiness, pesticide training, and tractor safety.

Addressing the emergency shelter and transitional housing needs of homeless persons

Emergency shelter is provided 24 hours / 7 days for individuals & families. Access to services and shelters are provided through the outreach providers and Regional Housing Stabilization Services Offices, and the Crisis Center nights and weekends. Help is also provided to those at-risk of homelessness to preserve housing. A common assessment tool is used to screen, assess & refer households to all emergency, transitional & permanent housing programs. The tool screens for household vulnerability and acuity of needs to ensure those most in need are prioritized for housing.

The CoC implemented a centralized shelter intake and diversion program for single adults

with a goal of reducing inflow to homelessness. All individuals seeking emergency shelter will be assessed for diversion as an attempt to resolve their housing emergency without the need to enter the homeless continuum. The CoC meets regularly to identify vacancies, prioritize persons for housing, & facilitate referrals.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

The Continuum of Care is continuing to work to reduce length of stay in homelessness. The CoC uses a coordinated housing referral process to refer, prioritize & match participants to CoC housing. Length of Stay is one factor considered when prioritizing. Housing Locators will work with adults and families in shelter to identify housing options and help them move more quickly into permanent housing.

Homeless providers will assist participants to develop independent living skills, increase income & access services to reduce returns to homelessness. Those existing homeless who are unable to maintain housing on their own will be linked to Permanent Supportive Housing, subsidized housing or family/friends with whom they can live. Homelessness prevention assistance including financial assistance & case management will be provided to those who are at risk of returning to homelessness.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

At-risk households with a history of housing instability will receive case management to address barriers & link to mainstream resources such as SNAP, TANF, SSI and mainstream rental assistance programs. The CoC has received significant federal resources for eviction/ homeless prevention due to the pandemic. To ensure households with the greatest risk of homelessness are prioritized for assistance, the CoC developed a Homeless Prevention Index that uses local data on community-level predictors of homelessness to identify census tracts with the greatest need.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

The City's AFH identifies the following key issues impacting the development of affordable housing and residential investment:

- Lack of state or local fair housing law
- Lack of availability of affordable accessible units in a range of types
- Availability of accessible units in publicly supported housing

While the City has taken steps towards limit barriers to affordable housing, such as adopting Zoning Ordinances that allow for mixed-use and increased density the City in its AFH highlighted the goals to increase affordable housing options in high opportunity areas.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment.

Over the next Consolidated Plan period, the City will continue to analyze its Comprehensive Plan to seek to increase supply of higher density housing in new planned communities and evaluate zoning ordinances to encourage development of subsidized housing. The provision of adequate and affordable housing for all residents is an important goal for the City, but many factors constrain the development, maintenance, and improvement of the housing stock. These factors as discussed in the City's AFH impact the cost and amount of housing produced, thereby disproportionately affecting the LMI community.

Discussion:

According to the City's AFH, the greatest type of housing shortage is for affordable accessible units. City households have limited housing choices for accessible single-family housing. Various land use policies, zoning provisions, and development regulations may affect the range of housing choice available within the City and region. Barriers such as permit processing times, zoning, outdated community plans, and environmental review requirements continue to be a barrier for the location and cost of affordable housing projects. State and local policies can also prohibit well established housing programs such as mandatory inclusionary zoning further limit options for the development of affordable housing.

AP-85 Other Actions – 91.220(k)

Introduction:

The Consolidated Plan addresses the issue of meeting underserved needs of Rio Rancho residents through a variety of initiatives. Several of these initiatives are proposed for funding in this Annual Action Plan. As has been the situation in the past and most likely in the future, the primary obstacle to these actions is a lack of funding.

Actions planned to address obstacles to meeting underserved needs

One of the primary obstacles to meeting underserved needs of residents is the availability of funding. While the City actively seeks additional funding opportunities and will continue to do so, its ability to address underserved needs depends largely on the availability of additional resources. Historically, due to limited funding, the City has not been able award funding full funding requests for CDBG applicants. However, has utilized CDBG, funding to support established public services programs for youth, homeless persons, disabled persons, and the overall low-income population of Rio Rancho.

Actions planned to foster and maintain affordable housing

During the next Consolidated Plan period, the City will continue to administer the Home Repair Assistance Program which provides affordable housing sustainability for the City's low to moderate-income residents. The City will also allocate funding for down payment assistance and closing costs for low-income households for first-time homebuyers.

Actions planned to reduce lead-based paint hazards

The City will continue to implement counter-measures to minimize exposure of lead-based paint hazards found in existing housing built prior to 1978. The City provides lead-based paint disclosure for participants utilized down-payment assistance with CDBG funds to educate residents on the hazards of lead-based paint and protecting children. According to the 2021 Census ACS estimates, a total of 6,298 homes (15%) of the City's housing stock was built prior to 1978 that may have the potential to contain lead-based paint.

Actions planned to reduce the number of poverty-level families

All activities described in this Plan are designed with poverty reduction in mind. Programs to prevent and end homelessness help bring people and households out of poverty and into self-sufficiency. Rental assistance helps stabilize households and allow them to build savings, gain skills, and engage in other positive behaviors associated with a rise out of poverty. Sandoval County has an economic mix that includes manufacturing, customer

service centers, healthcare, education, retail and tourism.

Actions planned to develop institutional structure

The City adopted the Infrastructure Capital Improvement Plan (ICIP) for Fiscal Years 2023–2028. This ICIP plan reflects the collective efforts of several City departments and various levels of management and staff and is intended to be a planning document and financial management tool that projects the capital needs and priorities of the City while identifying future financing requirements over the planning period.

Actions planned to enhance coordination between public and private housing and social service agencies

The City will continue to work with a broad cross-section of public, private, faith-based, and community organizations to identify the needs of its citizens. The City will also seek to strengthen partnerships with nonprofit organizations and private developers to increase affordable housing and quality of life for residents in the jurisdiction.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

Introduction:

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

CDBG Available Program Funding	
1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	\$0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan	\$0
3. The amount of surplus funds from urban renewal settlements	\$0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	\$0
5. The amount of income from float-funded activities	\$0
Total Program Income	\$0

Other CDBG Requirements

Other CDBG Requirements	
1. The amount of urgent need activities	\$0

Appendix - Alternate/Local Data Sources

1	<p>Data Source Name</p> <p>Albuquerque 2013-17 Consolidated Plan and 2013 Act</p>
	<p>List the name of the organization or individual who originated the data set.</p> <p>City of Albuquerque</p>
	<p>Provide a brief summary of the data set.</p> <p>Facilities Targeted to Homeless Persons Source: Albuquerque 2013-17 Consolidated Plan and 2013 Action Plan</p>
	<p>What was the purpose for developing this data set?</p> <p>For the City of Albuquerque's Consolidated Plan</p>
	<p>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</p> <p>Data is concentrated among a certain population</p>
	<p>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</p> <p>2010-2011</p>
	<p>What is the status of the data set (complete, in progress, or planned)?</p> <p>Complete</p>