

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

AN ORDINANCE

AUTHORIZING (1) THE REPROGRAMMING OF UP TO \$484,000.00 OF FY 2016 HOME FUNDS FOR THE LENWOOD HEIGHTS SUBDIVISION-PHASE II PROJECT; A SUBSTANTIAL AMENDMENT TO THE FY 2016 ANNUAL ACTION PLAN AND BUDGET TO REPROGRAM SAID FUNDS; THE CLOSE-OUT AND CANCELLATION OF THE AFFECTED PROJECT AND THE CREATION OF THE NEW PROJECT BUDGET; THE EXECUTION AND SUBMISSION OF CONTRACTS AND OTHER DOCUMENTS AS NECESSARY; AND PAYMENT; AND (2) AUTHORIZING THE ALLOCATION OF UP TO \$1,250,000.00 OF FY 2017 HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS FOR THE DEVELOPMENT OF THE LORD ROAD APARTMENTS; UP TO \$174,400.00 OF FY 2017 HOME COMMUNITY HOUSING DEVELOPMENT ORGANIZATION FUNDS FOR THE OUR CASAS RESIDENT COUNCIL'S SCATTERED SITES PROJECT; AND UP TO \$1,045,600.00 OF FY 2017 HOME COMMUNITY HOUSING DEVELOPMENT ORGANIZATION FUNDS FOR THE LENWOOD HEIGHTS SUBDIVISION-PHASE II PROJECT.

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WHEREAS, HOME Investment Partnerships Program ("HOME") funds available in previously-appropriated projects may, pursuant to regulations of the U.S. Department of Housing and Urban Development ("HUD"), be retained by grantees for reprogramming to provide supplementation to existing projects and/or funding in support of new programs; and

WHEREAS, the City of San Antonio ("City") is a HOME fund grantee; and

WHEREAS, the sum of \$484,400.00 is currently available in HOME funds for said reprogramming and allocation after the original grantee, Franklin Development, informed the City it was unable to use such funds for its Artisan at Judson Park Multi-Family Rental Housing Development due to time constraints related to HUD's environmental review requirements; and

WHEREAS, it is the desire of the City to reprogram and allocate an amount not to exceed \$484,400.00 to Habitat for Humanity of San Antonio, Inc.'s Lenwood Heights Subdivision-Phase II, a Community Housing Development Organization ("CHDO") Single-Family New Construction project; and

WHEREAS, in order to reprogram said funds, it is necessary to authorize a substantial amendment to the City's FY 2016 Annual Action Plan and Budget; and

WHEREAS, pursuant to applicable HUD regulations, statutory requirements, and/or City Council policy designed to ensure adequate citizen input, a public hearing is required prior to any reprogramming of or modification to funds or projects; and

WHEREAS, the required notice having been duly published, and said public hearing having been held before City Council on September 29, 2016, it is now the desire of the City to formally allocate the reprogrammable HOME funds at issue; and

WHEREAS, on August 4, 2016, pursuant to Ordinance No. 2016-08-04-0554, City Council approved the FY 2017 HOME Investment Partnerships Funding Budget, which included a \$1,250,000.00 set aside for Multi-Family Rental Housing Development and \$1,220,000.00 set aside for CHDO Single-Family New Construction development; and

WHEREAS, the City released a Request for Applications seeking applications to allocate the HOME funds to develop low and moderate income housing projects; and

WHEREAS, in connection therewith, the City evaluated applications based on the experience of the developers, efficient use of HOME funds, project feasibility, loan terms, site characteristics, transit amenities, project readiness, resident services, and the developer's Section 3 Utilization Plan (collectively, the "Evaluation Criteria"); and

WHEREAS, based on the Evaluation Criteria, the City selected the NRP Group's Lord Road Apartments project, the Our Casas Resident Council's Scattered Sites project, and Habitat for Humanity of San Antonio, Inc.'s Lenwood Heights Subdivision-Phase II project to receive the FY 2017 HOME funds at issue; and

WHEREAS, the NRP Group's Lord Road Apartments, located at Lord Road and W.W. White Road in Council District 2, will consist of three hundred twenty-four (324) rental units, eleven (11) of which will be HOME-assisted units, eight (8) of which shall be restricted to households at eighty percent (80%) of San Antonio's area median income ("AMI") and three (3) of which shall be restricted to households at fifty percent (50%) of AMI; and

WHEREAS, the Scattered Sites project to be developed by Our Casas Resident's Council, a CHDO, is located in Council District 5 and will consist of the development of five (5) lots available to first-time homebuyers whose income is at or below eighty percent (80%) of AMI; and

WHEREAS, Habitat for Humanity of San Antonio, Inc.'s Lenwood Heights Subdivision-Phase II project, located at 259 S. Acme Road (south of Commerce) in Council District 6, will consist of the development of fifteen (15) lots available to first-time homebuyers whose income is at or below eighty percent (80%) of AMI; and

WHEREAS, it is the City Council's intention to approve the allocation of up to \$1,250,000.00 of FY 2017 HOME funds for the development of the Lord Road Apartments; up to \$174,400.00 of FY 2017 HOME CHDO funds for the Our Casas Resident Council's Scattered Sites project;

and up to \$1,045,600.00 of FY 2017 HOME CHDO funds for the Lenwood Heights Subdivision–Phase II project; **NOW THEREFORE:**

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

SECTION 1. Revisions to the HOME projects and modifications to the budgets and reprogramming in support thereof in an amount not to exceed \$484,400.00 available from Artisan at Judson Park Multi-Family Rental Housing Development project to the Lenwood Heights–Phase II CHDO Single-Family New Construction project are hereby authorized in accordance with the budget revision schedule affixed hereto and incorporated by reference herein for all purposes as **Attachment I**. The allocation and appropriation of funds consistent with **Attachment I** are hereby authorized.

SECTION 2. 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 3. A substantial amendment to the City’s FY 2016 Annual Action Plan and Budget to reprogram said funds in the HOME budget is hereby authorized. The Grants Administrator of the Division of Grants Monitoring and Administration is hereby authorized to execute any and all documents in connection with said amendment.

SECTION 4. The allocation of up to \$1,250,000.00 of FY 2017 HOME funds for the NRP Group’s Lord Road Apartments Multi-Family Rental Housing Development is hereby authorized.

SECTION 5. The allocations of FY 2017 HOME CHDO funds of up to \$174,400.00 to Our Casas Resident Council’s Scattered Site project and up to \$1,045,600.00 to Habitat for Humanity of San Antonio, Inc.’s Lenwood Heights Subdivision–Phase II project are hereby authorized.

SECTION 6. The Director of the City’s Finance Department 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 her designee, the Director of the Department of Planning and Community Development or her designee, or the Grants Administrator of the Division of Grants Monitoring and Administration is 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; (e) execute any and all necessary documents in connection with the projects set forth above; and (f) provide for payment.

SECTION 7. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager’s designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund

Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 8. This Ordinance is effective immediately upon the receipt of eight (8) affirmative votes; otherwise, it is effective ten (10) days after passage.

PASSED AND APPROVED this _____ day of _____, 2016.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

City Attorney

DRAFT