

ORDINANCE NO. 4353

AN ORDINANCE to amend Title 2 (GENERAL GOVERNMENT), Chapter 5 (OFFICERS AND EMPLOYEES), of The Code of the City of Alexandria, 1981, as amended, by adding thereto a new Article C (EMPLOYEE HOMEOWNERSHIP INCENTIVE PROGRAM).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 2, Chapter 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding thereto a new Article C, to read as follows:

Article C

Employee Homeownership Incentive Program

Sec. 2-5-31 Definitions.

The following words and phrases shall, for the purposes of this article, have the following respective meanings, except where the context clearly indicates a different meaning:

- (1) Applicant. Any person who applies for a loan under this article.

- (2) Covered entity. The City of Alexandria, the Alexandria City Public Schools, the Alexandria Commonwealth Attorney, the Alexandria Clerk of Court, the Alexandria Sheriff, the 18th Circuit Court, the 18th General District Court, the 18th Juvenile and Domestic Relations District Court, the Alexandria Court Services Unit, the Alexandria Law Library, the Alexandria Registrar of Voters, the Alexandria Public Library and the Alexandria Health Department.

- (3) Dwelling. A building, or portion of a building, together with an associated interest in the land, located in the City of Alexandria, which is to be purchased by an applicant, alone or with others, to be used as the principal residence of the applicant.
- (4) Household. The spouse, partner, children, parents, brothers and sisters and any other person living in the same dwelling as the applicant.
- (5) Loan. A loan in aid of the purchase of a dwelling, as provided under this article.

Sec. 2-5-32 Loans-provided.

There are hereby provided employee homeownership incentive loans, to assist the employees of covered entities with the purchase of real estate located in the City of Alexandria, to be occupied as a dwelling. Such loans shall be subject to the restrictions, limitations and conditions prescribed by this article.

Sec. 2-5-33 Same-eligibility; restrictions generally.

A loan under this article shall be subject to the following restrictions and conditions:

- (1) The applicant shall be, at the time of approval of his or her application, a full or part time (at least 20 hours per week, or equivalent), but not a seasonal, employee of a covered entity.
- (2) The assessed value of the dwelling to be purchased by the applicant shall not exceed one and one-third times the average assessed value for all housing types of residentially assessed property in the City, as determined by the director of real estate assessments.
- (3) The applicant shall own at least 50 percent interest in the dwelling.

- (4) The applicant, together with any member of the applicant=s household, shall not concurrently own the dwelling and 50 percent or more interest in other residential property in the City or elsewhere, unless such other property is actively marketed for sale in conjunction with the purchase of the dwelling.
- (5) The applicant must at all times occupy the dwelling for which the loan is sought as his or her principal residence.
- (6) An applicant shall submit the application required by section 2-5-35 prior to closing on the purchase of the dwelling, and within such time as established by regulation to permit the orderly processing of such application.
- (7) An applicant for a loan provided under this article may apply for and receive benefits under other homeownership assistance programs administered by the City or any other entity, to the extent permitted by the regulations applicable to such other programs.
- (8) Only one application shall be made per household, irrespective of the number of eligible applicants residing in the household.
- (9) In the case of an applicant who is an employee of a covered entity other than the City of Alexandria, the applicant, in addition to complying with the provisions of this article, shall comply with any additional terms and conditions, not in conflict with the provisions of this article, as the covered entity may provide by general rule or regulation.

Sec. 2-5-34 Same-administration by city manager.

The loan program provided under this article shall be administered by the city manager according to the provisions of this article. The city manager is hereby authorized and empowered to prescribe, adopt, promulgate and enforce such rules and regulations in conformance with the provisions of this article, including the requirement of answers under oath, as may be reasonably necessary to administer the program.

Sec. 2-5-35 Same-procedure for application.

- (a) Any applicant for a loan under this article shall file with the city manager, in such manner as the manager shall prescribe and on forms to be supplied by the city, an affidavit or written statement providing the following:
 - (1) the name of the applicant;
 - (2) the address of the dwelling to be purchased;
 - (3) such additional information as the city manager reasonably determines to be necessary to determine eligibility for a loan pursuant to this article.
- (b) If, after audit and investigation, the city manager determines that the applicant is eligible for a loan, the manager shall so certify to the director of finance, who shall issue a check in the approved amount payable jointly to the applicant and the applicant's settlement company, and the applicant shall execute a note evidencing such loan at closing.

Sec. 2-5-36 Same-amount limitations.

- (a) The maximum amount of each loan under this article shall be as follows:

- (1) Applicant who is a full time (40 hours per week or equivalent) employee B \$5,000.
 - (2) Applicant who is a part time (less than 40 hours but at least 20 hours per week or equivalent) employee B \$5,000 times the ratio of the number of hours per week the applicant is regularly employed over 40 (or equivalent denominator).
- (b) For each covered entity, the total amount of loans under this article in any fiscal year shall not exceed the sum lawfully appropriated therefor or allocated thereto by the Alexandria City Council, from funds other than state funds, and for covered entities other than the City of Alexandria, shall in addition not exceed the sum approved for such loans by such covered entity. Loans under this article shall be subject to such funding availability, and provided on a first-come, first-served basis.

Sec. 2-5-37 Same-interest, repayment, unsecured loan.

- (a) No interest shall accrue on the principal of any loan authorized pursuant to this article; provided, however, that interest on any past due amount shall accrue at the rate specified in the note evidencing such loan.
- (b) Any loan under this article shall become due, and shall be repaid to the City in full, upon the sale of the dwelling, or when the applicant otherwise ceases to own and occupy the dwelling as his or her principal residence, which ever shall occur first; provided, however, that in the event an applicant voluntarily terminates his or her employment by a covered entity within a period of 36 months following closing on the purchase of the dwelling, the amount calculated by multiplying one thirty sixth of the loan balance by the number of months of such 36 month period remaining at the time of termination, shall become due

and payable upon such termination of employment; and provided further, that in the event a qualifying applicant sells such applicant=s dwelling and purchases another qualifying dwelling within 30 days, the loan shall become due and payable upon the sale of, or other event which triggers repayment with respect to, such other qualifying dwelling.

- (c) Any loan under this article shall be a personal loan, and no security for the repayment thereof shall be required.

Sec. 2-5-38 Penalty for false statement.

Any person willfully making a false statement in applying for a loan under this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$500 for each offense.

Section 2. That this ordinance shall become effective July 1, 2004.

WILLIAM D. EUILLE
Mayor

Final Passage: June 12, 2004