

(THIS IS A DRAFT ORDINANCE ONLY AND SUBJECT TO CHANGE)

ORDINANCE

APPROVING SUBSTANTIAL AMENDMENT #1 TO THE FY 2024 UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) ANNUAL ACTION PLAN AND BUDGET TO AWARD UP TO \$3,406,032.00 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND UP TO \$874,500.00 IN HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS TO THREE (3) AFFORDABLE HOUSING DEVELOPMENT PROJECTS.

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WHEREAS, on August 3, 2023, pursuant to Ordinance No. 2023-08-03-0511, City Council approved and adopted the FY 2024 United States Department of Housing and Urban Development (HUD) Annual Action Plan and Budget (Action Plan); and

WHEREAS, in furtherance of making the awards at issue, City staff released two (2) individual Requests for Proposals (RFP), one seeking Affordable Single-Family Housing Development and the other seeking Affordable Multi-Family Housing Development; and

WHEREAS, multiple proposals were received in response to each respective RFP from developers for affordable housing; and

WHEREAS, a panel of scoring committee members reviewed and evaluated the proposals received based on criteria set forth in each respective RFP. The committee recommended awarding funding to both proposals received from the Affordable Single-Family Housing Development RFP and awarding funding to the two (2) highest-ranked proposals from the Affordable Multi-Family Housing Development RFP; and

WHEREAS, one of the recommended Affordable Multi-Family Housing Development proposals, Rainbow Lofts, has ultimately elected to withdraw their proposal. As a result, said project will not be awarded the recommended HUD funding at this time and those funds will be made available for future projects at a later date; and

WHEREAS, in order to provide the recommended funding awards, City staff recommends that City Council approve Substantial Amendment #1 to the FY 2024 HUD Action Plan to award up to \$3,406,032.00 in CDBG funding and up to \$874,500.00 in HOME funding to the three (3) selected affordable housing development activities as reflected herein; and

WHEREAS, after notice having been duly published and posted, a public comment period was opened, a public hearing was held on February 14, 2024, and timely responses were given from local officials to all citizen questions and issues and public access was granted to all questions and responses, thereby satisfying applicable law governing substantial amendments to the City's FY 2024 HUD Action Plan; and

WHEREAS, in order to award said CDBG and HOME funds to the three affordable housing development activities recommended herein, it is necessary to authorize a substantial amendment to the City's FY 2024 HUD Action Plan; and

WHEREAS, City Council approves Substantial Amendment #1 to the FY 2024 HUD Action Plan and authorizes awards and corresponding agreements for up to \$3,406,032.00 in CDBG funding and up to \$874,500.00 in HOME funding to the three affordable housing development activities as set forth herein; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. In accordance with the schedule affixed hereto as **Attachment I** and incorporated herein, an allocation of Community Development Block Grant (CDBG) funds in an amount not to exceed \$3,406,032.00 and HOME Investment Partnerships Program (HOME) funds in an amount not to exceed \$874,500.00 are hereby authorized to be allocated to the following projects in accordance with the budget revision schedule affixed hereto and incorporated by reference herein for all purposes as **Attachment I**, to wit:

From CDBG funding:

- (a) Up to \$3,406,032.00 to Habitat for Humanity of San Antonio, Inc. for the Chandler Road Development Project, a single-family homeownership development proposed at 4307 Chandler in Council District 3; and

From HOME funding:

- (b) Up to \$274,500.00 to Our Casas Resident Council for the Apache Creek Affordable Homes Project, a single-family homeownership development proposed at 2224 Chihuahua in Council District 5; and
- (c) Up to \$600,000.00 to ALT Affordable Housing Services – Arbor Place for the Village at Perrin Beitel Project, a multi-family rental development proposed at 2611 N.E Loop 410 in Council District 10.

SECTION 2. Revisions to the Community Development Block Grant (CDBG) projects and the modifications to the budgets and reprogramming in support thereof in an amount not to exceed \$3,406,032.00, available from cancelled activities, program savings, and/or program income are hereby authorized in accordance with the budget revision schedule affixed hereto and incorporated by reference herein for all purposes as **Attachment I**. Said funds are hereby authorized to be reprogrammed to eligible affordable housing development activities in accordance with **Attachment I** and the allocation and appropriation of funds consistent with **Attachment I** are hereby authorized.

SECTION 3. Revisions to the HOME Investment Partnerships Program (HOME) projects and the modifications to the budgets and reprogramming in support thereof in an amount not to exceed \$874,500.00 available from cancelled activities, program savings, and/or program income are hereby authorized in accordance with the budget revision schedule affixed hereto and incorporated by reference herein for all purposes as **Attachment I**. Said funds are hereby authorized to be reprogrammed to eligible affordable housing development activities in accordance with **Attachment I** and the allocation and appropriation of funds consistent with **Attachment I** are hereby authorized.

SECTION 4. Substantial amendment #1 to the City's FY2024 HUD Action Plan and Budget to reprogram funds in the CDBG and HOME Budget in accordance with this Ordinance and **Attachment I** is hereby authorized and approved. The City Manager or their designee, the Director of the Neighborhood and Housing Services Department or their designee, the Assistant Director of the Neighborhood and Housing Services Department or their designee, or the Grants Administrator of the Division of Grants Monitoring and Administration are each individually hereby authorized to execute any and all documents necessary to implement and carry out said substantial amendment.

SECTION 5. The City Manager or their designee, the Director of the Neighborhood and Housing Services Department or their designee, the Assistant Director of the Neighborhood and Housing Services Department or their designee, or the Grants Administrator of the Division of Grants Monitoring and Administration, are each hereby authorized to negotiate and execute any and all contracts, agreements and other documents as necessary for: (a) implementation of the funding awards as set forth herein; and (b) compliance with the U.S. Department of Housing and Urban Development (HUD) rules, regulations, and procedures, and to submit all certifications and such other information to and as required by HUD.

SECTION 6. The City Manager, or their designee, the Director of the Neighborhood and Housing Services Department or their designee, the Assistant Director of the Neighborhood and Housing Services Department or their designee, or Grants Administrator of the Division of Grants Monitoring and Administration are each individually hereby authorized to approve budget adjustments within project allocations to conform with actual expenditures if line item cost overruns occur or are anticipated.

SECTION 7. The appropriations, reallocations, expenditures, encumbrances, and budget revisions necessitated and scheduled pursuant to the aforesaid **Attachment I** are hereby authorized for entry into the City's accounting system.

SECTION 8. The Deputy Chief Financial Officer is hereby authorized to effect on the books of the City the cancellations, revisions, and reprogramming in support thereof set forth in **Attachment I**. The City Manager or their designee, the Director of the Neighborhood and Housing Services Department or their designee, the Assistant Director of the Neighborhood and Housing

Services Department or their designee, or the Grants Administrator of the Division of Grants Monitoring and Administration are each individually hereby authorized to (a) implement the reductions, revisions, and reprogramming set forth in **Attachment I**; (b) comply with HUD rules, regulations, and procedures, and submit all certifications and such other information to and as required by HUD; (c) approve budget adjustments within project allocations to conform with actual expenditures if line item cost overruns occur or are anticipated; (d) close-out and cancel affected projects and create new projects and project budgets in accordance with **Attachment I**; and (e) execute any and all necessary contracts and other documents in connection with the projects set forth above; and (f) provide for payment.

SECTION 9. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 10. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this _____ day of February, 2024.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

ATTACHMENT I
COVER SHEET

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