

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

**RESOLUTION**

**OF NO OBJECTION FOR PEDCOR INVESTMENTS-2023-CXCIV, LP'S APPLICATION FOR 2024 OR 2025 NON-COMPETITIVE 4% HOUSING TAX CREDITS (HTC) FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR THE CONSTRUCTION OF A 240-UNIT AFFORDABLE MULTI-FAMILY RENTAL HOUSING DEVELOPMENT NAMED CREEK BEND PHASE II APARTMENT HOMES, LOCATED AT THE NORTHWEST QUADRANT OF HIGHWAY 281 AND BORGFELD ROAD IN COUNCIL DISTRICT 9 AND ALLOWING THE CONSTRUCTION OF THE DEVELOPMENT TO BE LOCATED WITHIN ONE LINEAR MILE OR LESS FROM ANOTHER DEVELOPMENT.**

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**WHEREAS**, Pedcor Investments-2023-CXCIV, LP (the "Applicant") has proposed a 240-unit affordable multi-family rental housing development called Creek Bend Phase II Apartment Homes (the "Development"), to be located at the northwest quadrant of Highway 281 and Borgfeld Road in San Antonio; and

**WHEREAS**, the Applicant will submit an application to the Texas Department of Housing and Community Affairs ("TDHCA") for the 2024 or 2025 Non-Competitive 4% Housing Tax Credits for the Development, which will be funded, in part, through Tax Exempt Bonds (TEB) (the "Application"); and

**WHEREAS**, notice of the intent to file the Application was provided to the City in accordance with Texas Government Code §2306.67071(a); and

**WHEREAS**, the City has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; and

**WHEREAS**, it is necessary that the City hold a hearing for comments to be made on the proposed Development in accordance with Texas Government Code §2306.67071(b); and

**WHEREAS**, pursuant to section 11.3 (d) of the Texas Department of Housing and Community Affairs' Qualified Allocation Plan ("QAP"), an Application that proposes the New Construction or Adaptive Reuse of a development that is located one linear mile or less, measured by a straight line on a map from the closest point on each development from another development, that:

- (A) serves the same type of household as the proposed Development, regardless of whether the Development serves families, elderly individuals, or another type of household; and

- (B) has received an allocation of Housing Tax Credits or private activity bonds for any New Construction at any time during the three-year period preceding the date the Application Round begins; and
- (C) has not been withdrawn or terminated from the Housing Tax Credit Program; and
- (D) does not meet one of the other exceptions listed in §11.3(d)(2)(A) – (F) of the QAP,

shall be considered ineligible, unless the Governing Body of the appropriate municipality or county where the Development is to be located has by vote specifically allowed the construction of a new Development located within one linear mile or less from a Development described above; and

**WHEREAS**, the City finds that it is necessary to allow the construction of the Development within one linear mile or less from a Development described above in order to increase the amount of affordable housing within the area in which both Developments will be located; and

**WHEREAS**, upon said hearing and after due consideration of the information provided by the Applicant and public comment, the City Council may adopt a resolution stating that City Council does not object to the proposed Application. **NOW THEREFORE:**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** In accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §11.204(4), the City hereby certifies and finds that:

- (i) Notice of Pedcor Investments-2023-CXCIV, LP's ("Applicant") application ("Application") to the Texas Department of Housing and Community Affairs ("TDHCA") for the non-competitive 4% Housing Tax Credits has been provided to the City in accordance with Texas Government Code §2306.67071(a); and
- (ii) The City Council has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Creek Bend Phase II Apartment Homes development to be located at the northwest quadrant of Highway 281 and Borgfeld Road in the City of San Antonio ("Development"); and
- (iii) The City Council has held a hearing at which public comment was invited to be made on the Application in accordance with Texas Government Code, §2306.67071(b); and
- (iv) After due consideration of the information provided by the Applicant and public comment, the City Council does not object to the Applicant's Application.

**SECTION 2.** The City hereby confirms that it does not object to the Applicant's Application to the TDHCA for the Development.

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**SECTION 3.** The City hereby finds that the Development is located one linear mile or less from a development that serves the same type of household as the proposed Development and has received an allocation of Housing Tax Credits for New Construction within the last three years.

**SECTION 4.** The City Council of the City of San Antonio, Texas has voted to specifically allow the construction of the Development and to authorize an allocation of Housing Tax Credits for the Development.

**SECTION 5.** For and on behalf of the City Council, the City Clerk is hereby authorized, empowered, and directed to certify this Resolution to the TDHCA.

**SECTION 6.** This Resolution is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

**PASSED AND APPROVED this 9<sup>th</sup> day of November 2023.**

**M A Y O R**  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

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Debbie Racca-Sittre, City Clerk

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Andrew Segovia, City Attorney