

RESOLUTION 2020-09-03-0039R

**OF NO OBJECTION FOR COPERNICUS APARTMENTS LTD'S APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE NON-COMPETITIVE 4% HOUSING TAX CREDITS PROGRAM FOR THE CONSTRUCTION OF THE COPERNICUS APARTMENTS, A 330-UNIT MULTI-FAMILY RENTAL HOUSING DEVELOPMENT LOCATED IN COUNCIL DISTRICT 2; ALLOWING THE CONSTRUCTION OF THE DEVELOPMENT TO BE LOCATED WITHIN ONE LINEAR MILE OR LESS FROM ANOTHER DEVELOPMENT; ACKNOWLEDGING THE DEVELOPMENT WILL RESULT IN MORE THAN 20% OF TOTAL HOUSING UNITS IN THE PROPOSED CENSUS TRACT BEING SUPPORTED BY HOUSING TAX CREDITS; AND ACKNOWLEDGING THE HIGH POVERTY RATE IN THE CENSUS TRACT THE PROPOSED DEVELOPMENT WILL BE LOCATED IN AND AUTHORIZING THE DEVELOPMENT TO MOVE FORWARD.**

\* \* \* \* \*

**WHEREAS**, Copernicus Apartments Ltd (the "Applicant") has proposed a 330-unit affordable multi-family rental housing development called Copernicus Apartments (the "Development"), to be located at 439 SE Loop 410 in the City of San Antonio, Texas (the "City"); and

**WHEREAS**, the Applicant will submit an application to the Texas Department of Housing and Community Affairs ("TDHCA") for the 2020 or 2021 Non-Competitive 4% Housing Tax Credits for the Development (the "Application"); and

**WHEREAS**, notice 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' 2020 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- (C) has not been withdrawn or terminated from the Housing Tax Credit Program; and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 waive the “three year, one mile rule” in order to increase the amount of affordable housing within the area in which both Developments will be located; and

**WHEREAS**, in accordance with 10 TAC §11.3 (e) and §11.4 (c)(1), the City acknowledges that the Development is proposed to be located in a census tract that has more than 20% Housing Tax Credit Units per total households as established by the 5-year American Community Survey; and

**WHEREAS**, pursuant to section 11.101(a)(3)(D)(i) of the Texas Department of Housing and Community Affairs’ 2020 Qualified Allocation Plan, mitigation for Developments in a census tract with a poverty rate that exceeds 40% must be in the form of a resolution from the Governing Body of the appropriate municipality or county containing the Development by referencing this rule and/ or acknowledging the high poverty rate and authorizing the Development to move forward; and

**WHEREAS**, the City acknowledges the proposed New Construction Development is located in a high poverty Census Tract, which has a poverty rate of greater than 40% per the 2013-2017 5-year American Community Survey published by the U.S. Census Bureau; and

**WHEREAS**, upon said hearing and after due consideration of the information provided by the Applicant and public comment, the City Council shall provide a Resolution of No Objection as required by the TDHCA 2020 or 2021 Housing Tax Credit Application for the Development;  
**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 §10.204(4), the City hereby certifies and finds that:

- (i) Notice has been provided to the City in accordance with Texas Government Code §2306.67071(a); and
- (ii) The Governing Body has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; and
- (iii) The Governing Body has held a hearing at which public comment may be made on the proposed Development 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 Governing Body does not object to the proposed Application.

**SECTION 2.** The City hereby confirms that it does not object to the Application to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed Copernicus Apartments (the "Development"), to be located at 439 SE Loop 410 in the City of San Antonio, Texas.

**SECTION 3.** The City hereby finds that the 330-unit affordable multi-family rental housing development named Copernicus Apartments (the "Development"), to be located at 439 SE Loop 410 in Council District 2 in the City of San Antonio, Texas 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 since January 4, 2017.

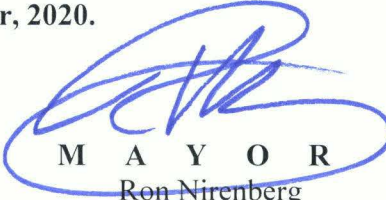
**SECTION 4.** The City hereby confirms that it does not object to the Applicant's Application to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed Copernicus Apartments (the "Development"), to be located at 439 SE Loop 410 in Council District 2 in the City of San Antonio, Texas and the City Council hereby votes specifically to allow the construction of the Development pursuant to 10 TAC §11.3 (e) and §11.4 (c)(1)-TDHCA Qualified Allocation Plan.

**SECTION 5.** The City Council of the City of San Antonio, Texas has voted to specifically allow the construction of the 330-unit affordable multi-family rental housing development named Copernicus Apartments (the "Development"), to be located at 439 SE Loop 410 in the City of San Antonio, Texas and to authorize an allocation of Housing Tax Credits for the Development.

**SECTION 6.** 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 7.** This Resolution is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

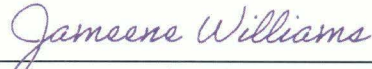
**PASSED AND APPROVED this 3<sup>rd</sup> day of September, 2020.**

  
M A Y O R  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Tina J. Flores, City Clerk

 for  
\_\_\_\_\_  
Andrew Segovia, City Attorney



# City of San Antonio

City Council  
September 3, 2020

Item: 22

Enactment Number:  
2020-09-03-0039R

NAME	MOTION	SECOND	ABSTAIN	AYE	NAY	ABSENT
Roberto Treviño Council District 1				√		
Jada Andrews-Sullivan Council District 2				√		
Rebecca Viagran Council District 3				√		
Adriana Rocha Garcia Council District 4				√		
Shirley Gonzales Council District 5				√		
Melissa Cabello Havrda Council District 6				√		
Ana Sandoval Council District 7				√		
Manny Pelaez Council District 8		√		√		
John Courage Council District 9	√			√		
Clayton Perry Council District 10				√		
Ron Nirenberg Mayor				√		

Comments:

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