CITY MANAGER'S OFFICE

## Manager's Update

raleighnc.gov



Issue 2021-07 February 26, 2021

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#### Regular Council Meeting Tuesday, March 2 - Afternoon and Evening Sessions

Reminder that Council will meet next **Tuesday** in regularly scheduled sessions at **1:00 P.M.** and **7:00 P.M.** The agenda for the meeting was published on Thursday:

## https://go.boarddocs.com/nc/raleigh/Board.nsf

Please note there will be a **Closed Session** immediately following the afternoon session of the Council meeting.

**Reminder**: If there is an item you would like to have pulled from the consent agenda for discussion, please send an e-mail <a href="mailto:mayorstaff@raleighnc.gov">mayorstaff@raleighnc.gov</a> by 11 A.M. on the day of the meeting.

You will be receiving information on joining the WebEx Events session on Monday; staff will be available to assist with log ins and joining the virtual City Council meeting.

## **INFORMATION:**

#### <u>Solid Waste Services Code Compliance – Enforcement to Resume</u>

Staff Resource: Marion Staley, Solid Waste Services, 996-6940, marion.staley@raleighnc.gov

Early last year in association with the public health crisis, staff with the Solid Waste Services department temporarily waived all administrative fees and civil penalties for violations of the city code which included illegal dumping and materials contamination related to the curbside recycling program. Violators of the city code received a warning letter, but no civil penalties or administrative fees have been assessed since the early in 2020.

Administrative fees and civil penalties for solid waste code violations will resume effective March 15. Resuming administrative fees and civil penalties will allow Code Compliance Officers to ensure safety in neighborhoods and the community, help curb illegal dumping, and avoid materials contamination in the curbside recycling program. Contamination has become a critical issue in recycling due to global impacts of the industry and increased costs from the recycling processor, Sonoco.

Violations of any provision contained within Part 7 of the Raleigh City Code may result in the following enforcement actions:

- First Violation
  - Initial Warning Letter
- Second Violation
  - \$100 Administrative Fee
- Third Violation in a 12 Month Period
  - \$100 Administrative Fee
  - \$250 Civil Penalty for each 24-hour period the violation exists

The placement of items banned from landfills as noted in North Carolina General Statute 130A-309.10(e) in garbage or recycling carts is subject to the following enforcement actions:

- \$150 Administrative Fee per violation
- \$250 Civil Penalty per violation

Staff will notify customers that violations, administrative fees, and civil penalties will resume via City social media, the City's website, and a utility bill insert. Initially, the resumption of violations and fees will include resident education via an educational campaign.

(No attachment)

## Falls Lake Nutrient Management Strategy - Update and Consent Agenda Item

Staff Resources: Kenneth Waldroup, Raleigh Water, 996-3489, <u>kenneth.waldroup@raleighnc.gov</u>
Carolyn Bachl, City Attorney's Office, 996-6621, <u>carolyn.bachl@raleighnc.gov</u>
Ben Brown, Engineering Services, 996-3515, <u>ben.brown@raleighnc.gov</u>

As last reported in *Issue 2020-40* (October 23, 2020), the Upper Neuse River Basin Association (UNRBA), in partnership with the staff of the North Carolina Department of Environmental Quality and the

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environmental advocacy community, have championed an "Interim Alternative Implementation Approach" (IAIA) to the *Stage I Existing Development* nutrient load reductions required by the current Falls Lake Nutrient Management Strategy and Rules.

Now authorized as a joint compliance approach allowed under the existing rules, the IAIA is designed to encourage Falls basin jurisdictions to continue water quality improvement investments that might not otherwise be required to undertake under the rule. The goals are (1) joint compliance with the Stage I Existing Development rule; and (2) to demonstrate that collective continuous improvement activities are a better approach to rule compliance.

The Falls Existing Development Rule requires development of a model program that local governments will use to guide the development of mandated load reduction activities. The North Carolina Environmental Management Commission adopted that model program on January 14, 2021. This adoption starts a regulatory "clock" that requires local governments to submit individual programs or become part of a joint program before July 2021. In reviewing the options, the staff recommends City participation in the IAIA as the preferred option to meet the requirements of the existing development rule.

The IAIA recognizes Raleigh funding of the Watershed Protection Program (formerly the Upper Neuse Clean Water Initiative or UNCWI) as a compliance approach and requires other partners in the upper Neuse Basin to invest in a similar manner. A consent agenda item appears on the March 2 city council meeting (Item C.4., Upper Neuse River Basin Association - Interim Alternative Implementation Approach) which recommends Council authorization for the City representatives to UNRBA to support proposed revisions to the bylaws and confirm City membership in the IAIA regulatory approach.

(No attachment)

## Council Member Follow Up Items

Follow Up from the January 5 City Council Meeting

#### Affordable Housing – Development Activity (Council Member Cox)

Staff Resource: Ray Aull, Planning and Development, 996-2163, ray.aull@raleighnc.gov

During the meeting Council requested a staff report on development activity as it relates to housing, specifically how the City is performing with regard to stated growth goals included in the adopted 2030 Comprehensive Plan to direct 60% of growth to specific areas.

Property data suggests approximately 3,300 housing units were built in Raleigh in 2020 and 76% of those fell within designated growth areas. Since 2010, over 42,000 housing units have been built in Raleigh, with 69% of units falling in designated growth areas. A staff memorandum which includes additional information is included with the *Update* materials.

(Attachment)

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## Follow Up from the February 2 City Council Meeting

## <u>Litter and Adopt-A-Street Program Feasibility Considerations (Council Members Buffkin, Knight)</u>

Staff Resource: Chris McGee, Transportation, 996-5769, <a href="mailto:chris.mcgee@raleighnc.gov">chris.mcgee@raleighnc.gov</a>

During the meeting Council requested a report on the issue of roadside litter. A related request asked staff to evaluate the potential for volunteer-based programs for litter control, similar to the existing Adopt-a-Stream program sponsored by the Stormwater division of the Engineering Services department.

#### **NCDOT Roadside Cleanliness**

The North Carolina Department of Transportation (NCDOT) has experienced a significant budget shortfall this past year. Much of this shortfall is attributable to the pandemic, by way of reduced travel and a corresponding reduction of gas tax collections. As a result, NCDOT has reduced service in several areas. The most notable service reduction may be litter and debris removal along the interstate routes, interchanges, and major arterial roads, and the reduction has caused increased citizen concern and attention.

NCDOT has recently funded new litter and debris removal contracts across the state, and litter removal contractors are actively working in Wake County and the Raleigh area.

In addition to efforts to keep our streets and highways clean via contract forces, NCDOT also manages the NC Adopt-A-Highway Program. Other local and state programs focused on cleanliness and beautification include 86IT, Keep NC Beautiful, and Litter Free NC.

#### **City of Raleigh Roadside Maintenance**

City staff also manage several programs to manage and remove litter from our city. Street sweepers operate daily and sweep all curb and gutter streets at least once per year. More populated areas, such as downtown, are swept on a more regular basis. Downtown streets within the Municipal Service District also have the Downtown Clean Team working each day to remove litter and debris lost from vehicles and work sites. Although many of the main corridors coming into downtown are owned and maintained by NCDOT, COR right-of-way mowing teams mow these portions inside the beltline. Before each mowing cycle, COR teams pick up trash and debris from these areas.

In addition to these COR efforts, Parks, Recreation & Cultural Resources coordinates volunteer cleanup groups to clean in and around parks. The Stormwater division coordinates volunteer stream cleanup efforts, and GoRaleigh has an Adopt-A-Shelter Program that engages residents, community organizations, churches, and businesses to clean around bus shelters in their communities. There are also numerous models of Adopt-A-Highway and Adopt-A-Street programs throughout the nation, and several COR Transportation staff have direct experience with the NCDOT Division of Highways Adopt-A-Highway Program.

#### **City Adopt-A-Street Program**

Implementing a successful program requires additional resources including staff, equipment, materials, and potentially vehicles. Most programs have staff responsible for receiving, reviewing, and managing Adopt-a-Street applications; training individuals and groups on safety and logistics; managing the purchase and dispensing of supplies; and providing other operational logistics like disposing of trash, recyclables, hazardous materials, and heavy debris after a volunteer collection event.

Some considerations in developing an Adopt-a-Street include determining the types and level of service that is desired, resourcing appropriately for those services, and determining the management and accountability

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structure for the group. COR will need to establish several management practices to effectively map and manage the areas under adoption, to manage material and supply inventories, and to provide effective training to keep volunteers safe during their work. COR would also need to establish policies for the program. For example, consideration must be given to the rules for the type of acknowledgements that may be included on adoption signs to avoid the appearance of endorsing a particular group or business.

While there are some existing models upon which to base a new program, there may also be opportunities to partner with existing agencies and programs, like local affiliates of Keep NC Beautiful. Partnerships with agencies with the same goals and similar mission may be a more effective approach to broaden and enhance existing cleanliness and beautification efforts. COR staff can further research and investigate potential partnerships if Council is interested in this approach.

As a final note, it is important to recognize that there are some limitations to volunteer-based programs. Much of the debris reported within the city limits of Raleigh is along NCDOT highways, and more specifically, high-speed, control-of-access highways. The public, in general, is not permitted to pick up litter within these control-of-access facilities due to safety and liability concerns, and COR would not be able to grant permission to citizens for litter pickup along these streets and roads. It is important to identify those opportunities where Raleigh residents enhance existing staff efforts and can safely give their time to keep our city clean and beautiful.

(No attachment)

#### Movable Tiny Houses - Public Comment - Interim Update (Mayor Baldwin)

Staff Resources: Charles Dillard, Planning and Development, 996-4631, <a href="mailto:charles.dillard@raleighnc.gov">charles.dillard@raleighnc.gov</a>
Hannah Reckhow, Planning and Development, 996-2622, <a href="mailto:hannah.reckhow@raleighnc.gov">hannah.reckhow@raleighnc.gov</a>

During the meeting several members of the public spoke in favor of permitting "movable tiny houses" as dwelling units within the jurisdiction of the City. Following the public comments, Council requested additional information about tiny homes generally, as well as information specific to movable tiny homes.

Staff have since contacted the speakers for additional information. Staff anticipated providing additional follow up next month that will include information about peer community approaches, pros and cons, and opportunities for adjustments to the Unified Development Ordinance to address tiny homes, including movable types.

(No attachment)

#### Raleigh Small Business Relief Fund (Council Members Branch, Buffkin)

Staff Resource: Veronica Creech, Ofc. of Econ. Dev. & Innovation, 996-2707, veronica.creech@raleighnc.gov

During the meeting an overview presentation on the results of the Raleigh Small Business Relief Fund program was shared pursuant to Council direction. Following the presentation, Council requested additional information regarding demographics of the grantees of the Wake Tech Rally Fund, as well as a breakdown of grant awards by zip code.

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The program received 158 applications from active Wake Tech Small Business Center clients and/or graduates of the "Launch Wake County" program. Among the 158 applicants, 23 funded applications were Raleigh based:

Gender	Black	White	Other	Total
Female	10	4		14
Male	5	3	1 (Asian)	9
Totals	15	7	1	23

The table below displays grant awards by zip code:

ZIP	# of	\$s
CODE	recipients	Awarded
27529	1	\$3,000
27549	1	\$3,000
27591	1	\$3,000
27601	2	\$5,500
27603	1	\$3,000
27604	4	\$11,000
27609	2	\$4,000
27610	4	\$8,500
27612	1	\$2,500
27613	1	\$3,000
27615	1	\$3,000
27616	3	\$7,500
27640	1	\$3,000
TOTALS	23	\$60,000

Council also requested information regarding Travel Agency applications received via the Carolina Small Business Development Fund:

- A total of two applications were received from travel related organizations.
- The process for awarding grants from applications submitted was based on a lottery system, which resulted with zero applications being funded in this category of business.

(No attachment)

## Public Hearing, Rezoning Case Z-35-2020 - Sidewalk and Traffic Request (Council Member Branch)

Staff Resources: Will Shumaker, Transportation, 996-4175, <u>william.shumaker@raleighnc.gov</u>

Jason Myers, Transportation, 996-2166, <u>jason.myers@raleighnc.gov</u>

At the conclusion of the public hearing for the referenced rezoning case (Z-35-2020), Council requested staff to contact nearby residents about sidewalks and speeding concerns for the adjacent neighborhood streets. Staff has been in communication via email with residents previously engaged on the rezoning

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(approximately 19 email addresses, as provided by the zoning case planner) about both the Neighborhood Traffic Management Program and the Sidewalk Petition Program, and has provided information about program policies and processes and providing links to the program web pages.

Three out of four speakers at the public hearing have been contacted to date. Staff is currently working to ensure that the fourth receives the email as well. Listed below are the links to the program websites, which have been provided to the residents:

https://raleighnc.gov/home/content/PWksDesignConst/Articles/SidewalkPetitions.html https://raleighnc.gov/services/content/PWksTrafficEng/Articles/NeighborhoodTrafficMan.html

Staff remains available to answer questions and process any potential requests from residents in the vicinity of this rezoning case.

(No attachment)

#### **Short Term Rentals - Reporting (Mayor Baldwin)**

Staff Resource: Britany Waddell, Planning and Development, 996-2686, britany.waddell@raleighnc.gov

During the meeting UDO text change TC 8-20: Short Term Rentals was approved and there was a request for staff to monitor short term rentals. Mayor Baldwin expressed specific interest in compliance monitoring and reporting significant trends. Included with the *Update* materials is a staff memorandum which addresses plans for monitoring and compliance, in response to this request.

(Attachment)

## Follow Up from the February 16 City Council Meeting

#### Affordable Housing Bond Programs - Public Comment (Mayor Baldwin)

Staff Resource: Larry Jarvis, Housing & Neighborhoods, 996-6947, larry.jarvis@raleighnc.gov

During the public comment portion of the February 16 City Council meeting, several speakers referred to affordable housing programs (the Homebuyer Assistance and the Homeowner Housing Rehabilitation programs) being "delayed" in the proposed five-year bond phasing plan presented to Council in January. The references to a delay are inaccurate; both the Homebuyer Assistance and the Homeowner Housing Rehabilitation are very popular, heavily utilized programs already in place and funded primarily by Community Development Block Grant (CDBG) and Home Investment Partnerships Grant (HOME) dollars awarded to the City annually by the U.S. Department of Housing and Urban Development.

One-page summaries for each of those programs are included with the *Update* materials.

To further equitable development around transit public policy objectives, two of the bond buckets expand the existing programs to geographic areas where future transit investments will be made. Station area and other boundary specific, transit-oriented development planning efforts are still pending and are a part of upcoming interdepartmental work plans.

The two existing programs, funded by non-bond dollars, will continue without interruption.

(Attachments)

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# **Council Member Follow Up**



TO: Marchell Adams-David, City Manager

THRU: Patrick O. Young, AICP, Director

FROM: Ray Aull, GISP, Technology & Analytics Supervisor

**DEPARTMENT: Planning and Development** 

DATE: February 26, 2021

SUBJECT: Council Follow-Up Item: January 5, 2021 Meeting

AFFORDABLE HOUSING - DEVELOPMENT ACTIVITY

At the January 5, 2021 City Council meeting Council Member Cox made a request for a report on current development activity as it relates to housing. Specifically, staff was asked how the City is performing regarding stated growth goals in the 2030 Comprehensive Plan. Questions included how many housing units were constructed in 2020 and how many of those are in designated growth areas, as well as what the current outlook for 2021 might be.

The Framework Section of the 2030 Comprehensive Plan includes a Growth Framework Map along with the statement that "The Growth Framework Map seeks to direct a full 60 percent of future growth into downtown and a series of 7 city growth centers, 4 Bus Rapid Transit corridors and over 40 mixed-use community centers, connected via a network of parkways, frequent bus routes and urban streets."

The Comprehensive Plan, including the Growth Framework Map was revised and updated in 2019 as part of the Comprehensive Plan Update. During that time staff performed a simple analysis of performance against the stated goal utilizing both the original and the revised Growth Framework Map and building permit activity data<sup>2</sup>. Over the period of 2010-2019, growth areas on the original Growth Framework map accounted for 66% of estimated project costs and 68% of overall permitted square feet. Using the revised Growth Framework Map, those numbers declined to 57% of estimated project costs and 60% of overall permitted square feet. This decline was due to the overall size of growth areas dropping between the two versions of the map.<sup>3</sup> Essentially, more extensive

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<sup>&</sup>lt;sup>1</sup> City of Raleigh 2030 Comprehensive Plan, Section 2: Framework (https://user-2081353526.cld.bz/2030ComprehensivePlanUpdate/21/)

<sup>&</sup>lt;sup>2</sup> Raleigh Open Data, Building Permits (https://data-ral.opendata.arcgis.com/datasets/bdfad82b15344d37beb28d7f90b6c4be 0)

<sup>&</sup>lt;sup>3</sup> For the original Growth Framework Map, "growth areas" were defined as Downtown, Growth Centers, Mixed-Use Community Centers, and a Quarter-Mile Buffer of Multi-Modal Corridors. For

"multi-modal corridors" were removed from the original map and replaced with the new Frequent Network corridors adopted in the Wake Transit Plan. That analysis did not include a specific focus on housing units, but rather attempted to analyze growth totals more inclusively of residential and non-residential development.

This analysis was updated to include housing units constructed since 2010 using Wake County property records.<sup>4</sup> Those records indicate that 42,310 housing units have been built in Raleigh's jurisdiction since 2010 and that 29,000 (69%) of those have been built in designated growth areas. Of those units, 3,267 show a year built of 2020. 2,481 of those, (or 76%) were built in designated growth areas.

It is much more difficult to predict what the market will bring for 2021. Building permit activity suggests there are approximately 3,400 housing units with active permits that have not completed construction activities. These are permits that may have been issued in 2021 or earlier. In reviewing these active permits, 933 (28%) of those fall within designated growth areas. While many other projects may be in the pipeline, it is difficult to suggest what else may or may not be brought to the market in 2021 until those developers acquire building permits. A linear forecast of the data suggests current trends could continue, but it is a matter of what the market will bear.

Year	Units Built	Units Built in Growth Areas	Percent
2010	1,561	657	42%
2011	1,261	604	48%
2012	3,624	2,679	74%
2013	5,365	3,880	72%
2014	4,009	2,900	72%
2015	6,552	4,747	72%
2016	4,924	3,243	66%
2017	4,377	3,058	70%
2018	2,842	1,287	45%
2019	4,528	3,602	80%
2020	3,267	2,481	76%
Total	42,310	29,138	69%

the updated map, the Quarter-Mile Buffer of Multi-Modal Corridors was replaced with a Quarter-Mile Buffer of the Frequent Transit Network and the Bus Rapid Transit Corridors.

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<sup>&</sup>lt;sup>4</sup> Wake County Open Data, Parcels (https://data.wakegov.com/datasets/parcels)

2021			
Linear	4,839	3,502	76%
Forecast			



TO: Marchell Adams-David, City Manager

THROUGH: Patrick Young, AICP, Director

FROM: Britany J. Waddell, AICP

DEPARTMENT: Planning & Development

DATE: February 23, 2021

SUBJECT: Short Term Rentals

On March 3, 2020, Unified Development Ordinance (UDO) text change TC 8-20 "Short Term Rentals" was authorized by City Council. The subsequent text change proposed repeal of the previous Homestay Regulations and allowed Short Term Rentals in certain zoning districts that permit residential uses. TC 8-20 defined Short Term Rentals as:

A dwelling unit that can be used for overnight lodging accommodations that is provided to renters for no longer than 30 days for compensation. A portion of or the entire dwelling unit can be used for lodging, including part or all of an accessory structure.

City Council voted to approve TC 8-20 with an effectivedate of March 4, 2021. The approval of this text change and the subsequent creation of a permitting and monitoring procedure will allow Planning and Development staff the ability to track and evaluate this use type in the City of Raleigh.

TC 8-20 allows 90 days from the effective date for short term rental operators to obtain proper permits and come into compliance with the new city regulation.

#### **Initial Findings**

TC 8-20 requires a zoning permit for short term rentals and the permit must be posted on-site to document compliance. Operators are also required to include the permit/registration number on online postings and advertisements. City staff will work to coordinate with short term rental platforms such as Air BNB and VRBO to disseminate messaging on the new regulations to current operators using those platforms. Zoning Administration, Land Development and Zoning Code Enforcement staff are coordinating to develop a webpage for educating citizens on the recently approved regulations and how to also communicate with short term rental platforms to aid in enforcement efforts in local neighborhoods allowing neighbors to report violations and nuisance concerns. Outreach efforts will also include a social media strategy and email listservs.

Staff are creating new permitting applications and checklists to manage short term rentals. The revised applications will enhance data collection capabilities during the permitting process. Permits will be issued and renewed annually with the Planning and Development Department.

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#### **Next Steps**

Staff are preparing an outreach strategy to begin educating current operators and the general public of the recent changes. Messaging to the public will begin March 1<sup>st</sup>.

Compliance monitoring tools are being assessed. After the initial 90-day compliance period for current operators to obtain permitting, staff will evaluate compliance rates and outreach effectiveness to ensure that active operators have been identified and properly permitted.

Periodic evaluation of rental trends related to location, enforcement violations, and rental typology will be performed. Staff will return to the City Council on an annual basis to report findings from Short Term Rental monitoring that will begin effective March 4, 2021.

Short Term Rental Regulations – February 2021





#### What is the purpose of the program?

To assist first-time homebuyers with financing the purchase of a home.

#### Who may apply for this program?

To qualify, you must:

- Be a first-time homebuyer (not had an ownership interest in a home within the past three years)
- · Occupy the home as a primary residence
- Complete a homebuyer counseling course. The City of Raleigh contracts with DHIC, Inc. to provide homeownership and credit counseling. For more information, contact DHIC at (919) 832-4345.
- Have a household income, adjusted for household size, that does not exceed the program limits set forth below

Household Size	Max Income
1	<b>\$</b> 52,750
2	\$60,250
3	\$67,800
4	<b>\$</b> 75,300
5	<b>\$</b> 81,350
6	<b>\$</b> 87,350
7	\$93,400
8	\$99,400

#### What properties are eligible?

New or existing single-family homes, townhomes, and condominiums located within the city limits of Raleigh. The maximum purchase price for an existing, previously owned home is \$256,000. The maximum purchase price for a newly constructed home is \$265,000.

#### How may funds be used?

Funds may be used for down payment and closing cost assistance.

#### How much money can I get?

Maximum loan amount is \$20,000.

#### What are the terms of the loan?

Loan discounts (principal balance is reduced) on a set schedule and is forgiven after 20 years of owner-occupancy.

Outstanding loan balance must be repaid if home is sold within 20 years. Interest rate is 0%.

#### How do I get started?

Call the Housing and Neighborhoods Department at 919-996-4330 to speak with a staff member or visit our website at affordablehousing.raleighnc.gov and select the homeowner tab.

Note: This is presented for informational purposes only. Underwriting guidelines and other restrictions may apply.

## **Housing and Neighborhoods**

421 Fayetteville St. Ste. 1200

Raleigh, NC 27601

For additional information call (919) 996-4330











To assist homeowners with financing the cost of housing repairs and improvements.

## Who may apply for this program?

To qualify, you must:

- · Presently occupy the home to be rehabilitated
- Occupy the home as a primary residence upon completion of the repairs and improvements
- Own the property for a minimum of five years prior to application
- Have a household income, adjusted for household size, that does not exceed the program limits set forth below

Household Size	Max Income
1	<b>\$</b> 52,750
2	\$60,250
3	\$67,800
4	<b>\$</b> 75,300
5	\$81,350
6	<b>\$</b> 87,350
7	\$93,400
8	\$99,400

## **Housing and Neighborhoods**

421 Fayetteville St. Ste. 1200 Raleigh, NC 27601

raleighnc.gov

## What properties are eligible?

To qualify, the property must:

- Be located within the City limits of Raleigh
- Be traditional single-family housing (single-family detached, townhome or condominium unit)
- Have three or more severely deteriorated systems (such as roof, hvac, electrical, plumbing, structural)
- Have a property value, as determined by appraisal or tax value, of \$256,000 or less

## How much money can I get?

The City will finance up to \$90,000 for construction costs, as determined by City staff or designee, plus closing costs.

#### What are the terms of the loan?

For homeowners who are 62 and older or disabled, the loan is forgiven after 5 years. For homeowners who are under age 62, the property must be located within a designated area and the loan is forgiven after 15 years. Interest Rate is 0%. \*\*If the subject property is sold, otherwise transferred or the borrower ceases to reside at the subject property prior to the expiration of the terms above, the outstanding balance will be immediately due and payable upon such event.

## How do I get started?

Call the Housing and Neighborhoods Department at 919-996-4330 to speak with a staff member.

Note: This is presented for informational purposes only. Underwriting guidelines and other restrictions may apply.

