

ORDINANCE

WHEREAS, the City of Chicago (the "City"), a home rule unit of government under Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, has heretofore found and does hereby find that there exists within the City a serious shortage of decent, safe and sanitary housing available to persons of low- and moderate-income; and

WHEREAS, on July 19, 2023, the City Council of the City adopted an ordinance, referenced as 02023-2317, and published at pages 1697 through 1700, inclusive, of the Journal of Proceedings of the City Council for that date (the "Original Ordinance"); and

WHEREAS, the Original Ordinance authorized the City to make one or more reallocations to the Illinois Housing Development Authority ("IHDA") of the City's available volume cap totaling not to exceed \$150,000,000 (the "Reallocation Amount") to be used by IHDA in connection with IHDA's issuance of tax-exempt qualified mortgage bonds, multi-family-housing revenue bonds and other tax-exempt obligations (collectively, the "Tax-Exempt Obligations") for one or more Affordable Housing Developments (as defined in the Original Ordinance) within the corporate boundaries of the City, pursuant to one or more intergovernmental agreements between the City and IHDA (each, an "IGA"); provided that if Tax-Exempt Obligations to be issued for an Affordable Housing Development in connection with a specific reallocation are not issued by IHDA as of, or prior to 11:00 PM on December 31st of the year the related IGA is executed, the City's reallocation will not have been deemed to have occurred and said reallocation amount of volume cap shall revert back to the City, unless the City's Commissioner of Housing or the City's Chief Financial Officer, in their respective sole discretion, extends such deadline to no later than 11:00 P.M. on February 1st of the succeeding year; and

WHEREAS, the City now wishes to amend the Original Ordinance to allow the City to reallocate to IHDA the City's available volume cap in an amount not to exceed the Reallocation Amount as a form of reimbursement to IHDA for one or more Affordable Housing Developments located within the corporate boundaries of the City (each, a "City-Located Project") for which IHDA has issued Tax-Exempt Obligations using its own volume cap, provided that IHDA has, prior to issuing the Tax-Exempt Obligations for each respective City-Located Project, (i) identified such City-Located Project to DOH, (ii) obtained a promise from the City to reimburse IHDA for the use of IHDA's own volume cap for such City-Located Project by reallocating said amount of the City's volume cap to IHDA, and (iii) made the determination in a board resolution that IHDA would not have proceeded with said City-Located Project if it had not received the City's promise to reimburse IHDA for the volume cap it used for said City-Located Project; and

WHEREAS, the City further wishes to amend the Original Ordinance to allow IHDA to use reallocated volume cap in connection with an Affordable Housing Development for Tax-Exempt Obligations issued for such Affordable Housing Development in one or more years subsequent to the year in which the related IGA for such Affordable Housing Development was executed; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The Original Ordinance is hereby amended by deleting the language stricken and by inserting the language underlined as follows:

(Omitted text is unaffected by this ordinance.)

WHEREAS, the City's Department of Housing ("DOH") does not have enough administrative resources to leverage all the volume cap provided to the City and reallocating a portion of the City's unused volume cap would allow the City to partner with other funding agencies to create affordable housing; and

(Omitted text is unaffected by this ordinance.)

WHEREAS, during the period beginning on the effective date of this ordinance until December 31, 2025 (the "Reallocation Period"), the City wishes to make one or more reallocations ~~to IHDA of the City's available volume cap totaling not to exceed \$150,000,000 (the "Reallocation Amount"), pursuant to one or more intergovernmental agreements (each, an "IGA"), to IHDA for one or more Affordable Housing Developments located within the corporate boundaries of the City (each, a "City-Located Project") that IHDA has issued Tax-Exempt Obligations using its own volume cap, to be used by IHDA in connection with IHDA's issuance of Tax-Exempt Obligations for one or more Affordable Housing Developments within the corporate boundaries of the City (each, a "Project"), provided that IHDA has, prior to issuing the Tax-Exempt Obligations for each respective City-Located Project, (i) identified such City-Located Project to DOH, (ii) obtained a promise from the City to reimburse IHDA for the use of IHDA's own volume cap for such City-Located Project by ceding said amount of the City's volume cap to IHDA, and (iii) made the determination in a board resolution that IHDA would not have proceeded with said City-Located Project if it had not received the City's promise to cede volume cap to IHDA in the same amount it used for said City-Located Project; pursuant to one or more intergovernmental agreements between the City and IHDA (each, an "IGA"); provided that if Tax-Exempt Obligations to be issued for a Project in connection with a specific reallocation are not issued by IHDA as of, or prior to 11:00 PM on December 31st of the year the related IGA is executed, the City's reallocation will not have been deemed to have occurred and said reallocation amount of volume cap shall revert back to the City, unless the DOH Commissioner or the CFO at their respective sole discretion, extends such deadline to no later than 11:00 P.M. on February 1st of the succeeding year; now, therefore, now, therefore,~~

(Omitted text is unaffected by this ordinance.)

SECTION 2. The Commissioner of Housing ("DOH Commissioner"), in consultation with the Chief Financial Officer of the City ("CFO"), is hereby authorized to reallocate to IHDA at the DOH Commissioner's discretion from time to time during the Reallocation Period, in one or more amounts of the City's then available volume cap, provided that the Reallocation Amount shall not exceed, in the aggregate, \$150,000,000, provided that IHDA has, prior to issuing Tax-Exempt Obligations for each respective City-Located Project, (i) identified such City-Located Project to DOH, (ii) obtained a promise from the DOH Commissioner that the City will reimburse IHDA for the use of IHDA's own volume cap for such City-Located Project by reallocating said amount of the City's volume cap to IHDA, and (iii) made the determination in a board resolution that IHDA would not have proceeded with said City-Located Project if it had not received the City's promise to reimburse IHDA for the volume cap it used for said City-Located Project.

(Omitted text is unaffected by this ordinance.)

SECTION 8. ~~If Tax-Exempt Obligations to be issued for a Project in connection with a specific reallocation are not issued by IHDA as of, or prior to 11:00 PM on December 31st of the year the related IGA is executed, the City's reallocation will not have been deemed to have occurred and said reallocation amount of volume cap shall revert back to the City unless the DOH~~

~~Commissioner or the CFO at their respective sole discretion, extends such deadline to no later than 11:00 P.M. on February 1st of the succeeding year.~~

SECTION 98. To the extent that any ordinance, resolution, rule, order or provision of the Municipal Code of Chicago, or part thereof is in conflict with the provisions of this ordinance, the provisions of this ordinance shall control. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

SECTION 940. This ordinance shall be effective as of the date of its passage and approval.

SECTION 2. Except as modified by this Amending Ordinance, the Original Ordinance shall remain in full force and effect. To the extent that any ordinance, resolution, rule, order or provision of the Municipal Code of Chicago, or part thereof is in conflict with the provisions of this Amending Ordinance, the provisions of this Amending Ordinance shall control. If any section, paragraph, clause or provision of this Amending Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Amending Ordinance.

SECTION 3. This ordinance shall take effect upon its passage and approval.