

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

ORDINANCE

APPROVING FUNDING FOR FOURTEEN (14) AFFORDABLE HOUSING PROJECTS UTILIZING THE 2022-2027 HOUSING BOND AND FEDERAL HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME), COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), AND NEIGHBORHOOD STABILIZATION PROGRAM (NSP) FUNDING SOURCES; AND AUTHORIZING THE EXECUTION OF CONTRACTS AND OTHER NECESSARY DOCUMENTS PROVIDING TERMS AND CONDITIONS TO THE CITY'S AWARD OF FUNDS FOR THE PROJECTS

* * * * *

WHEREAS, on December 16, 2021, the City adopted the Strategic Housing Implementation Plan (SHIP), a comprehensive policy created to implement the City's Housing Policy Framework goals developed through the work of the Mayor's Housing Policy Task Force; and

WHEREAS, as recommended by the SHIP, on May 7, 2022, voters approved the City's 2022 Capital Improvements Bond, which included funds in the amount of \$150 million to create and preserve affordable housing in the City of San Antonio (Housing Bond); and

WHEREAS, on August 4, 2022, pursuant to Ordinance No. 2022-08-04-0543, City Council approved the FY 2023 United States Department of Housing and Urban Development (HUD) Action Plan and Budget; and

WHEREAS, funding from these sources will be used to facilitate development of single-family, multi-family or mixed-use housing for the public purpose of providing safe, quality, and affordable housing for the citizens of San Antonio; and

WHEREAS, on August 19, 2022 the City issued three (3) Requests for Proposals (RFP's) for Homeowner Production; Rental Production; and Rental Preservation, Rehabilitation, and Acquisition, announcing that a total of \$43.9 million was available from the Housing Bond and Federal funding sources; and

WHEREAS, at the conclusion of the RFP evaluation process, staff recommended that 14 projects, totaling \$43,903,447.00 from Housing Bond, Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Neighborhood Stabilization Program (NSP) funding sources, proceed to City Council for consideration, said funds being awarded in the form of loans with terms set by staff in accordance with the terms prescribed in the RFP's:

WHEREAS, the City has an existing Level II Center City Housing Incentive Policy Agreement (CCHIP Agreement) with ACG Cattleman's Square, LLC (ACG) providing SAWS Impact Fee

JYW
12/15/2022
Item No.

Waivers as an incentive in consideration for ACG constructing affordable housing in the city, which is the same Project being awarded Housing Bond funding under this Ordinance; and

WHEREAS, ACG has requested this funding from the Housing Bond to provide additional capital necessary for the completion of the Project, which will require an amendment to the CCHIP Agreement to revise the Commencement Date and Completion Date for the construction of the Project in order to make both contract's construction schedules consistent; and

WHEREAS, if the funds are awarded to the recommended projects, these projects will produce or preserve a total of 2,532 affordable housing units, 834 of which (or 33%) of those units produced or preserved will be deeply affordable units reserved for families below 50% of the Area Median Income (AMI) for rental and below 80% AMI for homeownership, and 552 units will be public housing/income-based housing; and

WHEREAS, the recommended projects meet the established affordable housing goals set forth in the 2022-2027 Housing Bond parameters/evaluation framework, the HUD FY 2023 Action Plan and Budget, the City's FY 2023 Affordable Housing Budget and are in line with the City's Strategic Housing Implementing Plan (SHIP) to increase affordable housing production and preservation.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS:

SECTION 1. The City Council hereby approves the award of funds, in the form of loans, for the projects identified in the charts below (Projects) with the associated AMI levels, in the amounts, and from the funding sources specified therein:

Homeownership Production						
Project Name	Developer	Total Units	20%-80% AMI	60% AMI	60%-80% AMI	Funding Award
Rancho Carlota	Habitat for Humanity	63	63			\$4,382,366 (<i>\$1,650,000 CDBG & \$2,732,366 Bond</i>)
Westside Reinvestment Initiative	Opportunity Home	5		5		\$218,655 (<i>Bond</i>)
Westside Affordable Homes	Our Casas	3			3	\$225,000 (<i>HOME</i>)
Total		71	63	5	3	\$4,826,021

Rental Acquisition, Rehabilitation and Preservation									
Project Name	Developer	Total Units	Income Base	30% AMI	50% AMI	60% AMI	80% AMI³	Market	Funding Award
Spanish Pecan	Pico Union	254	0	39	0	215	0	0	\$4,275,894 (Bond)
Winston Roselawn	Pico Union	206	0	31	0	175	0	0	\$4,750,894 (Bond)
Arbors at West Avenue	Prospera	234	43 ²	17	124	60 ²	33	0	\$2,000,000 (Bond)
Cottage Creek	Opportunity Home	449	268 ²	228 ²	39 ²	0	1 ²	181	\$1,740,069 (Bond)
Pecan Hill	Opportunity Home	100	100 ²	0	0	0	100	0	\$438,431 (Bond)
Woodhill	Opportunity Home	532	53 ¹	53 ¹	0	0	479	0	\$6,794,712 (Bond)
Total		1,775	464	368	163	450	613	181	\$20,000,000

Rental Acquisition, Rehabilitation and Preservation								
Project Name	Developer	Total Units	Public Housing	30% AMI	50% AMI	60% AMI	70% AMI	Funding Award
Alazan Expansion	Opportunity Home	88	88	88	0	0	0	\$8,227,426 (Bond)
Viento Apartments	NRP	324	0	49	0	161	114	\$4,000,000 (\$942,054 NSP, \$1,000,000 HOME & \$2,057,946 Bond)
Cattleman Square Lofts	Alamo Community Group	138	0	21	14	103	0	\$2,000,000 (Bond)
Fiesta Trails	NRP	60	0	18	12	30	0	\$1,500,000 (\$1,500,000 CDBG)
Vista at Silver Oaks	Atlantic Pacific	76	0	8	22	46	0	\$3,300,000 (Bond)
Total		686	88	184	48	340	114	\$19,027,426

SECTION 2. The City Manager or his designee, or the Director of Neighborhood and Housing Services of or her designee, or the Grants Administrator of the Division of Grants Monitoring and Administration, are hereby authorized to initiate, negotiate, and execute any and all documents and contracts (Contracts), that are necessary for: (a) ensuring the completion of the Projects in accordance with the requirements of the Housing Bond and each Project's respective RFP; (b) implementation of the funding awards as set forth herein; and (c) 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 for projects receiving federal funds as identified herein. Staff may adjust or align budgets and plans as necessary consistent with this Ordinance without further action of the City Council.

SECTION 3. The City Manager or his designee, or the Director of Neighborhood and Housing Services or her designee, are authorized to amend the Level II Center City Housing Incentive Policy Agreement between the City and ACG Cattleman's Square Lofts, LLC to extend the Commencement Date and Completion Dates for construction of the Project, in order to align the construction schedules, set forth in both Contracts.

SECTION 4. Execution of the Contracts for the Projects approved in this Ordinance shall be contingent upon final negotiations between the City and the developer(s), the successful completion of underwriting for each respective project, staff's approval of all construction plans, and the developer's receipt of all required permits, along with all other requirements of each individual contract which, in staff's discretion, are necessary to ensure successful completion of each Project.

SECTION 5. The City Manager, or his designee, the Director of Neighborhood and Housing Services or her designee, or the Grants Administrator of the Division of Grants Monitoring and Administration are each authorized to: (a) approve budget adjustments within project allocations to confirm with actual expenditures if line item costs overrun or are anticipated; and (b) adjust the number of units being constructed under the Contracts as necessary to adhere to underwriting requirements or through final Contract negotiations.

SECTION 6. Funding for each Contract is hereby appropriated and payment is authorized for the Projects listed herein in the amounts specified for each project.

SECTION 7. Payment is authorized to be encumbered and made payable to Pico Union in an amount not to exceed \$4,275,894.00. Payment is in support of the Rental Housing Acquisition, Rehab & Preservation Project, Spanish Pecan, using Fund 45099000 with the WBS element 23-04048-01-01-02-01-xx and GL account 5201140. Funding for this project is provided by GO Bonds and is in the FY2023-FY2028 CIP Budget.

SECTION 8. Payment is authorized to be encumbered and made payable to Pico Union in an amount not to exceed \$4,750,894.00. Payment is in support of the Rental Housing Acquisition, Rehab & Preservation Project, Winston Roselawn, using Fund 45099000 with the WBS element 23-04048-01-01-02-01-xx and GL account 5201140. Funding for this project is provided by GO Bonds and is in the FY2023-FY2028 CIP Budget.

SECTION 9. Payment is authorized to be encumbered and made payable to Prospera in an amount not to exceed \$2,000,000.00. Payment is in support of the Rental Housing Acquisition, Rehab & Preservation Project, Arbors at West Avenue, using Fund 45099000 with the WBS element 23-04048-01-01-02-01-xx and GL account 5201140. Funding for this project is provided by GO Bonds and is in the FY2023-FY2028 CIP Budget.

SECTION 10. Payment is authorized to be encumbered and made payable to Opportunity Home in an amount not to exceed \$1,740,069.00. Payment is in support of the Rental Housing Acquisition, Rehab & Preservation Project, Cottage Creek, using Fund 45099000 with the WBS element 23-04048-01-01-02-01-xx and GL account 5201140. Funding for this project is provided by GO Bonds and is in the FY2023-FY2028 CIP Budget.

SECTION 11. Payment is authorized to be encumbered and made payable to Opportunity Home in an amount not to exceed \$438,431.00. Payment is in support of the Rental Housing Acquisition, Rehab & Preservation Project, Pecan Hill, using Fund 45099000 with the WBS element 23-04048-01-01-02-01-xx and GL account 5201140. Funding for this project is provided by GO Bonds and is in the FY2023-FY2028 CIP Budget.

SECTION 12. Payment is authorized to be encumbered and made payable to Opportunity Home in an amount not to exceed \$6,794,712.00. Payment is in support of the Rental Housing Acquisition, Rehab & Preservation Project, Woodhill, using Fund 45099000 with the WBS element 23-04048-01-01-02-01-xx and GL account 5201140. Funding for this project is provided by GO Bonds and is in the FY2023-FY2028 CIP Budget.

SECTION 13. Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

SECTION 14. Payment is authorized to be encumbered and made payable to Habitat for Humanity in an amount not to exceed \$4,382,366.00. Payment is in support of the Homeownership Production Project, Rancho Carlota, using Fund 45099000 with the WBS element 23-04051-01-01-02-01-xx and GL account 5201140. Funding for this project is provided by GO Bonds and is in the FY2023-FY2028 CIP Budget.

SECTION 15. Payment is authorized to be encumbered and made payable to Opportunity Home in an amount not to exceed \$218,655.00. Payment is in support of the Homeownership Production Project, Westside Reinvestment Initiative, using Fund 45099000 with the WBS element 23-04051-01-01-02-01-xx and GL account 5201140. Funding for this project is provided by GO Bonds and is in the FY2023-FY2028 CIP Budget.

SECTION 16. Payment is authorized to be encumbered and made payable to Our Casas in an amount not to exceed \$225,000.00. Payment is in support of the Homeownership Production Project, Westside Affordable Housing, using Fund 45099000 with the WBS element 23-04051-01-01-02-01-xx and GL account 5201140. Funding for this project is provided by GO Bonds and is in the FY2023-FY2028 CIP Budget.

SECTION 17. Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

SECTION 18. Payment is authorized to be encumbered and made payable to Opportunity Home in an amount not to exceed \$8,227,426.00. Payment is in support of the Rental Housing Production Project, Alazan Expansion, using Fund 45099000 with the WBS element 23-04050-01-01-02-01-xx and GL account 5201140. Funding for this project is provided by GO Bonds and is in the FY2023-FY2028 CIP Budget.

SECTION 19. Payment is authorized to be encumbered and made payable to NRP in an amount not to exceed \$4,000,000.00. Payment is in support of the Rental Housing Production Project, Viento, using Fund 45099000 with the WBS element 23-04050-01-01-02-01-xx and GL account 5201140. Funding for this project is provided by GO Bonds and is in the FY2023-FY2028 CIP Budget.

SECTION 20. Payment is authorized to be encumbered and made payable to Alamo Community Group in an amount not to exceed \$2,000,000.00. Payment is in support of the Rental Housing Production Project, Cattleman Square Lofts, using Fund 45099000 with the WBS element 23-04050-01-01-02-01-xx and GL account 5201140. Funding for this project is provided by GO Bonds and is in the FY2023-FY2028 CIP Budget.

SECTION 21. Payment is authorized to be encumbered and made payable to NRP in an amount not to exceed \$1,500,000.00. Payment is in support of the Rental Housing Production Project, Fiesta Trails, using Fund 45099000 with the WBS element 23-04050-01-01-02-01-xx and GL account 5201140. Funding for this project is provided by GO Bonds and is in the FY2023-FY2028 CIP Budget.

SECTION 22. Payment is authorized to be encumbered and made payable to Atlantic Pacific in an amount not to exceed \$3,300,000.00. Payment is in support of the Rental Housing Production Project, Vistas at Silver Oaks, using Fund 45099000 with the WBS element 23-04050-01-01-02-01-xx and GL account 5201140. Funding for this project is provided by GO Bonds and is in the FY2023-FY2028 CIP Budget.

SECTION 23. Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

SECTION 24. 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 Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 25. 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.

JYW
12/15/2022
Item No.

SECTION 26. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED on this 15th day of December, 2022.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

JYW
12/15/2022
Item No.

ATTACHMENT I

Development Agreement for Affordable
Rental Housing Production and Acquisition

DRAFT

JYW
12/15/2022
Item No.

ATTACHMENT II

Development Agreement for Production
of Affordable Single Family Residential Homes

DRAFT

JYW
12/15/2022
Item No.

ATTACHMENT III

Development Agreement for Affordable
Rental Housing Acquisition, Rehabilitation, and Preservation

DRAFT