

ORDINANCE

APPROVING THE ISSUANCE BY THE SAN ANTONIO HOUSING TRUST PUBLIC FACILITY CORPORATION OF ITS “MULTIFAMILY HOUSING REVENUE BONDS (CATTLEMAN SQUARE LOFTS APARTMENTS) SERIES 2022” (THE “BONDS”) FOR PURPOSES OF SECTION 147 (F) OF THE INTERNAL REVENUE CODE AND IN ORDER TO COMPLY WITH THE SAN ANTONIO HOUSING TRUST PUBLIC FACILITY CORPORATION’S ORGANIZATIONAL DOCUMENTS.

* * * * *

WHEREAS, the Housing Authority of the City of San Antonio, Texas (the “Housing Authority”) has, pursuant to the Texas Public Facility Corporations Act, Chapter 303 Texas Local Government Code, as amended (the “Act”), approved and created the San Antonio Housing Trust Public Facility Corporation, a Texas nonstock, nonprofit public facility corporation (the “Issuer”); and

WHEREAS, the Issuer is empowered to issue revenue bonds to finance the costs of residential ownership and development that will provide decent, safe, and sanitary housing at affordable prices for residents of the City of San Antonio (the “City”), and in furtherance of the public purposes of the Act; and

WHEREAS, the City was contacted regarding the Issuer financing up to a maximum aggregate amount of \$25,000,000.00 for the costs of acquiring, rehabilitating, and equipping a 138-unit affordable multifamily housing facility (the “Project”) to be located at approximately 811 West Houston Street, in City Council District 5, for the benefit of ACG Cattleman Square, LP (the “Borrower”); and

WHEREAS, all units in the project will be made available to families whose incomes are 60% or less than the median income. In addition, the rents will be restricted to 30% of the tenant’s income. These restrictions will remain in place for 40 years; and

WHEREAS, pursuant to section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), the Issuer conducted a public hearing on March 21, 2022 (the “Hearing”), following reasonable public notice with respect to the Bonds and the Project in the City; and

WHEREAS, in order to satisfy the requirements of section 147(f) of the Code, it is necessary for the City Council or the Mayor of the City in which the Project is located to approve the Bonds after the Hearing has been held, together with any other necessary elected official or governing body pursuant to the Code; and

WHEREAS, it is deemed necessary and advisable that this Ordinance be adopted; **NOW, THEREFORE**,

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

SECTION 1. This Ordinance is adopted for the purposes of section 147(f) of the Code and the regulations promulgated thereunder.

SECTION 2. The Bonds, which will be issued in a maximum aggregate principal amount not to exceed \$25,000,000.00 to finance the costs associated with the Project and to pay certain costs of issuance of the Bonds, are hereby approved pursuant to section 147(f) of the Code.

SECTION 3. The approvals herein given are in accordance with the provisions of section 147(f) of the Code, and are not to be construed as any undertaking by the City, and the Bonds shall never constitute an indebtedness or pledge of the City, or the State of Texas, within the meaning of any constitutional or statutory provision, and the holders of the Bonds shall never be paid in whole or in part out of any funds raised or to be raised by taxation or any part out of any funds raised or to be raised by taxation or any other revenues of the Issuer, the City, or the State of Texas, except those revenues assigned and pledged by the Issuer in the [Indenture of Trust] to be executed by the Issuer in connection with the issuance of the Bonds.

SECTION 4. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 5. All resolutions or ordinances, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 6. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 7. If any section, paragraph, clause, or provision of this Ordinance shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance. In case any obligation of the Issuer authorized or established by this Ordinance or the Bonds is held to be in violation of law as applied to any person or in any circumstance, such obligation shall be deemed to be the obligation of the Issuer to the fullest extent permitted by law.

SECTION 8. Funds received for this ordinance for administrative fees will be deposited in Fund 11001000, Internal Order 2800000000006 and General Ledger 4909930.

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. The effective date of this Ordinance shall be governed by the provisions of Section 1-15 of the City Code of San Antonio, Texas. This Ordinance is effective immediately if passed

TR
6/16/22
Item No. 22-184682

by eight (8) affirmative votes; otherwise, this Ordinance is effective ten (10) days from the date of passage.

PASSED AND ADOPTED by an affirmative vote of _____ members of the City Council of the City of San Antonio, Texas, this the ____ day of June, 2022.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney