

CITY OF CARBONDALE, ILLINOIS

ORDINANCE NO. 2016-28

**AN ORDINANCE ESTABLISHING A DOWN PAYMENT ASSISTANCE PROGRAM IN
THE CITY OF CARBONDALE, ILLINOIS**

ADOPTED BY THE CITY COUNCIL

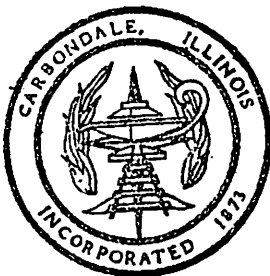
OF THE CITY OF CARBONDALE, ILLINOIS

THIS 24TH DAY OF MAY, 2016

**Published in pamphlet form by authority of the City of Council of the City of Carbondale,
Jackson County, Illinois, this 25th day of May, 2016.**

CERTIFICATE OF PUBLICATION

**I, Jennifer R. Sorrell, the duly qualified City Clerk of the City of Carbondale,
Illinois, and the official custodian of the records of said City, do hereby certify that this
Ordinance was published in pamphlet form by authority of the City Council on the 25th
day of May, 2016.**





Jennifer R. Sorrell, City Clerk

ORDINANCE 2016-28

**AN ORDINANCE ESTABLISHING A DOWN PAYMENT ASSISTANCE PROGRAM IN
THE CITY OF CARBONDALE, ILLINOIS**

WHEREAS, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the City of Carbondale has a high number of rental properties within the City limits and the City Council desires a method of encouraging home ownership and finds that offering a Down Payment Assistance Program may be one step in this process; and

WHEREAS, the assistance will be in the form a matching down payment up to \$3,000 for any homebuyer purchasing their first home within the Carbondale city Limits, the homeowner's required match would be proportionate to their income levels based upon the Median Area Income (MAI) Levels for the previous year; and

WHEREAS, the homeowner would be required to record a restrictive covenant on the property which will require the home to remain owner-occupied for a period of five (5) years with the down payment assistance being recaptured if the property ceases to be owner occupied at a prorated rate of 1/60th of the original amount for each month the home is owner occupied during the five (5) years; and

WHEREAS, the City Council of the City of Carbondale, Illinois finds it in the best interest of the City of Carbondale to establish a Down Payment Assistance Program with a matching down payment of up to \$3,000 based upon the MAI Levels for the current year, with a

restrictive covenant being recorded on the property in which the home will remain owner-occupied for a period of five (5) years with the down payment assistance being recaptured if the property ceases to be owner occupied at a prorated rate of 1/60th of the original amount for each month the home is owner-occupied during the five (5) years; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:

SECTION 1. The City of Carbondale hereby establishes a Down Payment Assistance Program with a matching down payment of up to \$3,000 based upon the MAI Levels for the current year, with a restrictive covenant being recorded on the home which will require the home to remain owner-occupied for a period of five (5) years with the down payment assistance being recaptured at a prorated rate of 1/60th of the original amount for each month the home is owner occupied during the five (5) years. Assistance shall not be provided for any household with an income exceeding 120% of the MAI levels for the current year.

SECTION 2. That the City Manager of the City of Carbondale is hereby authorized to and shall take any and all reasonable, necessary and proper actions to carry out the intent and purposes of this Ordinance, including but not limited to, establishing terms and conditions for eligibility under the Down Payment Assistance Program and entering into agreements with eligible recipients for funding.

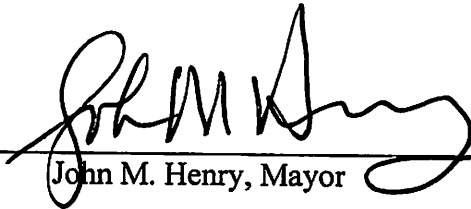
SECTION 3. That the Finance Director is hereby authorized to disperse the funds necessary to accomplish the intent of this Ordinance.

SECTION 4. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION 5. That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

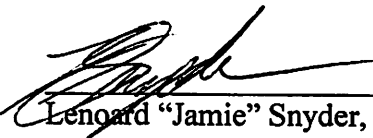
SECTION 6. That the City Council of the City of Carbondale finds that the subject matter of this Ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to authorities granted it by State statutes and the Home Rule powers of the City of Carbondale pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution.

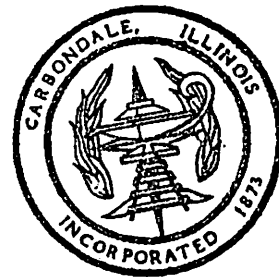
SECTION 7. That this Ordinance shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: 
John M. Henry, Mayor

ATTEST: 
Jennifer R. Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:


Lenoard "Jamie" Snyder, Assistant City Attorney



FOR: Kang, Bradshaw, Harvey,
Fronabarger, Grant, Loos, Henry
AGAINST: None
PASSED: May 24, 2016
APPROVED: May 24, 2016
RECORDED: May 25, 2016
PUBLISHED: May 25, 2016

CITY OF CARBONDALE, ILLINOIS

ORDINANCE NO. 2016- 54

**AN ORDINANCE AMENDING THE DOWN PAYMENT ASSISTANCE PROGRAM IN
THE CITY OF CARBONDALE, ILLINOIS**

ADOPTED BY THE CITY COUNCIL

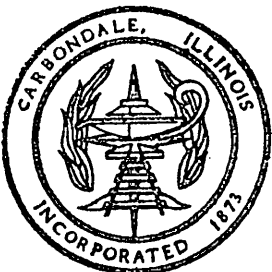
OF THE CITY OF CARBONDALE, ILLINOIS

THIS 20TH DAY OF SEPTEMBER, 2016

**Published in pamphlet form by authority of the City of Council of the City of Carbondale,
Jackson County, Illinois, this 21st day of September, 2016.**

CERTIFICATE OF PUBLICATION

**I, Jennifer R. Sorrell, the duly qualified City Clerk of the City of Carbondale,
Illinois, and the official custodian of the records of said City, do hereby certify that this
Ordinance was published in pamphlet form by authority of the City Council on the 21st day
of September, 2016.**





Jennifer R. Sorrell, City Clerk

ORDINANCE 2016- 54

**AN ORDINANCE AMENDING THE DOWN PAYMENT ASSISTANCE PROGRAM IN
THE CITY OF CARBONDALE, ILLINOIS**

WHEREAS, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, on May 24, 2016, the City Council of the City of Carbondale established, in Ordinance 2016-28, a down payment assistance program to encourage homeownership in the city of Carbondale; and

WHEREAS, since the grant was formed, City staff has noticed that the 120% maximum Median Are Income requirement may be limiting participation; and

WHEREAS, the City Council finds it in the best interest of the City of Carbondale to amend the language to allow for the maximum Median Area Income limit to be raised to 180%; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:

SECTION 1. That the City Council hereby amends the Down Payment Assistance Program so that the 120% Median Area Income limit be raised to 180%.

SECTION 2. That the City Manager of the City of Carbondale is hereby authorized to and shall take any and all reasonable, necessary and proper actions to carry out the intent and

purposes of this Ordinance, including but not limited to, establishing terms and conditions for eligibility under the Down Payment Assistance Program and entering into agreements with eligible recipients for funding under the Down Payment Assistance Program.

SECTION 3. That the Finance Director is hereby authorized to disperse the funds necessary to accomplish the intent of this Ordinance.

SECTION 4. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION 5. That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 6. That the City Council of the City of Carbondale finds that the subject matter of this Ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to authorities granted it by State statutes and the Home Rule powers of the City of Carbondale pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution.

SECTION 7. That this Ordinance shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.



APPROVED: _____

John M. Henry
John M. Henry, Mayor

ATTEST: _____

Jennifer R. Sorrell
Jennifer R. Sorrell, City Clerk

FOR: Bradshaw, Fronabarger, Grant,
Harvey, Kang, Loos, Henry
AGAINST: None
PASSED: September 20, 2016
APPROVED: September 20, 2016
RECORDED: September 21, 2016
PUBLISHED: September 21, 2016