

HOUSING IMPROVEMENT AREA POLICY



Purpose

Pursuant to Minnesota Statutes (M.S.) §§ 428A.11-428A.21 (HIA Act), the City of Fridley (City) may establish a Housing Improvement Area (HIA) to assist condominium or townhome associations make improvements to common areas. The City's HIA Policy (Policy) provides guidelines for City staff to facilitate a HIA application and establishes requirements for organizations that submit a HIA application to the Fridley City Council (Council) for consideration. The City has authored this Policy to establish clear procedures and support a process that is transparent, timely and thorough.

Within an HIA, the City may lend funds to a homeowners association or similar common interest community (Association) for the purpose of funding the cost of improvements made to common elements of their property(s). The City may levy fees and assessments, including interest, to fund improvements. The City may lend funds to the Association from available city cash or proceeds from the City's issuance of bonds.

Definitions

Authority: Organization authorized by State law to exercise the powers granted to it by State law, in this circumstance, the City.

Housing Improvement Area: A defined area within the City where housing improvements are made or constructed and the costs of the improvements are paid in whole or in part from fees imposed within the area.

Housing Unit: One-dwelling unit that is occupied by a person or family for use as a residence.

Implementing entity: Organization authorized by State law to create an enabling ordinance for implementing and administering a HIA, in this circumstance, the City of Fridley.

Owner: Individual or corporations shown on the records of the County Auditor.

Petition: Written request of housing unit owners requesting the Council create a HIA.

Veto: Written objection of housing unit owners requesting the Council veto an approved HIA.

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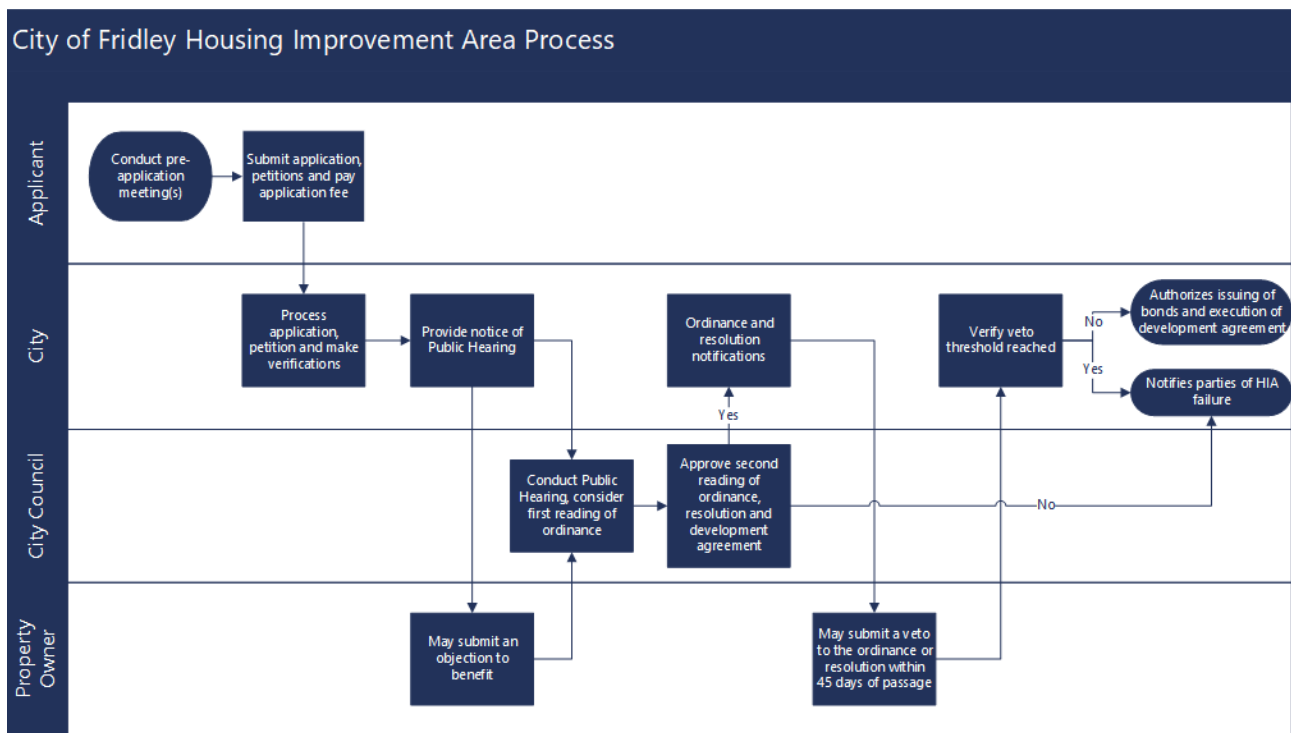
Process

State law authorizes the City to establish HIAs and provides some general requirements. Very broadly, the process involves two steps and includes options for impacted property owners to object or veto the project:

1. Adoption of an ordinance by the City after a duly noticed public hearing that will designate the area, establish the improvements to be made and determine the basis for imposing a fee; and
2. Adoption of a resolution by the City after a duly noticed public hearing to set the fees in the amount necessary to produce the revenue required to pay for the improvements.

The adoption of an ordinance and a resolution are subject to a veto or objection by property owners.

Beyond the two requirements listed above, it is at the City's discretion to create administrative processes to support the HIA application. A visual representation of the City's process is detailed below.



Requirements

By applying for a HIA, the owners within the association agree to the following:

1. Must use City's choice of Bond Counsel, Municipal Advisor and any other applicable consultants or vendors.

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2. Disbursements of bond/loan proceeds must be made through an escrow agent to be approved by the City.
3. Payment of non-refundable \$10,000 application fee. In addition, the HIA must pay all additional fees incurred by the City in excess of \$10,000 in connection with the creation of the HIA including but not limited attorneys' fees and fees of the City's municipal advisor.
4. Payment of an administrative fee to the City that is equal to 1% of the loan/bond amount upon successful closing.
5. The City will review the performance and level of outstanding debt of previous HIAs and impact on City's ability to issue debt prior to recommending approval of additional HIA debt.
6. The bond issued must be at least \$250,000. Other City sources may be used at the discretion of the City.
7. If approved, the association located within the HIA must submit a copy of its audited financial statements to the City Manager or their designee by August 15 each year.
8. The association must enter into a development agreement with the City. The agreement may include the following elements:
 - (a) Establishment of a reserve fund.
 - (b) Requirement to cover any bond debt service shortfalls.
 - (c) Annual reporting requirements.
 - (d) Conditions of disbursement.
 - (e) Limitations on prepayment of fees.
 - (f) Other covenants and requirements of the Association.

Application

An application for the City to consider creating a HIA is required. Failure to include any required element of the application may be grounds for dismissal or denial. Applications are required to be submitted to the Assistant Executive Director of the HRA by emailing HRA@FridleyMN.gov.

In addition to the completed application, the following items are required by the City for consideration:

- Petition with signatures from at least 60% of owners;
- Evidence that the association has had meetings with property owners about the proposed financing;
- Letters or other documentation showing efforts to secure private financing;
- Association bylaws and declaration;

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- Information provided to association members on HIA financing, including estimates of the fee per owner, an amortization schedule showing estimated payments, how the payments are to be made and the interest rate being charged;
- Audited financial statements for previous two years;
- Certificate of Good Standing from the Office of the Secretary of State;
- Adopted financial plan, verified for accuracy by a third party acceptable to the City, identifying how maintenance and operation of the common elements will be paid for and long-range plan/reserve study to conduct and finance future capital improvements;
- Project cost estimates and concept plans as prepared by a qualified firm;
- Legal description(s) of the property subject to the HIA; and
- \$10,000 non-refundable application fee.

These documents must be submitted electronically. If needed, the City will provide access to a file sharing service.

Petitions Required

No HIA application will be accepted unless accompanied by petitions signed by 60% of housing units that would be subject to fees in the proposed. All owners of a property must submit individual petitions. Only if all owners of a property submit a petition will it be counted. The petition must describe the proposed project to be financed and a proposed not to exceed amount for project costs.

The City's required petition is attached. All petitions must be submitted by an individual property owner either electronically to CityClerk@FridleyMN.gov or hand-delivered in person at Fridley City Hall. Petitions may not be collected and delivered to the City by groups or individuals collecting petitions on behalf of others

Notifications

State law outlines several required notifications to owners within the HIA before the City takes official action. The City will facilitate the following notifications:

- Public Hearing Notice in the City's Official Publication, posted to the City's website and mailed to property owners
- Summary of Ordinance published in the City's Official Publication
- Summary of Ordinance and final resolution and notice of property owners' right to veto and mailed to property owners.

Ordinance

The Council will consider an ordinance to establish a HIA following the requirements for ordinance procedures established in the Fridley City Charter and in the HIA Act, and only if all elements of a HIA application are complete. An ordinance will be crafted in collaboration with the City Attorney and consultants. The ordinance may not be adopted until a public hearing has been held regarding the ordinance and the ordinance has been read at two Council meetings. After a public hearing the ordinance may be adopted at any time within six months after the public hearing and by a majority

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vote of the Council. Within five days after adoption of an ordinance, a summary of the ordinance and resolution will be mailed to the owner of each unit. The notice will inform owners of their right to veto the ordinance or resolution by filing the required Veto form before the effective date of the ordinance.

Public Hearing

Prior to the Council approving a HIA ordinance or fee resolution, the Council will hold a public hearing to take comments. Notice of the hearing will be posted in the Official Publication, posted to the City's website and mailed to property owners within the HIA. The notice will identify all affected properties and include a list of the improvements to be made in the area and conform with the requirements of the HIA Act.

Objection to Benefit

Before the ordinance is adopted, the owner of a unit within the HIA may file a written objection with the City Clerk objecting that the owner's property should be included in the HIA, or not subject to a fee based on reasoning that the property would not benefit from the improvements. The Council will decide on the objection within 60 days of its filing.

Fee Resolution

The fee resolution will be crafted in collaboration with the City Attorney and the City's municipal advisor. Within six months of the public hearing, the Council may adopt a resolution imposing a fee within the HIA not exceeding the amount expressed in the notice of public hearing. Within five days after adoption of an ordinance, a summary of the ordinance and resolution will be mailed to the owner of each unit. The notice will inform owners of their right to veto the ordinance or resolution by filing the required Veto form before the effective date of the ordinance.

Collecting Fees

The City will collect fees for the HIA pursuant to M.S. § 428A.05.

Veto

Within 45 days of approval of a HIA ordinance and fee resolution, owners subject to a HIA fee have a right to veto the ordinance or resolution by filing a Veto to the City Clerk. All vetoes must be submitted by an individual property owner either electronically to CityClerk@FridleyMN.gov or hand-delivered in person at Fridley City Hall.

Vetoes may not be collected and delivered to the City by groups or individuals collecting vetoes on behalf of others. All vetoes must be submitted by individual owners on their own behalf. Submitting a veto does not rescind or repeal a petition. A veto will be counted if any owner of a unit submits a veto.

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A successful veto requires 45% or more of the housing units or 45% or more of the housing units' tax capacity in the area file an objection to the ordinance or resolution with the City Clerk.

Verifications

To ensure the accuracy and integrity of petitions or vetoes filed with the City, staff will:

1. Count the number of petitions or vetoes submitted
2. Verify the signer of a petition or veto is listed with the County as the owner of record
3. Attempt to call or email the signers of a petition or veto to confirm they signed the petition or veto.

Financing Improvements

Pursuant to M.S. Chapter 428A, the Council has sole discretion to use any allowable sources available to the City, including the issuance of bonds to finance improvements.

Questions

If you have questions about the information shared in this Policy, please contact a member of the Finance Department at 763-572-3520 or the Housing and Redevelopment Authority at 763-572-3591.

HIA APPLICATION



Pursuant to Minnesota Statutes §§ 428A.11 to 428A.21, the City of Fridley (City) may establish a Housing Improvement Area (HIA) in which common area improvements for a condominium or townhome association are made and the costs of the improvements are paid in whole or in part from fees imposed within that area. Eligible improvements may include, but are not limited to, roofing, siding, landscaping and roadways, as well as any other improvements approved by the City. Before completing this application, interested entities should contact the City.

Association Information

Legal Name: _____

Mailing Address: _____

Primary Contact: _____

Contact Phone: _____ Contact Email: _____

Name of Management Company: _____

Management Company Contact: _____

Contact Phone: _____ Contact Email: _____

Project Information

Please provide a summary of the proposed project, including a timeline with significant project dates. Please attach additional information, as needed.

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Project Costs

Please indicate the amount of financing requested and list all activities and improvements to be funded by the HIA. Please attach additional information, as needed.

What is the total amount of HIA financing requested?

Line No.	Activity or Improvement	Estimated Budget
1		\$
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
Total		\$

Please describe any other financial resources the association plans to commit to the proposed improvements (e.g., cash, grants, donations).

Please explain why HIA financing would be necessary to accomplish the proposed improvements:

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Housing Improvement Area Financing

What City goals will be addressed by the proposed improvements? (please check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Neighborhood revitalization/stabilization | <input type="checkbox"/> Correct building code violations |
| <input type="checkbox"/> Upgrade existing housing stock | <input type="checkbox"/> Improve livability of housing stock |
| <input type="checkbox"/> Prevent loss to City tax base | <input type="checkbox"/> Stabilize/increase owner occupied units |
| <input type="checkbox"/> Maintain/obtain FHA mortgage eligibility | |

What is the proposed term of the HIA financing (20 years is the maximum)? _____ years.

How does the association propose the fee associated with the HIA financing be charged to the affected property owners? The proposed apportionment of the fees must comply with the HIA Act.

- | | |
|---|---|
| <input type="checkbox"/> Equally among all properties | <input type="checkbox"/> Other (e.g., based on unit size/valuation) |
|---|---|

Are there any properties within the HIA that should be exempt from the Fee? Yes No

If yes, please explain:

Please describe how HIA funding will resolve current funding issues and the previous measures taken by the association to address potential future funding issues.

Please explain why HIA financing is necessary to undertake the project (attach any documentation regarding efforts to secure private financing).

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Other

Please provide any other comments or information about the proposed improvements.

Required Documentation

For this application to be reviewed, please provide the following:

1. Petition with signatures from at least 60% of owners
2. Letters or other documentation showing efforts to secure private financing;
3. Association bylaws and declaration;
4. Information provided to association members on HIA financing;
5. Audited financial statements for previous two years;
6. Certificate of Good Standing from the Office of the Secretary of State;
7. Adopted financial plan, verified for accuracy by a third party acceptable to the City, identifying how maintenance and operation of the common elements will be paid for and long-range plan/reserve study to conduct and finance future capital improvements;
8. Project cost estimates and concept plans as prepared by a qualified firm;
9. Legal description(s) of the property subject to the HIA; and
10. \$10,000 non-refundable application fee.

Documents should be emailed to HRA@FridleyMN.gov. If needed, the City will provide access to a file sharing service.

Acknowledgement

By signing this application, the association hereby agrees to the following:

1. I have read and will abide by all the requirements of the City for taxable bond financing. I will also commit all contractors, subcontractors and any other major contributors to the project to all segments applicable to them.
2. All information submitted in this application, including all addenda, is true and correct.
3. The data provided on this form will be used by the City to evaluate an application for financial assistance through a HIA. I understand that this data may be subject to disclosure in accordance with the Minnesota Government Data Practices Act. You are not required to provide the information requested in this application, but the City will not process an application without all requested information.

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4. The association assumes responsibility for all costs involved in the review of this application, the creation of a HIA, and any other costs generally associated with the completion of any housing improvements. These costs may include but are not limited to costs associated with engaging Bond Counsel, a Financial Advisor, the City Attorney(s), consulting architects and engineers, and all costs involved with the issuance of the bonds to finance the project.
5. That the City reserves the right to deny final approval, regardless of any preliminary approval or acceptance of this application.
6. That the undersigned individual represents and warrants that they are authorized to execute this application on behalf of the association described above.

Signature

Date

Printed Name

Title

HOUSING IMPROVEMENT AREA PETITION



I, the undersigned owner(s) of a housing unit located at _____ that would be subject to the fee in the proposed Housing Improvement Area (HIA), hereby request the City Council to conduct public hearings to consider the establishment of the HIA and the imposition of a fee to pay for housing improvements pursuant to Minnesota Statutes §§ 428A.11-21.

All petitions must be submitted by an individual property owner either electronically to CityClerk@FridleyMN.gov or hand-delivered in person at Fridley City Hall. Petitions may not be collected and delivered to the City by groups or individuals collecting petitions on behalf of others.

Project Description and Cost

[Homeowners' Association to insert description of proposed improvements and not to exceed project cost amount]

Owner Information

All owners of a property must submit individual petitions. Only if all owners of a property submit a petition will it be counted. City staff will contact the person signing this form to verify eligibility.

Date: _____

Name: _____

Address: _____

Phone: _____

Email: _____

Signature: _____

The data provided on this form will be used by the City to verify eligibility for a HIA. I understand that this data may be subject to disclosure in accordance with the Minnesota Government Data Practices Act.

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HOUSING IMPROVEMENT AREA VETO



I, the undersigned owner(s) of a housing unit located at _____,
object to the ordinance adopted by the City Council of the City of Fridley creating a Housing
Improvement Area (HIA) and the resolution adopted by the City Council assessing fees against the
owners.

This objection is provided in accordance with Minnesota Statutes § 428A.18, subd. 2.

All vetoes must be submitted by an individual property owner either electronically to CityClerk@FridleyMN.gov or hand-delivered in person at Fridley City Hall. Vetoes may not be collected and delivered to the City by groups or individuals collecting vetoes on behalf of others.

Owner Information

Owners of a property may submit individual vetoes. If there are multiple owners of a unit, the City will count a veto if any property owner files a veto. City staff will contact the person signing this form to verify eligibility.

Date: _____

Name: _____

Address: _____

Phone: _____

Email: _____

Signature: _____

The data provided on this form will be used by the City to verify eligibility for a HIA. I understand that this data may be subject to disclosure in accordance with the Minnesota Government Data Practices Act.

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