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CITY OF DALLAS
DALLAS, TEXAS



CITY OF DALLAS

Memorandum

REVISED

DATE January 3, 2014

TO Housing Committee Members: Scott Griggs, Vice-Chair, Monica Alonzo, Rick Callahan, Dwaine Caraway, and Philip Kingston

SUBJECT January 6, 2014 - Housing Committee Agenda

We will have a meeting of the Housing Committee on Monday, January 6, 2014, City Hall, 1500 Marilla - Room 6ES, Dallas, Texas, 75201, from 11:00 a.m. - 12:30 p.m. The agenda is as follows:

1. Approval of December 2, 2013 Minutes
Councilmember Carolyn R. Davis
2. Fair Housing Overview
Beverly Davis, Assistant Director
Fair Housing Office
(Estimated time 20 minutes)
3. Jubilee Park & Community Center Corporation
Non-Recourse Language Request
Robin Bentley, Assistant City Attorney
(Estimated time 20 minutes)
4. Closed session to receive legal advice from City Attorney on regulation of boarding home facilities (§ 551.071, T.O.M.A.)
Chris Bowers, First Assistant City Attorney
(Estimated time 20 minutes)
5. Boarding Home Facilities Update
James Martin, Director
Code Compliance Services
(Estimated time 20 minutes)
6. Upcoming Agenda Items
Housing items only
For Information Only
 - a. Authorize amendment to Jubilee Park grant agreement
 - b. Reconstruction/SHARE Program – 9 homes
 - c. Public Hearing for Patriot's Crossing LIHTC project (addendum)

Housing Committee

January 3, 2014

Page 2



Carolyn R. Davis, Chair
Housing Committee

c: A.C. Gonzalez, Interim City Manager
Warren M. S. Ernst, City Attorney
Judge Daniel F. Solis, Administrative Judge
Rosa A. Rios, City Secretary
Craig D. Kinton, City Auditor
Ryan S. Evans, Interim First Assistant City Manager
Jill A. Jordan, P. E., Assistant City Manager
Forest E. Turner, Assistant City Manager
Joey Zapata, Assistant City Manager
Charles M. Cato, Interim Assistant City Manager
Theresa O'Donnell, Interim Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Frank Libro, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor and Council

Note: A quorum of the Dallas City Council may attend this Council Committee meeting.

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding Economic Development negotiations. Section 551.087 of the Texas Open Meetings Act.

Housing Committee

Meeting Record December 2, 2013

The Housing Committee meetings are recorded. Agenda materials and audiotapes may be reviewed/copied by contacting the Housing Department, Staff Coordinator at 214-670-3906.

Meeting Date: December 2, 2013

Meeting Start time: 10:40 A.M.

<p><u>Committee Members Present:</u> Carolyn R. Davis (Chair) Scott Griggs (Vice-Chair) Dwayne Caraway Monica Alonzo Rick Callahan Philip Kingston</p>	<p><u>Staff Present:</u> Theresa O'Donnell-Interim City Manager Bernadette Mitchell-Interim Director/HOU Charles Brideau-Asst. Director/HOU Patrick Inyabri-HOU Cobbie Ransom-HOU Cynthia Rogers-Ellickson-HOU Pam Jones-HOU Nikki Dunkin-IGS Sue Housel-ECO Daisy Torres Fast-BMS Art Hudman-CAO Michael Bostic-CAO Robin Bentley-CAO Robyn Gerard-CMO Renita Griggs-MCO Doris Edmon-HOU Cassandra Luster-HOU Aldo Fritz-HOU</p>
<p><u>Other Council Members Present:</u></p>	
<p><u>Committee Members Absent:</u></p>	<p><u>Other Attendees</u> Norman Henry-Builders of Hope Sherman Roberts-CityWide-CDC</p>

AGENDA:

Housing Committee Meeting Called to Order by CM Carolyn R. Davis

1. **Approval of November 4, 2013 Minutes of the Housing Committee**
 Presenter(s): Council Member Carolyn R. Davis

Action Taken/Committee Recommendation(s)

Motion made by: CM Philip Kingston	Motion seconded by: CM Monica Alonzo
Item passed unanimously: <input checked="" type="checkbox"/>	Item passed on a divided vote: _____
Item failed unanimously: _____	Item failed on a divided vote: _____

Follow-up (if necessary):

2. **Next Step in Strategic Planning: Best Practices in Housing**

Presenter(s): Theresa O'Donnell, Interim Asst. City Manager/Bernadette Mitchell, Interim Director/LaToya Jackson, Asst. Director Strategic Customer Service/Sue Housel, Office of Economic Development

Information Only:

Action Taken/Committee Recommendation(s)

Motion made by:	Motion seconded by:
Item passed unanimously: _____	Item passed on a divided vote: _____
Item failed unanimously: _____	Item failed on a divided vote: _____

Follow-up (if necessary):

3. **Builders of Hope CDC**

Presenter(s): Theresa O'Donnell, Interim Asst. City Manager/Bernadette Mitchell, Interim Director

Information Only:

Action Taken/Committee Recommendation(s) Due to time constraint this item will be brought back to the Housing Committee in January 2014.

Motion made by:	Motion seconded by:
Item passed unanimously: _____	Item passed on a divided vote: _____
Item failed unanimously: _____	Item failed on a divided vote: _____

Follow-up (if necessary):

4. Upcoming Agenda Items
Housing items only

- a. Amendment to development loan for DHA Turner Courts Project
- b. Development conditional grant to Builders of Hope CDC
- c. Amendment to Urban Mixed Use, LLC loan
- d. Amendment to conditional grant for Jubilee Park Community Center Corporation (Addendum)

Information Only: _____

Action Taken/Committee Recommendation(s) Items 4A, 4B, and 4C will move forward to full Council on December 11, 2013

Motion made by: CM Philip Kingston	Motion seconded by: CM Dwaine Caraway
Item passed unanimously: <u>X</u>	Item passed on a divided vote: _____
Item failed unanimously: _____	Item failed on a divided vote: _____

Follow-up (if necessary):

Action Taken/Committee Recommendation(s) Items 4D will be deferred until January 6, 2014 Housing Committee meeting

Motion made by: CM Carolyn Davis	Motion seconded by: CM Scott Griggs
Item passed unanimously: <u>X</u>	Item passed on a divided vote: _____
Item failed unanimously: _____	Item failed on a divided vote: _____

Follow-up (if necessary):

Meeting Adjourned by CM Carolyn R. Davis

Meeting Adjourned: 12:04 P.M.

Approved By: _____

Memorandum



CITY OF DALLAS

DATE January 3, 2014

TO Housing Committee Members: Carolyn R. Davis, Chair, Scott Griggs, Vice-Chair, Monica Alonzo, Rick Callahan, Dwaine Caraway, and Philip Kingston

SUBJECT Fair Housing Overview

On Monday January 6, 2014, you will be briefed on Fair Housing Overview. A copy of the briefing is attached.

Please let me know if you have any questions.

A handwritten signature in black ink that reads "Theresa O'Donnell".

Theresa O'Donnell
Interim Assistant City Manager

c: The Honorable Mayor and Members of the City Council
A. C. Gonzalez, Interim City Manager
Rosa A. Rios, City Secretary
Warren M.S. Ernst, City Attorney
Craig Kinton, City Auditor
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Jeanne Chipperfield, Chief Financial Officer
Frank Libro, Public Information Officer
Bernadette Mitchell, Housing/Community Services, Interim Director
Elsa Cantu, Assistant to the City Manager – Mayor and Council

FAIR HOUSING OVERVIEW

Housing Committee

January 6, 2014



HISTORICAL BACKGROUND

- Thirteenth Amendment – Abolished Slavery
- Fourteenth Amendment – Equal Rights Protection
- Civil Rights Act of 1866 – “All citizens of the US shall have the same right, in every State and Territory, as is enjoyed by White citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property”
- Executive Order No. 11,063 – Signed by President Kennedy – Prohibits discrimination in housing owned, operated or assisted by the federal government
- Civil Rights Act of 1964 – Bans discrimination under any program or activity receiving Federal financial assistance
- Civil Rights Act of 1968 (Title VIII – Fair Housing Act) – Bans discrimination in housing and housing related services, based on race, color, religion and national origin

HISTORICAL BACKGROUND (CONT.)

Events that led to the passing of the federal Fair Housing Act of 1968:

- Civil Rights Movement
- Kerner Commission Report – A report by the National Advisory Commission on Civil Disorders, concluded that America was “moving towards two societies, black and white, separate and unequal.” The report recommended that a comprehensive federal open fair housing law be enacted
- Dr. Martin Luther King, Jr.
- “Fair Housing Month”

PROTECTED CLASSES

- Race
- Color
- National Origin
- Religion
- Sex (1974)
- Familial Status (1988)
- Handicap (1988)
- *Sexual Orientation (Dallas Ordinance Only) (2002)

Common factors not protected by the federal Fair Housing Act

- Credit History
- Rental History
- Criminal History
- Marital Status
- Age
- Income Status

WHAT IS PROHIBITED?

In the Sale and Rental of Housing: No one may take any of the following actions based on race, color, national origin, religion, sex, familial status, handicap, or sexual orientation:

- Refuse to rent or sale housing
- Refuse to negotiate for housing
- Make housing unavailable

WHAT IS PROHIBITED? (CONT.)

- Set different terms, conditions or privileges for sale, rental or financing of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale or rental
- Steering individuals to or from a residence, because of their membership in a protected class

WHAT IS PROHIBITED? (CONT.)

- Refuse to let resident make reasonable modifications to their dwelling or common use areas, at their expense, if necessary to afford person (s) with disabilities equal opportunity to use and enjoy a dwelling
- Refuse to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford person (s) with disabilities equal opportunity to use and enjoy a dwelling
- Advertise or make any statement that indicates a limitation or preference based on a protected class
- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right

FUNCTIONS OF THE DALLAS FAIR HOUSING OFFICE

- Enforce the City's Fair Housing Ordinance (Chapter 20A)
- Coordinate with city departments on fair housing issues to ensure compliance with fair housing law
- Educate and train various housing providers, general public, community organizations and city employees on the rights and responsibilities under the fair housing law

FUNCTIONS OF THE DALLAS FAIR HOUSING OFFICE (CONT.)

- Provide low-income housing assistance information
- Provide training and monitoring of Affirmative Fair Housing Marketing plans
- Conduct Analysis of Impediments study every five (5) years

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

HUD required certification to Affirmatively Further Fair Housing:

- Analyze and identify impediments to fair housing
- Take appropriate actions to overcome the effects
- Maintain records reflecting the analysis and actions
- Part of Consolidated Plan process. Covers CDBG, HOME, ESG, and NSP

2013 ANALYSIS OF IMPEDIMENTS

- Previous Analysis of Impediments completed in 2007
- New Analysis of Impediments study underway
- Impediments defined:

Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices

Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status or national origin

EXAMPLES OF IMPEDIMENTS

- Lack of awareness and education on fair housing
- Affordability of housing to protected classes
- Accessibility to housing for persons with disabilities
- Loan denials versus applications
- Growth and Development patterns – concentration of public housing and affordable housing in certain areas (patterns of segregation)

ANALYSIS OF IMPEDIMENTS

Analysis of Impediments (AI) Process

- Review of demographic and housing market data, legislation, zoning and land use, accessibility, education and awareness, mechanism to receive and process complaints, mortgage lending patterns, foreclosures, legal cases and complaints, public housing, fair housing testing, public education and outreach, and a community fair housing survey
- Review of past impediments and progress
- Identification and discussion of impediments including actions and recommendations

ANALYSIS OF IMPEDIMENTS

Citizen Participation Process

1. Fair Housing agencies and civil rights organizations
2. Housing Authority and housing providers
3. Realtors, property managers and lenders
4. Chambers of Commerce
5. Advocates for the elderly, persons with disabilities, etc.

ANALYSIS OF IMPEDIMENTS

6. Ethnic & racial groups, including African-Americans, Asians and Hispanics
7. GLBT Community
8. Neighborhood Associations
9. City Departments
10. HUD Field Office

NEXT STEPS

1. Complete draft Analysis of Impediments and make available for public review
2. Seek public comment on draft Analysis of Impediments
3. Production of final product

Memorandum



CITY OF DALLAS

DATE January 3, 2014

TO Housing Committee Members: Carolyn R. Davis, Chair, Scott Griggs, Vice-Chair, Monica Alonzo, Rick Callahan, Dwaine Caraway, and Philip Kingston

SUBJECT Jubilee Park & Community Center Corporation – Non-Recourse Language Request

On Monday, January 6, 2014, you will be briefed on Jubilee Park & Community Center Corporation – Non-Recourse Language Request. A copy of the briefing is attached.

Please let me know if you have any questions.

A handwritten signature in black ink that reads "Theresa O'Donnell".

Theresa O'Donnell
Interim Assistant City Manager

c: The Honorable Mayor and Members of the City Council
A. C. Gonzalez, Interim City Manager
Rosa A. Rios, City Secretary
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Elsa Cantu, Assistant to the City Manager – Mayor and Council

Jubilee Park & Community Center Corporation

Non-Recourse Language Request

Housing Committee

January 6, 2014



What is a non-recourse loan?

- A loan secured by the pledge of collateral
 - In this case, vacant single family lots
- The borrower has no personal liability
- If the borrower defaults on the loan the City can foreclose on the collateral property, but cannot take any other action against the borrower

What is the risk to the City?

- In a typical recourse loan, the lender can *either* foreclose the property or sue on the note. In a non-recourse loan, the lender can *only* foreclose on the property.
- Since the City's only recourse in the event of default is to foreclose on the property, the City assumes the risk that the foreclosed property is worth less than the loan balance.
 - Typically a lender can take action against the borrower for any amount still owed after the property is foreclosed (the “deficiency”). In a non-recourse loan, the City waives this right.

“Bad Boy” Carve Outs

- To mitigate the risks of non-recourse deals lenders can negotiate exceptions to transfer liability back to the borrower for certain “bad boy” behaviors.
- Examples: Losses related to fraud, waste, misrepresentation, misapplication of funds, insolvency of borrower, nonpayment of taxes/insurance, prohibited transfers, etc.

Are non-recourse loans typical?

- Staff can only remember one other time when non-recourse language has been used, and that was in a 2008 loan with this same borrower.
- Non-recourse language is not part of our typical documentation.

City Attorney's Advice

- Non-recourse language is “legal.” The inclusion of such language is a business decision.
- However,
 - It is not a typical business term for our deals
 - It was not discussed in the earlier council resolution approving the transaction
 - It involves some risk to the City
- Because of this, a new council resolution was required in order for the Housing Department to describe the requested non-recourse language and explain why it should be approved for this specific deal.

Questions?

Memorandum



DATE January 3, 2014

TO Housing Committee Members: Carolyn R. Davis, Chair, Scott Griggs, Vice-Chair, Monica Alonzo, Rick Callahan, Dwaine Caraway, and Phillip Kingston

SUBJECT Boarding Home Facilities Update

On Monday January 6, 2014, you will be briefed on the Boarding Home Facilities Update. A copy of the briefing is attached.

Please let me know if you have any questions.



Charles M. Cato

Interim Assistant City Manager

cc: The Honorable Mayor and Members of the City Council
A.C. Gonzalez, Interim City Manager
Warren M. S. Ernst, City Attorney
Judge Daniel F. Solis, Administrative Judge
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Boarding Home Facilities Update

Presented to the
Housing Committee
January 6, 2014



Purpose of Briefing

- Provide an update on regulation and enforcement of Chapter 8A “Boarding Home Facilities”
- Discuss proposed amendments to Chapter 8A

Boarding Home Facilities Ordinance

- ❑ Adopted by City Council on June 27, 2012 to ensure that:
 - residents live in safe, sanitary, and decent housing
 - residents are not abused, neglected, or exploited by owners, operators, or employees
 - adequate fire-rescue and police personnel and vehicles are available to serve these residents
 - the city can identify and facilitate appropriate responses for residents who may require special assistance during an emergency or at any other time

Boarding Home Facilities Definition

- Furnishes lodging to 3 or more persons who are unrelated to the owner of the establishment by blood or marriage
- Provides assistance with daily living activities, including meals, housework, transportation, money management, etc.
- Does not provide personal care services, such as feeding, dressing, movement assistance, bathing, or the administration of medication
- Exemptions for various entities licensed by the State, monasteries, dorms, etc.

Boarding Home Facility Location

- A Boarding Home Facility can be located in areas where residential uses are allowed
 - Similar to a single family resident designation
 - Up to 5 unrelated persons constitute a “family”
- Boarding Home Facilities that house handicapped may have up to 8 persons
 - Would meet the definition of a handicapped group dwelling unit (HGDU) under the City’s zoning law
 - Must be located at least 1,000 feet from all other HGDU or Group Residential Facilities

Boarding Home Facility Ordinance

- New ordinance adopted, with certain modifications, model standards by the Texas Health & Human Services Commission that set requirements for:
 - Written policies and procedures for resident health, safety
 - Specific record keeping and postings
 - Cleanliness and sanitary conditions
 - Assistance with self-administration of medication
 - Reporting and investigation of injuries, incidents, accidents
 - Construction/remodeling
 - Requirements for in-service education of facility staff
 - Criminal background history checks for operators and staff
 - Assessment and periodic monitoring of residents

Boarding Home Facility Ordinance

- ❑ Other key requirements in the ordinance
 - Annual registration and \$500 licensing fee
 - Annual interior/exterior inspections
 - Applicants must provide documentation that all ad valorem taxes, fees, fines and penalties owed to the City are current and paid in full
- ❑ Owners/operators must also meet other applicable City Code regulations

Implementation Actions to Date

□ October 2012

- Ordinance took effect October 1, 2012
- Application and pertinent information posted on the city's website
- 311 call center staff trained to provide and gather information based on new requirements for boarding home facilities
- Staff provided ordinance information and registration forms through on-site visits to known facilities

□ November 2012

- Training Conference held at Fair Park Music Hall with participation of 125 boarding home facilities

Implementation Actions to Date

- ❑ December/January 2013
 - 226 notices issued to previously identified facilities to initiate the licensing process
- ❑ Spring 2013
 - Follow-up notices sent to 88 non-responsive facilities
 - Determined that the ordinance did not apply to a number of these facilities
 - ❑ Facilities providing personal care services, licensed by the State, less than 3 residents, etc.
 - On-site inspection revealed 158 facilities in operation that are required to adhere to the ordinance

Results to Date

- The following is the status of the 158 facilities
 - 16 facilities have voluntarily closed
 - 27 facilities have been licensed to date
 - 98 facilities have submitted licensing applications and are in various stages of review and/or inspections (applications are pending)
 - 16 facilities have not submitted applications
 - 1 application has been denied

Results to Date

- ❑ 896 inspections and re-inspections have been conducted
- ❑ 39 Citations have been issued
 - 24 Operating without a license
 - 1 Electrical hazard (exposed wiring)
 - 2 Plumbing violations (leaky faucets, clogged drains)
 - 1 Illegal fence
 - 2 No building permit
 - 3 Structure not weather/water tight (leaky roof, weather stripping)
 - 6 Failure to protect exterior surface (peeling paint, exposed wood)

Observations

- ❑ Operators are not completing the licensing application in a timely manner
- ❑ Owners are not aware that leased properties are being used for Boarding Home Facilities
- ❑ Certain documents required by the ordinance may not be applicable in all instances
- ❑ The current ordinance
 - may adversely affect some residents and operators
 - limits the ability to effectively enforce
 - is alleged to violate owners and residents' rights to privacy about their disabilities and medical condition

Proposed Ordinance Amendments

- Add time limit for completion of a pending application after an applicant is made aware of deficiencies
 - Currently it is a defense to prosecution for operating without a license if an application is pending

- Require proof of authorization by the property owner to use property as a Boarding Home Facility
 - Currently property owner may be unaware that renter is using the residence as a Boarding Home Facility

Proposed Ordinance Amendments

- Change current requirement for zoning verification letters
 - Delete requirement for facilities with 5 or fewer residents
 - Instead, require distance verification letters for Boarding Home Facilities that meet the definition of a Handicapped Group Dwelling Unit
 - Facilities with 6 to 8 residents
 - Verification that the facility satisfies the 1,000 ft. spacing requirement

Proposed Ordinance Amendments

- Amend conflict of interest provisions
 - Ordinance currently prohibits owners/operators from:
 - Employing residents outside the Boarding Home Facility
 - Going into business with residents
 - Co-mingling funds with residents
 - These provisions may limit residents' ability to earn income and secure housing
 - Allow residents to work on-site or off-site in exchange for rent
 - Add provisions to protect residents who choose this option

Proposed Ordinance Amendments

□ Definitions

- “Boarding Home Facility” – delete reference to Sec. 8A-5 exemptions to clarify burden of proof
 - “Licensee” – include “applicant” to increase enforcement opportunities
-
- Clarify that facilities that have not sought licenses may be prosecuted to the same extent as licensees for violations of Chapter 8A
-
- Amend various sections to better address privacy concerns regarding disability-related information

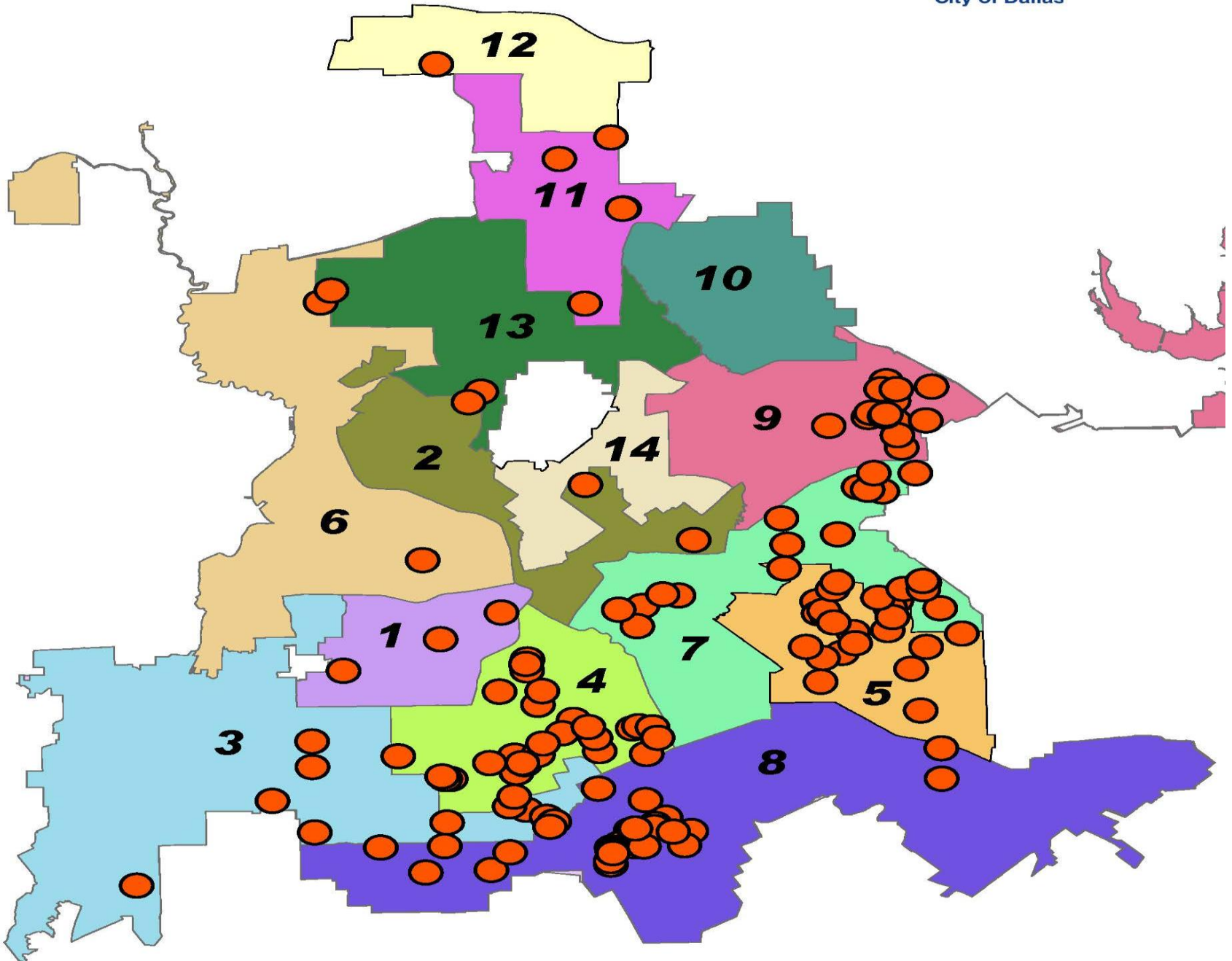
Proposed Ordinance Amendments

- Clarify that Boarding Home Facility license applications require criminal background checks for employees as well
- Reduce lifetime ban on potential residents with certain drug convictions to a 10-year ban

Next Steps

- ❑ Continue enforcement efforts to identify, inspect, and license Boarding Home Facilities
- ❑ Submit ordinance revisions for approval by the City Council
- ❑ Provide quarterly status reports to City Council

Boarding Home Facilities



KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 8, 2014
COUNCIL DISTRICT(S): 2
DEPARTMENT: Housing/Community Services
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 46K

SUBJECT

Authorize an amendment to Resolution No. 13-1106, previously approved on June 26, 2013, for the conditional grant agreement in the amount of \$500,000 with Jubilee Park Community Center Corporation (JPCCC) to: **(1)** allow nonrecourse language in the legal documents with Jubilee Park Community Center Corporation; and **(2)** extend the completion date to June 26, 2015 for the acquisition, demolition, relocation, predevelopment and construction of the Jubilee Neighborhood Project - Financing: No cost consideration to the City

BACKGROUND

On November 20, 2013, Jubilee requested: (1) nonrecourse language be placed in the contract; and (2) to extend the completion date to June 26, 2015 for the conditional grant to JPCCC in the amount of \$500,000 for the development to include acquisition, demolition, relocation, predevelopment and construction costs, not to exceed \$50,000 in predevelopment reimbursement and \$25,000 in construction subsidy per housing unit. Once constructed, JPCCC will be required to place a five year deed restriction on the single family units to maintain affordability at 140% Area Median Family Income. JPCCC has agreed to match the funds in the amount of \$500,000 with the City's commitment of \$500,000.

The nonrecourse language would eliminate personal liability of the borrower, and would stipulate that the City's sole remedy in the event of a borrower default would be foreclosure of the property.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On June 26, 2013, City Council approved the conditional grant to JPCCC in the amount of \$500,000 for the development to include acquisition, demolition, relocation, predevelopment and construction costs of the Jubilee Neighborhood Project, by Resolution No. 13-1106.

FISCAL INFORMATION

No cost consideration to the City

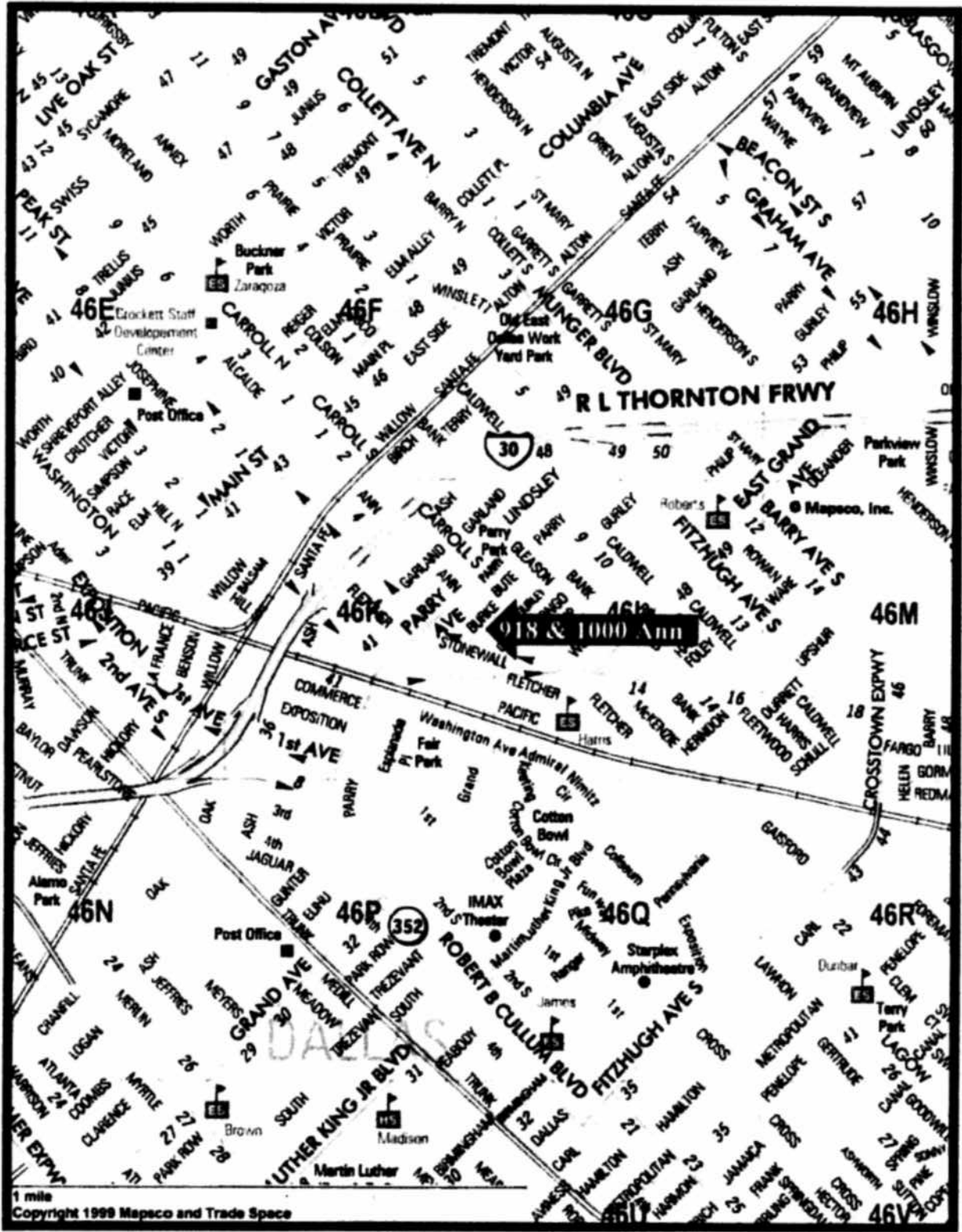
OWNER(S)/DEVELOPER(S)

Jubilee Park Community Center Corporation

Tom Harbison, Chairman of Board
Ben Leal, Executive Director

MAP

Attached



MAPSCO 46K

January 8, 2014

WHEREAS, the City of Dallas seeks to support economic growth in the Southern area of the city and economic development; and

WHEREAS, Jubilee Park Community Center Corporation (JPCCC) wishes to partner with the City of Dallas to provide forty single family homes in the Jubilee Neighborhood; and

WHEREAS, on June 26, 2013, City Council approved the conditional grant to JPCCC in the amount of \$500,000 for the development to include acquisition, demolition, relocation, predevelopment and construction costs of the Jubilee Neighborhood Project, by Resolution No. 13-1106; and

WHEREAS, the City requests a modification to the conditional grant agreement as part of the City's ongoing efforts to promote housing as a part of greater economic development plans in the city; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager, upon approval as to form by the City Attorney, is authorized to amend Resolution No. 13-1106 approved on June 26, 2013, for the conditional grant agreement in the amount of \$500,000 with Jubilee Park Community Center Corporation (JPCCC) to: (1) allow nonrecourse language in the legal documents with Jubilee Park Community Center Corporation; and (2) extend the completion date to June 26, 2015 for the acquisition, demolition, relocation, predevelopment and construction of the Jubilee Neighborhood Project.

SECTION 2. That the grant agreement is hereby expressly made subject to all of the following contingencies which must be performed or occur:

- a. JPCCC shall begin construction on the Jubilee Project by June 26, 2013
- b. JPCCC shall complete construction by June 26, 2015
- c. JPCCC will be required to prove match funding prior to the construction start of the nine homes
- d. JPCCC consents to and files deed restrictions requiring 100% of the units to be sold to homebuyers with household incomes at or below 140% Area Median Family Income for a period of five (5) years.

SECTION 3. That the City Manager or designee may extend the start and completion dates for a period up to three months for just cause.

SECTION 4. That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the loans, until such time as the deed restrictions are duly approved by all parties and executed.

January 8, 2014

SECTION 5. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Clean, Healthy Environment
AGENDA DATE: January 8, 2014
COUNCIL DISTRICT(S): 2, 3, 4, 6, 7, 8
DEPARTMENT: Housing/Community Services
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 43F 44J 46L 46M 46Q 55F 65D 65V

SUBJECT

Authorize on-site reconstruction of nine homes in accordance with the requirements of the Reconstruction/SHARE Program Statement for the properties located at: 1444 Rowan Avenue in the amount of \$103,000; 1430 Morrell Avenue in the amount of \$103,000; 2307 Moffatt Avenue in the amount of \$103,000; 1907 Nomias Street in the amount of \$103,000; 1948 Gallagher Street in the amount of \$103,000; 4023 Shadrack Drive in the amount of \$103,000; 1524 Fleetwood Street in the amount of \$103,000; 4003 Carl Street in the amount of \$103,000; and 2531 Naoma Street in the amount of \$103,000 - Total not to exceed \$927,000 - Financing: 2013-14 Community Development Block Grant Funds (\$752,018); 2012-13 Community Development Block Grant Reprogramming Funds (\$91,000); and 2012-13 HOME Investment Partnership Program Grant Funds (\$83,982)

BACKGROUND

The homeowners and the properties herein described are eligible for a Reconstruction/SHARE Program loan. The homeowners are below 80% AMFI and their names, ages and property addresses follow: Antonio Garcia, a disabled male, 56 years old, residing at 1444 Rowan Avenue; Cuday Epperson & Ernie Richard, an elderly couple, both 73 years old, residing at 1430 Morrell Avenue; Jesusita Montemayor, an elderly female, 79 years old, residing at 2307 Moffatt Avenue; Velma Taylor, an elderly female, 91 years old, residing at 1907 Nomias Street; Mildred Thomas, an elderly female, 79 years old, residing at 1948 Gallagher Street; Kenneth Clinton & Jeanne Clinton, a disabled mother and son, 58 & 42 years old, residing at 4023 Shadrack Drive; Jesse Cash & Debra Cash, a disabled couple, 57 & 53 years old, residing at 1524 Fleetwood Street; Winifred Smith, an elderly female, 70 years old, residing at 4003 Carl Street; and Cora Brewer, an elderly female, 66 years old, residing at 2531 Naoma Street.

BACKGROUND (continued)

Authorization by City Council is required before proceeding with on-site reconstruction of a home when all of the following conditions exist: (a) repairs necessary to meet the Quality Standards and all applicable codes cannot be accomplished within the program funding limits; (b) the condition of the home creates an imminent danger to the life, health and/or safety of the residents, and/or the neighborhood; and (c) repairs are not feasible to extend the life of the repaired structure beyond 15 years.

This action provides the authority to proceed with on-site reconstruction of nine (9) single-family homes in compliance with the conditions listed above.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 12, 2007, City Council approved the Program Statement authorizing the Housing Department to implement the Reconstruction/SHARE Program Statement for reconstruction on-site pursuant to certain conditions for assistance up to \$87,500, by Resolution No. 07-3307.

On April 23, 2008, City Council authorized an amendment to the Reconstruction/SHARE Program Statement to add an amenities package up to \$5,900, by Resolution No. 08-1266.

On October 8, 2008, City Council authorized an amendment to the Reconstruction/SHARE Program Statement to assist low-income homeowners in Dallas earning less than 80% of Area Median Family Income (AMFI), and are 62 years of age or older or disabled, and to provide assistance with one (1) tax and insurance payment by Resolution No. 08-2768.

On December 9, 2009, City Council authorized an amendment to the Reconstruction/SHARE Program Statement to increase the maximum Reconstruction Program Assistance Type One loan amount from \$87,500 to \$93,400, by Resolution No. 09-2951.

On September 22, 2010, City Council authorized modifications to the Program Statement for the Reconstruction/SHARE Program to include reconstruction of homes with a failure of 3 systems and a foundation, and/or life, safety and health concerns. Allow payoff of secured housing liens up to the dollar amount of the amenities package of \$5,900.00; thereby reducing the dollar amount available for reconstruction to no less than \$87,500, but not changing the total loan amount of \$93,400. Annually 10% of funds may be used to assist persons younger than 62 years of age, or without a disability, and still meeting all other loan criteria by Resolution No. 10-2465.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On November 10, 2010, City Council authorized an amendment to the Home Repair Program Statement for Reconstruction/SHARE Program Statement previously approved on September 22, 2010, by Resolution No. 10-2465; allow payoff of liens up to the amount of the amenities package of \$5,900, amended to: allow refinancing of liens up to the amount of the amenities package of \$5,900 by Resolution No. 10-2884.

On May 25, 2011, City Council authorized modifications to the Reconstruction/SHARE Program Statement to: (1) increase the maximum Reconstruction Program Assistance Type One loan amount from up to \$93,400 to up to \$103,000; (2) provide assistance to the extent permitted under appropriate regulations to cover the difference in the amount needed to complete an on-site reconstruction when either the contractor or property owner terminates the existing contract; and (3) clarification to the use of funds and deleting the payment of taxes in accordance with directions from the U.S. Department of Housing and Urban Development (HUD) by Resolution No. 11-1349.

FISCAL INFORMATION

\$752,018 - 2013-14 Community Development Block Grant Funds

\$91,000 - 2012-13 Community Development Block Grant Reprogramming Funds

\$83,982 - 2012-13 HOME Investment Partnership Program Grant Funds

Council District 2 - \$103,000

Council District 3 - \$103,000

Council District 4 - \$206,000

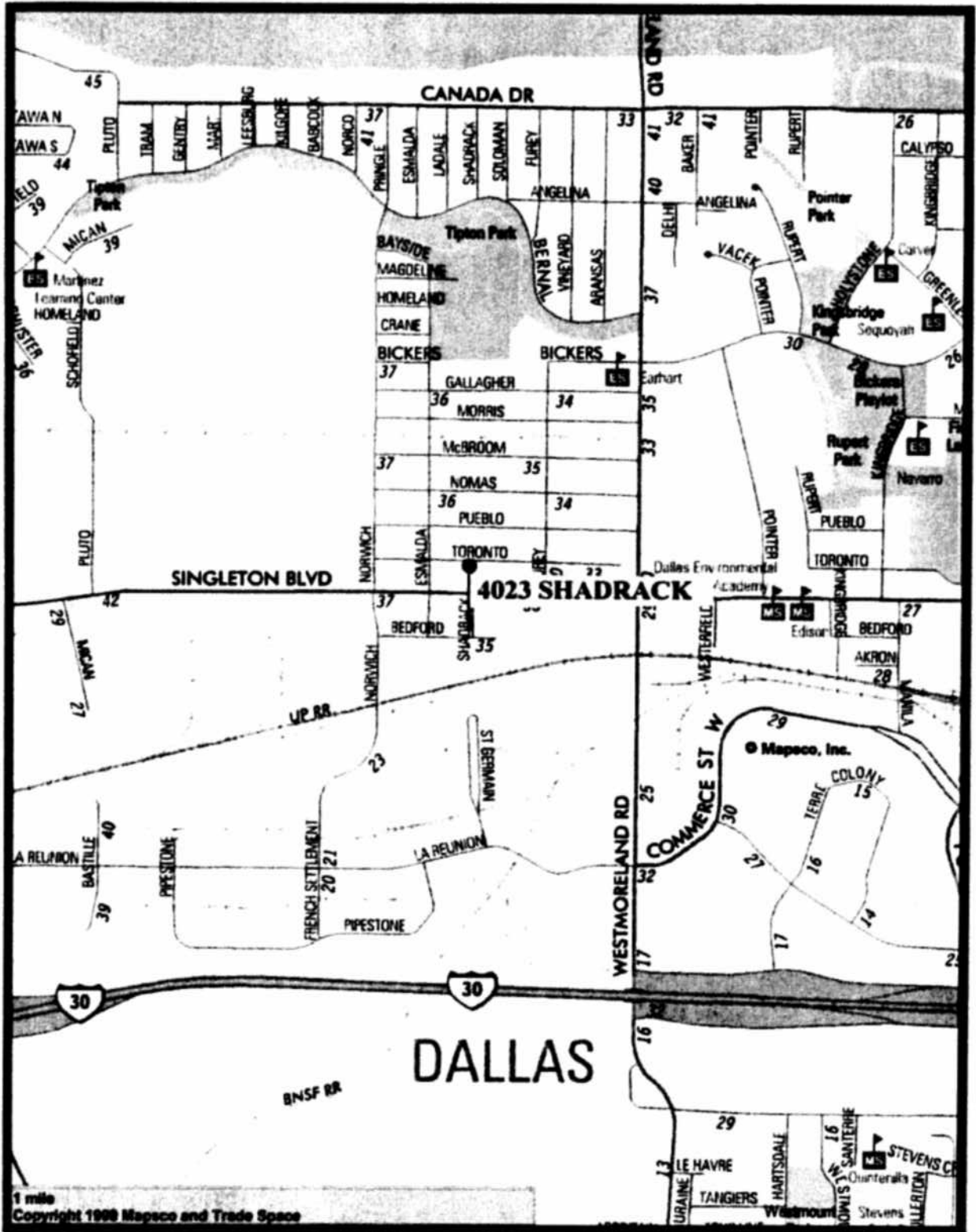
Council District 6 - \$309,000

Council District 7 - \$103,000

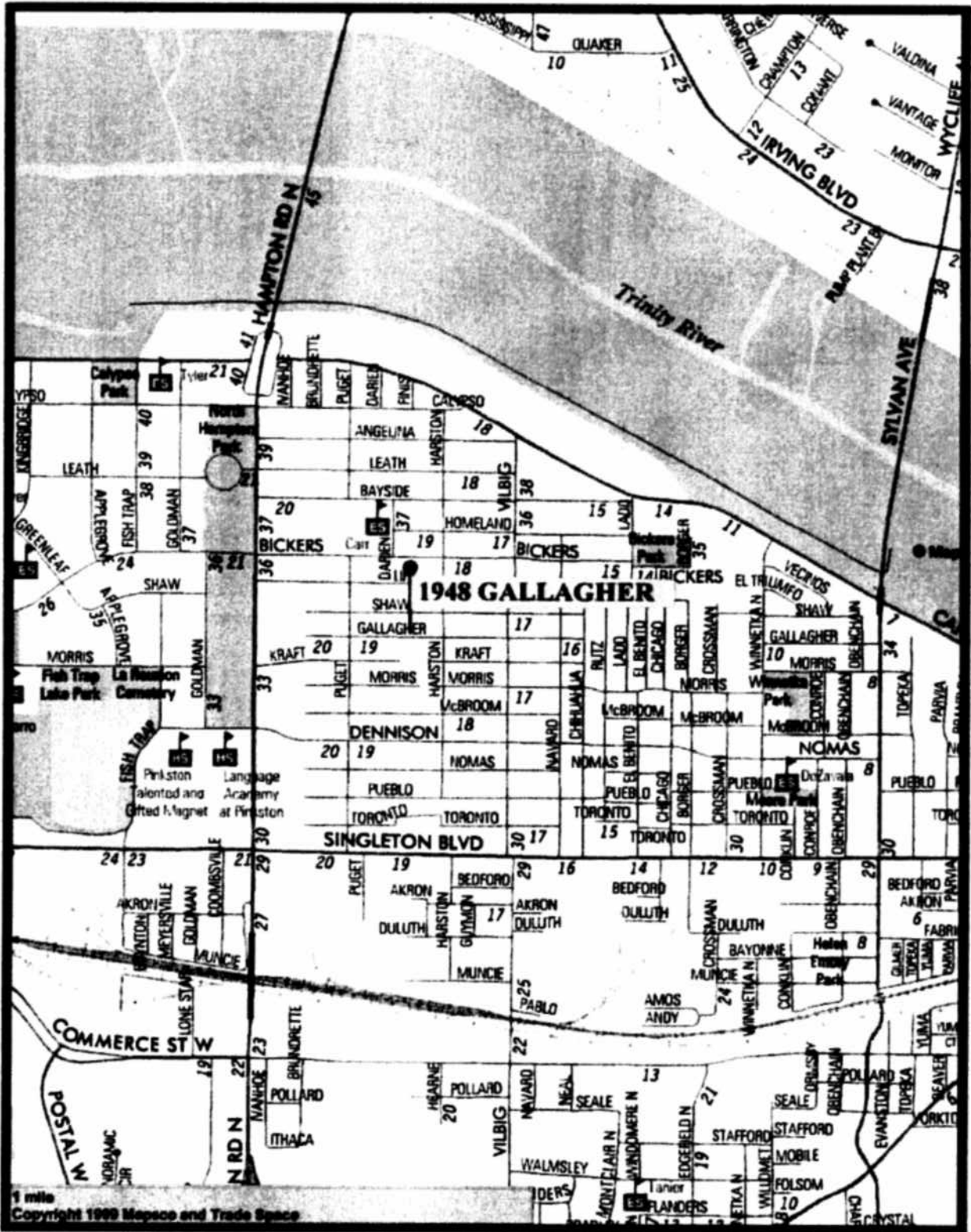
Council District 8 - \$103,000

MAP(S)

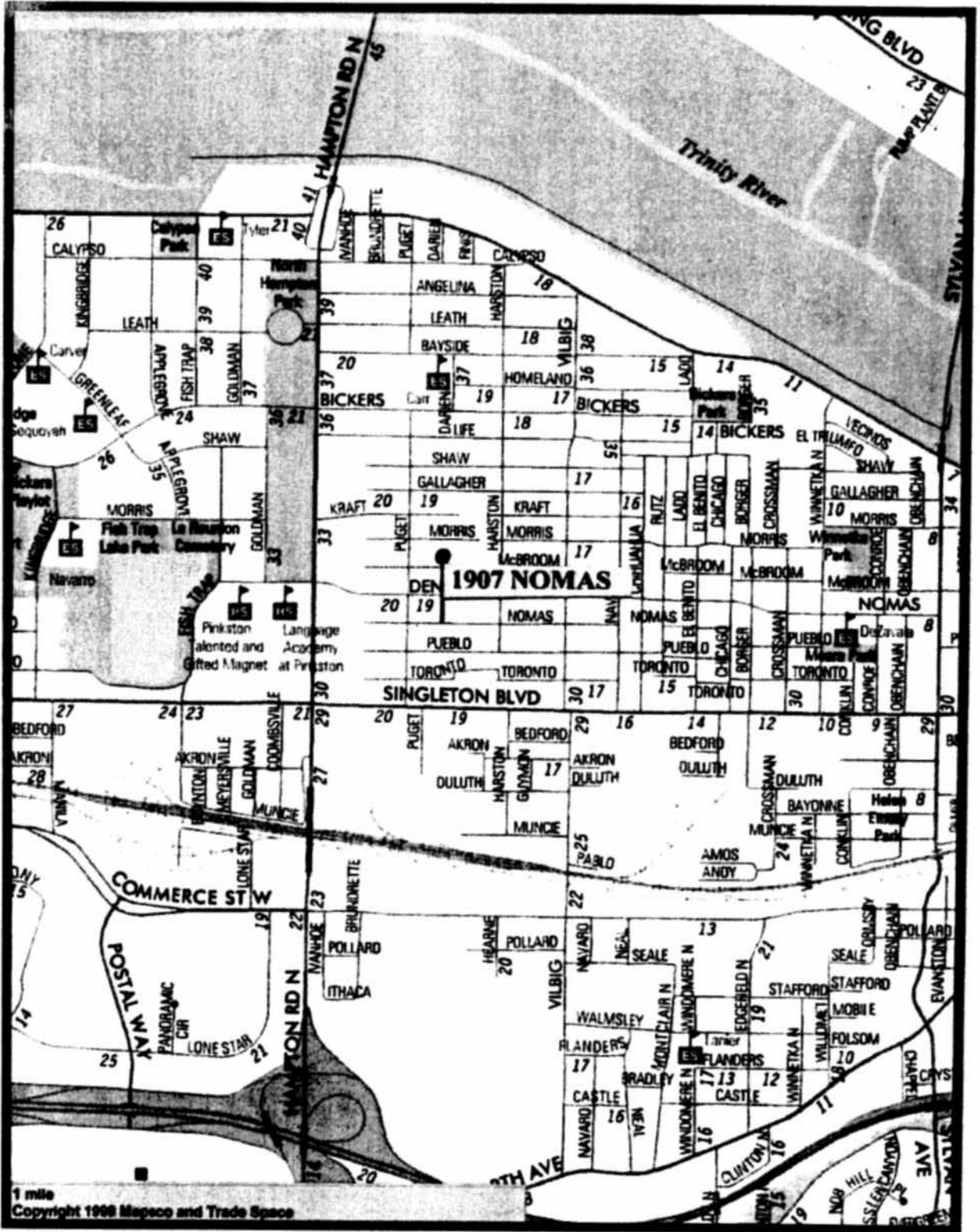
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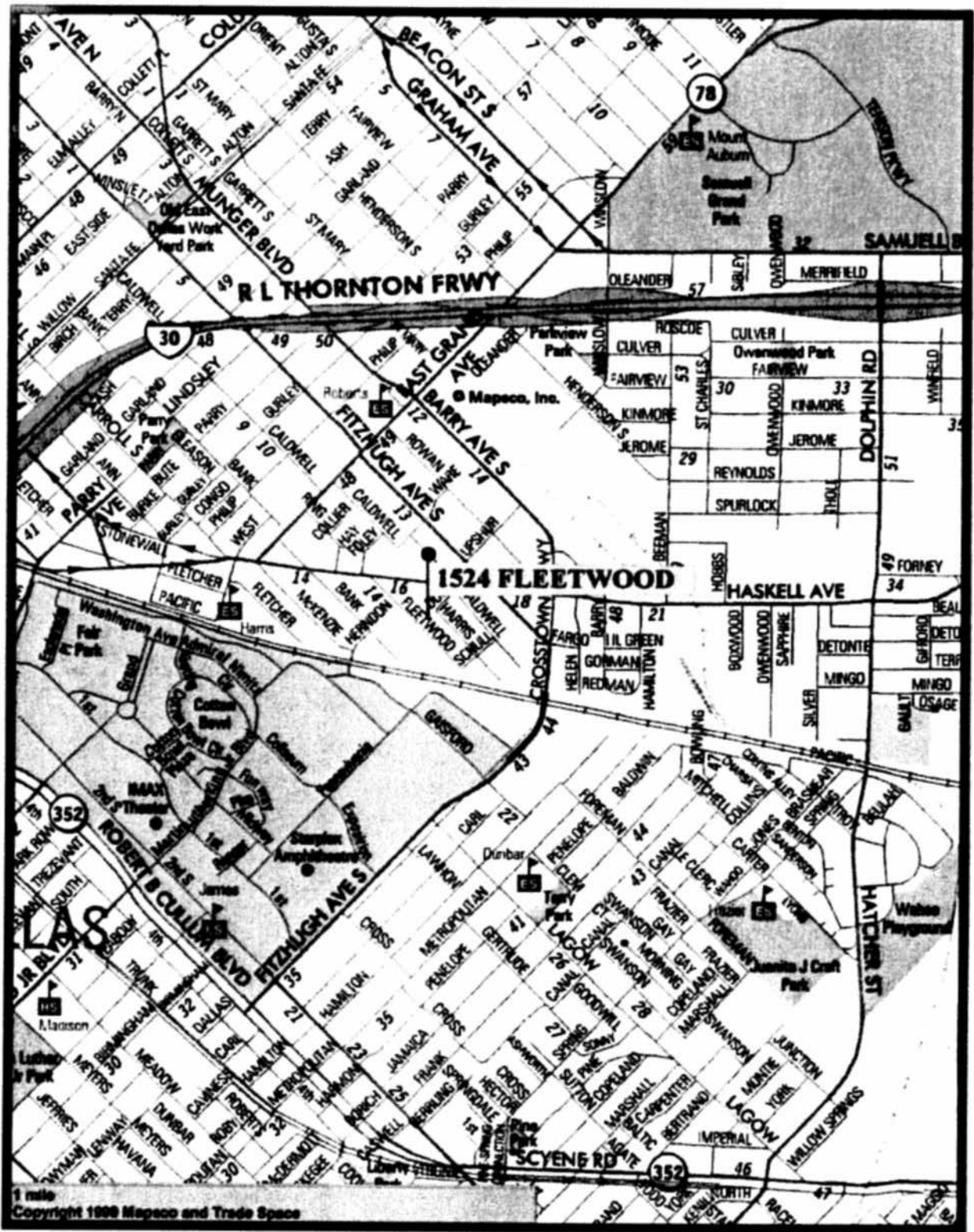
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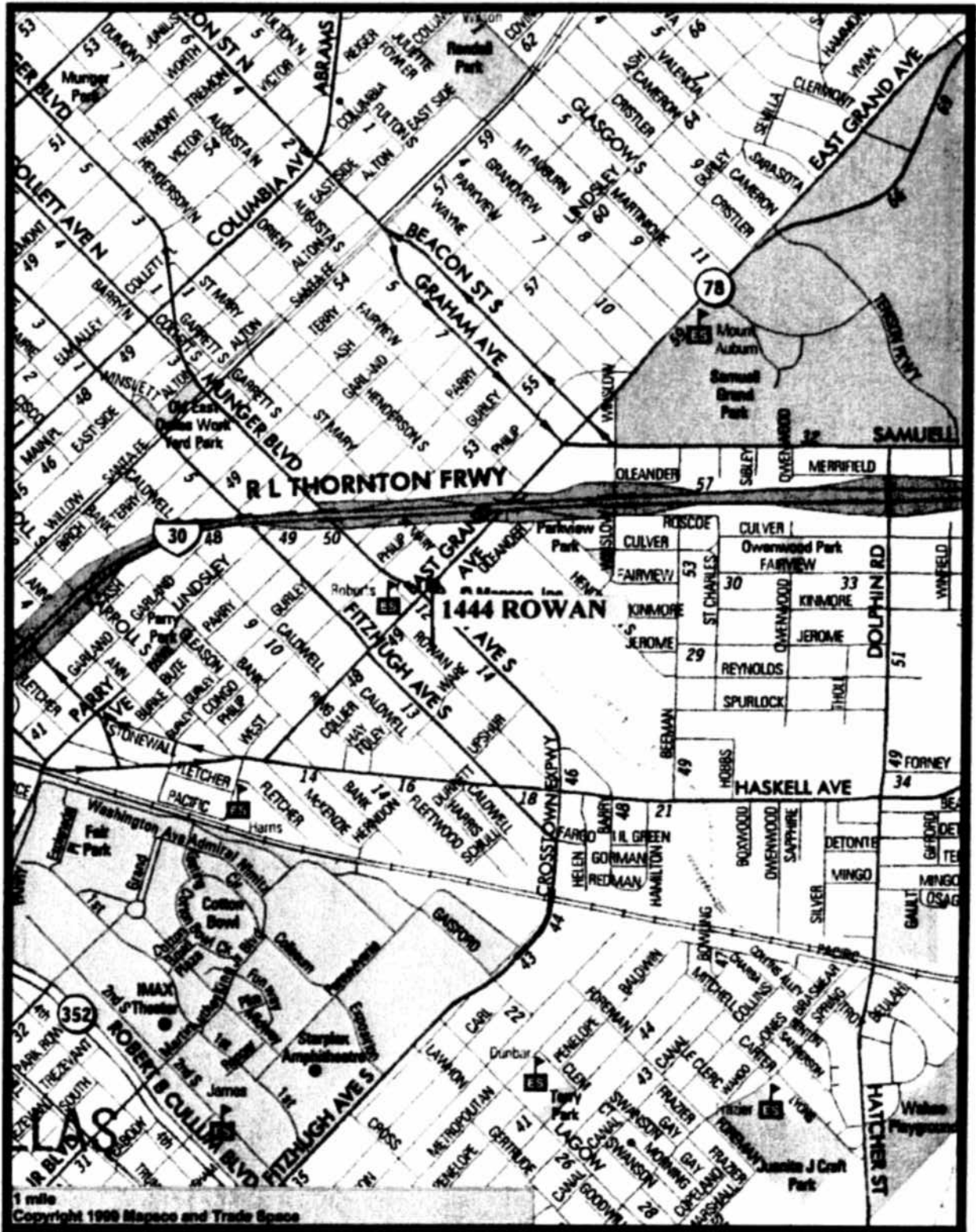
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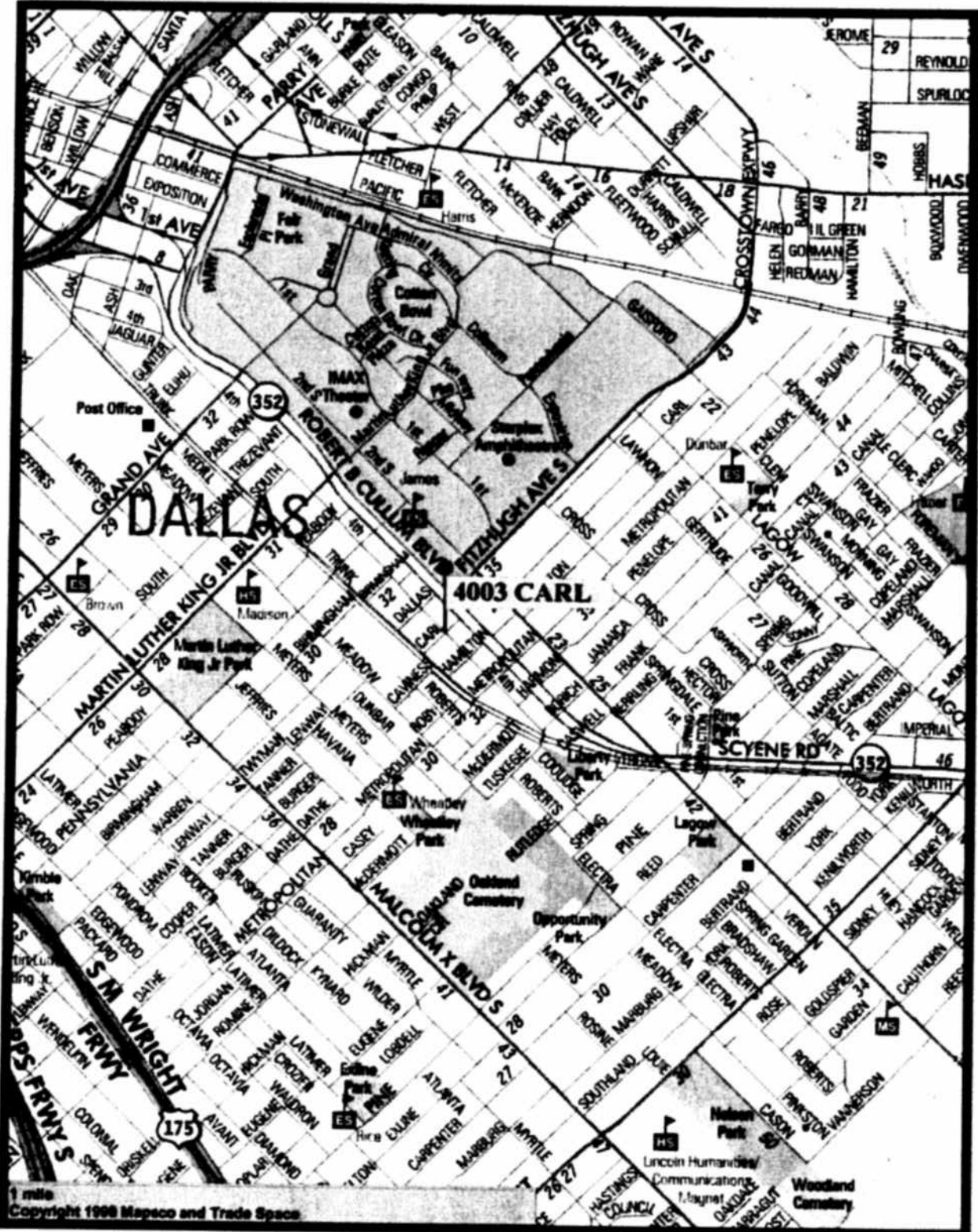
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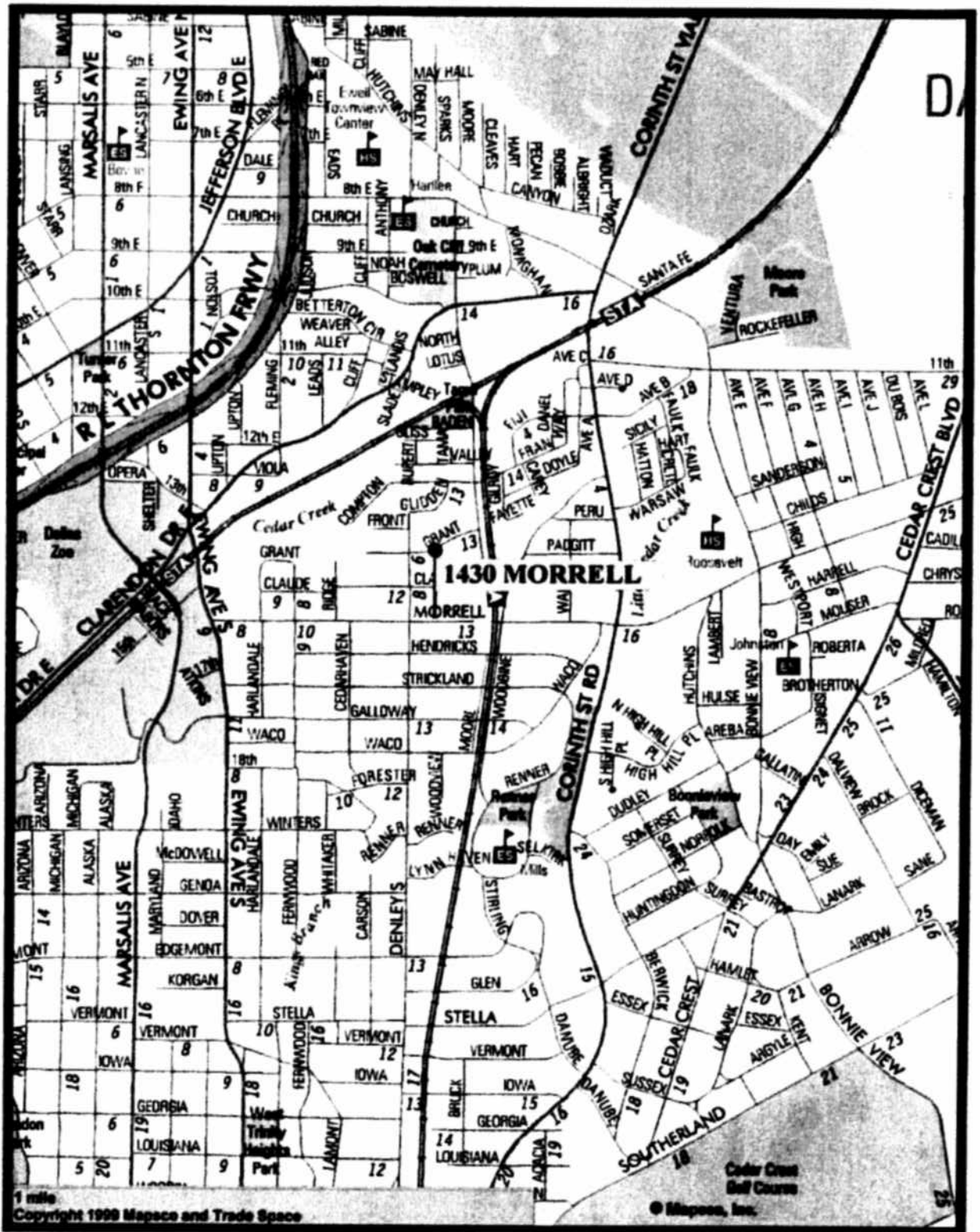
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MAPSCO 46-M



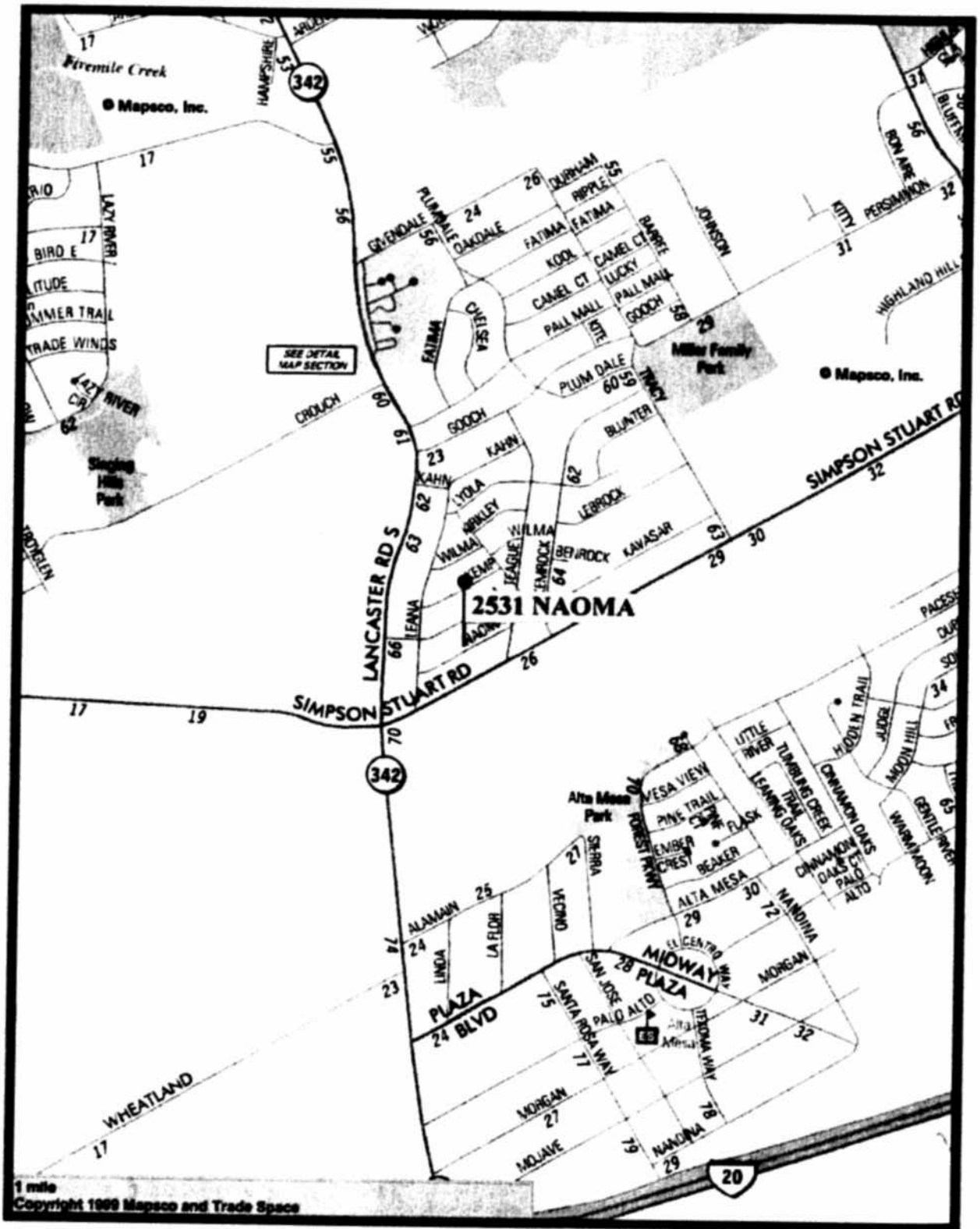
MAPSCO 46-Q



MAPSCO 55-F



MAPSCO 65-D



MAPSCO 65-V

January 8, 2014

WHEREAS, on November 12, 2007, City Council approved the Program Statement authorizing the Housing Department to implement the Reconstruction/SHARE Program Statement for reconstruction on-site pursuant to certain conditions and for assistance up to \$87,500, by Resolution No. 07-3307; and

WHEREAS, on April 23, 2008, City Council authorized an amendment to the Reconstruction/SHARE Program Statement which added an amenities package up to \$5,900, by Resolution No. 08-1266; and

WHEREAS, on October 8, 2008, City Council authorized an amendment to the Reconstruction/SHARE Program Statement to assist low-income homeowners at 80% of AMFI, and 62 years of age or older or disabled, and to provide assistance with one (1) tax and insurance payment by Resolution No. 08-2768; and

WHEREAS, on December 9, 2009, City Council authorized an amendment to the Reconstruction/SHARE Program Statement to increase the maximum Reconstruction Program Assistance Type One loan amount from \$87,500 to \$93,400 by Resolution No. 09-2951; and

WHEREAS, on September 22, 2010, the City Council authorized modifications to the Program Statement for the Reconstruction/SHARE Program by Resolution No. 10-2465; and

WHEREAS, on November 10, 2010, City Council authorized an amendment to the Home Repair Program Statement for Reconstruction/SHARE Program Statement previously approved on September 22, 2010, by Resolution No. 10-2465; allow payoff of liens up to the amount of the amenities package of \$5,900 amended to: allow refinancing of liens up to the amount of the amenities package of \$5,900 by Resolution No. 10-2884; and

WHEREAS, on May 25, 2011, City Council authorized modifications to the Reconstruction/SHARE Program Statement to: (1) increase the maximum Reconstruction Program Assistance Type One loan amount from up to \$93,400 to up to \$103,000; (2) provide assistance to the extent permitted under appropriate regulations to cover the difference in the amount needed to complete an on-site reconstruction when either the contractor or property owner terminates the existing contract; and (3) clarification to the use of funds and deleting the payment of taxes in accordance with directions from the U.S. Department of Housing and Urban Development (HUD) by Resolution No. 11-1349; and

January 8, 2014

WHEREAS, the homeowners at the addresses herein described have made applications to the Home Repair Program: Antonio Garcia at 1444 Rowan Avenue; Cuday Epperson & Ernie Richard at 1430 Morrell Avenue; Jesusita Montemayor at 2307 Moffatt Avenue; Velma Taylor at 1907 Nomias Street; Mildred Thomas at 1948 Gallagher Street; Kenneth Clinton & Jeanne Clinton at 4023 Shadrack Drive; Jesse Cash & Debra Cash at 1524 Fleetwood Street; Winifred Smith at 4003 Carl Street; and Cora Brewer at 2531 Naoma Street; and

WHEREAS, all three conditions outlined in the Reconstruction/SHARE Program Statement for on-site reconstruction of the homes were met for the property owners: Antonio Garcia; Cuday Epperson & Ernie Richard; Jesusita Montemayor; Velma Taylor; Mildred Thomas; Kenneth Clinton & Jeanne Clinton; Jesse Cash & Debra Cash; Winifred Smith; and Cora Brewer;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the applications from the homeowners and their properties described herein for reconstruction loans be approved under the Reconstruction/SHARE Program: Antonio Garcia at 1444 Rowan Avenue; Cuday Epperson & Ernie Richard at 1430 Morrell Avenue; Jesusita Montemayor at 2307 Moffatt Avenue; Velma Taylor at 1907 Nomias Street; Mildred Thomas at 1948 Gallagher Street; Kenneth Clinton & Jeanne Clinton at 4023 Shadrack Drive; Jesse Cash & Debra Cash at 1524 Fleetwood Street; Winifred Smith at 4003 Carl Street; and Cora Brewer at 2531 Naoma Street. The loans are in the amount shown in Section 3 hereof.

SECTION 2. That the City Manager, upon approval as to form by the City Attorney is authorized to execute the following loan documents: Antonio Garcia for on-site reconstruction at 1444 Rowan Avenue; Cuday Epperson & Ernie Richard for on-site reconstruction at 1430 Morrell Avenue; Jesusita Montemayor for on-site reconstruction at 2307 Moffatt Avenue; Velma Taylor for on-site reconstruction at 1907 Nomias Street; Mildred Thomas for on-site reconstruction at 1948 Gallagher Street; Kenneth Clinton & Jeanne Clinton for on-site reconstruction at 4023 Shadrack Drive; Jesse Cash & Debra Cash for on-site reconstruction at 1524 Fleetwood Street; Winifred Smith for on-site reconstruction at 4003 Carl Street; and Cora Brewer for on-site reconstruction at 2531 Naoma Street.

SECTION 3. That the City Controller is authorized to make payments for reconstruction of the home in accordance with the following funding information:

Fund CD13, Dept HOU, Unit 225F, Obj 3100 CT HOU22EFB049 (\$103,000)
Vendor # 337798 – Torres Construction – 1524 Fleetwood Street

January 8, 2014

SECTION 3. (continued)

Fund CD13, Dept HOU, Unit 225F, Obj 3100 CT HOU22EFB050 (\$103,000)
Vendor # 516779 – Opportunity Developers – 4023 Shadrack Drive

Fund CD13, Dept HOU, Unit 225F, Obj 3100 CT HOU22EFB051 (\$103,000)
Vendor # 339393 – Bethel Construction – 1948 Gallagher Street

Fund CD13, Dept HOU, Unit 225F, Obj 3100 CT HOU22EFB052 (\$103,000)
Vendor # 516779 – Opportunity Developers – 1907 Nomias Street

Fund CD13, Dept HOU, Unit 225F, Obj 3100 CT HOU22EFB053 (\$103,000)
Vendor # 516779 – Opportunity Developers – 2531 Naoma Street

Fund CD13, Dept HOU, Unit 225F, Obj 3100 CT HOU22EFB054 (\$103,000)
Vendor # 339393 – Bethel Construction – 1430 Morrell Avenue

Fund CD13, Dept HOU, Unit 225F, Obj 3100 CT HOU22EFB055 (\$103,000)
Vendor # 516779 – Opportunity Developers – 4003 Carl Street

Fund HM12, Dept HOU, Unit 895E, Obj 3100 CT HOU22EFB056 (\$83,982)
Fund CD13, Dept HOU, Unit 225F, Obj 3100 CT HOU22EFB056 (\$19,018)
Vendor # 337798 – Torres Construction – 2307 Moffatt Avenue

Fund 12R1, Dept HOU, Unit 954E, Obj 3100 CT HOU22EFB057 (\$91,000)
Fund CD13, Dept HOU, Unit 225F, Obj 3100 CT HOU22EFB057 (\$12,000)
Vendor # 337798 – Torres Construction – 1444 Rowan Avenue

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Memorandum



DATE January 3, 2014

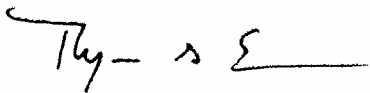
TO Members of the Housing Committee,
Carolyn Davis (Chair), Scott Griggs, (Vice-Chair), Monica Alonzo, Dwaine Caraway, Rick Callahan, Philip Kingston

SUBJECT Public Hearing for Patriot's Crossing LIHTC Project (addendum)

The Patriot's Crossing Project was approved by the City Council on October 23, 2013 for the developer, Sapphire Road Development Patriot's Crossing South, LLC, to make an application to the Texas Department of Housing & Community Affairs (TDHCA) for 4% Low Income Housing Tax Credits (LIHTC). Following the City Council approval, the developer filed the required paperwork to TDHCA. TDHCA approved bond funds for the project in November 2013 and following public comment period, will consider the tax credits in February 2014.

As the TDHCA staff reviewed paperwork in December 2013, they requested that the City of Dallas amend and place specific language in the City Council approved resolution to exactly match new requirements of the Texas Government Code and Texas Administrative Code. The specific notices include: notice has been provided to the Governing Body in accordance with Texas Government Code, the Governing Body has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development, the Governing Body has held a hearing at which public comment may be made on the proposed Development in accordance with Texas Government Code, and after due consideration of the information provided by the Applicant and public comment, the Governing Body does not object to the proposed Application.

The Addendum Item will formalize public comment and provide for the amendments requested by TDHCA. Should you have any questions, please contact me at (214) 670-3390.


Theresa O'Donnell
Interim Assistant City Manager

C: The Honorable Mayor and Members of the City Council

A.C. Gonzalez, Interim City Manager
Rosa Rios, City Secretary
Warren M.S. Ernst., City Attorney
Craig Kinton, City Auditor
Judge Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager

Forest Turner, Assistant City Manager
Joey Zapata, Assistant City Manager
Charles M. Cato, Interim Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Frank Libro, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor and Council