

ORDINANCE 2019-03-21-0239

**APPROVING A RISK MITIGATION POLICY FOR THE CITY OF SAN ANTONIO TO MINIMIZE RESIDENTIAL DISPLACEMENT**

\* \* \* \* \*

**WHEREAS**, in August 2018 the City Council of the City of San Antonio accepted the Mayor's Housing Policy's Task Force's Housing Policy Framework which set forth several policy recommendations to combat the City's affordable housing challenges; and

**WHEREAS**, one of the Task Force's recommendations was for the City to establish a policy to mitigate displacement of vulnerable populations; and

**WHEREAS**, staff recommends that the City adopt the Risk Mitigation Policy as recommended by the Task Force; **NOW THEREFORE:**

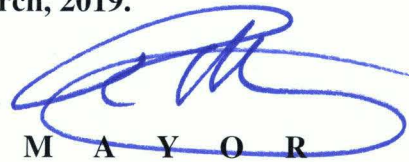
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS:**

**SECTION 1.** The Risk Mitigation Policy is adopted as recommended by the Mayor's Housing Policy Task Force. A copy of the policy is attached and incorporated by reference **ATTACHMENT I.**

**SECTION 2.** No funds will be expended by this Ordinance.

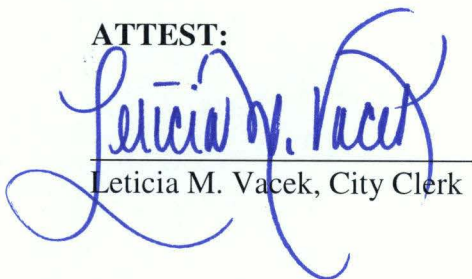
**SECTION 3.** This Ordinance is effective immediately upon its passage by eight affirmative votes of the City Council. If less than eight affirmative votes are received, then this Ordinance is effective ten days after passage.

**PASSED AND APPROVED this 21<sup>st</sup> day of March, 2019.**



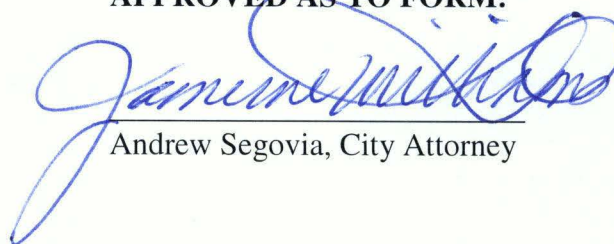
**M A Y O R**  
Ron Nirenberg

**ATTEST:**




Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**



Andrew Segovia, City Attorney

|                     |  |                    |            |            |   |               |               |
|---------------------|--|--------------------|------------|------------|---|---------------|---------------|
| <b>Agenda Item:</b> | <b>34</b>  |                    |            |            |   |               |               |
| <b>Date:</b>        | 03/21/2019   |                    |            |            |   |               |               |
| <b>Time:</b>        | 10:45:42 AM  |                    |            |            |   |               |               |
| <b>Vote Type:</b>   | Motion to Approve  |                    |            |            |   |               |               |
| <b>Description:</b> | Ordinance approving the Risk Mitigation Policy for the \$1 million Risk Mitigation Fund included in the FY 2019 Adopted General Fund Budget establishing guidelines for housing relocation assistance and emergency housing assistance funding as a result of certain conditions. [Peter Zanoni, Deputy City Manager; Verónica R. Soto, Director, Neighborhood and Housing Services] |                    |            |            |   |               |               |
| <b>Result:</b>      | Passed   |                    |            |            |   |               |               |
| <b>Voter</b>        | <b>Group</b>   | <b>Not Present</b> | <b>Yea</b> | <b>Nay</b> | <b>Abstain</b>  | <b>Motion</b> | <b>Second</b> |
| Ron Nirenberg       | Mayor  |                    | x          |            |   |               |               |
| Roberto C. Treviño  | District 1   |                    | x          |            |   |               |               |
| Art A. Hall         | District 2   |                    | x          |            |   |               |               |
| Rebecca Viagran     | District 3   |                    | x          |            |  | x             |               |
| Rey Saldaña         | District 4   |                    | x          |            |   |               |               |
| Shirley Gonzales    | District 5   |                    | x          |            |   |               | x             |
| Greg Brockhouse     | District 6   |                    | x          |            |   |               |               |
| Ana E. Sandoval     | District 7   |                    | x          |            |   |               |               |
| Manny Pelaez        | District 8   |                    | x          |            |   |               |               |
| John Courage        | District 9   |                    | x          |            |   |               |               |
| Clayton H. Perry    | District 10  |                    | x          |            |   |               |               |

JYW  
03/21/2019  
Item No. 34

# ATTACHMENT I



# **Risk Mitigation Fund Policy**

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**The assistance provided under this policy is contingent upon appropriation of funds by City Council and the allocation of resources to implement this policy.  
All assistance is subject to the availability of funds.**



**Table of Contents**

INTRODUCTION..... 2

SUMMARY OF RENTAL & EMERGENCY ASSISTANCE ..... 3

I. RESIDENT RELOCATION ASSISTANCE PROGRAM (RRAP)..... 4

    A. POLICY PURPOSE..... 4

    B. ELIGIBILITY..... 4

    C. EXCEPTIONS ..... 5

    D. PROCEDURE..... 5

    E. RELOCATION ASSISTANCE..... 6

II. EMERGENCY ASSISTANCE FOR HOUSING STABILIZATION..... 7

    A. POLICY PURPOSE..... 7

    B. ELIGIBILITY..... 7

    C. FINANCIAL ASSISTANCE ..... 7

        Renters..... 8

        Homeowners..... 8

DEFINITIONS..... 9

APPENDIX I ..... 10

    Table C: Criteria for the Proof of Hardship for Emergency Assistance Program for Housing Stabilization..... 10

DRAFT

## INTRODUCTION

The Mayor's Housing Policy Task Force (MHPTF) recommended a variety of policies and strategies in the compassionate spirit of embracing change without harming the existing communities that make up the San Antonio we know today. The MHPTF policy recommendations include strategies to mitigate, prevent, and minimize displacement in the face of the community change we know has already begun.

Mitigating displacement is one component of a comprehensive and compassionate housing policy framework that recognizes residents who are currently being displaced and need immediate assistance while the City address the root causes of displacement.

The Risk Mitigation Policy represents one part of the City's approach to preventing, mitigating, and minimizing displacement. The City's overall approach to displacement prevention will be to expand beyond current rehabilitation/preservation dollars, address rising property taxes through legislative efforts, and conduct a city-wide outreach campaign to educate residents on homeownership tax exemptions, predatory home buying tactics and fair housing rights. Other displacement prevention policies being explored by NHSD include Neighborhood Empowerment Zones, Homestead Preservation Districts and community land trusts.

In October of 2018, The Risk Mitigation Fund was created by City Council as a first step in mitigating displacement. This fund provides support through three mechanisms: relocation assistance for households that are directly displaced, emergency assistance to help households stay housed in a moment of crisis, and the creation of a rental incentive fund to help the most vulnerable households with barriers to finding affordable housing. The City will proactively work with vulnerable communities and households who apply for or access the fund to ensure it can be adaptable to changing community need. The City will analyze the data collected and review the program not less than annually to ensure we are providing the best assistance to the community.

Following the adoption of this policy, the City will continue to build on the MHPTF's work, focusing on preventing and minimizing displacement. This means looking closely at our development incentive policies, which are already being amended so that they will not be awarded to proposals which will result in direct displacement. It also means working proactively with private market housing providers and the development community. This policy creates a new avenue for property owners who must relocate residents to go beyond the state-mandated minimums. The City will proactively approach property owners in this scenario to offer residents more time and to partner with the City to ensure they have the supports they need.

The Department of Neighborhood and Housing Services thanks all of the stakeholders and participants who provided input in the development of this Risk Mitigation Policy.



## SUMMARY OF RENTAL & EMERGENCY ASSISTANCE

| If your household...   | You may be eligible for...  |
|--|---|
| <ul style="list-style-type: none"> <li>Is forced to move from an apartment or mobile home park due to redevelopment, rehabilitation, or a code enforcement action against the property owner</li> <li>Is experiencing an increase in rent of 5% or more which results in your housing no longer being affordable to you</li> </ul> | <p>Up to \$3,000 (multi-family) or \$7,000 (mobile home) for:</p> <ul style="list-style-type: none"> <li>Coverage of moving-related expenses, including deposits for your new rental unit or site preparation cost for mobile home</li> <li>Housing counseling and resource referral for supportive services</li> <li>Households with elderly or disabled members are eligible for an additional \$500</li> </ul> |
| <ul style="list-style-type: none"> <li>Is experiencing an emergency hardship that puts you behind on rent, mortgage, or utilities</li> </ul>   | <p>Up to \$3,500 for rent or mortgage and up to \$1,500 for utilities:</p> <ul style="list-style-type: none"> <li>One-time financial assistance in a 12 month period</li> <li>Housing counseling and resource referral for supportive services</li> </ul>   |

### Important Information:

- This program is for households within the city limits of San Antonio
- You'll be asked to provide information related to your income and hardship
- Your household must have a total income that is less than or equal to 100% of Area Median Income (AMI) as determined by the US Department of Housing and Urban Development (HUD.)
- Payments will be made on your behalf to vendors such as utility companies, property managers, and movers
- This is one-time assistance for households annually
- To qualify for assistance due to a rent increase, the increase must be at least 5% and your housing costs must exceed 30% of your income
- Applicant must be the primary lease or mortgage holder

**I. RESIDENT RELOCATION ASSISTANCE PROGRAM (RRAP)**

**A. POLICY PURPOSE**

To provide relocation assistance to households impacted by redevelopment, rehabilitation, or a code enforcement action against the owner of the multifamily development or mobile home park in which they reside. The policy also provides relocation assistance for households who experience at least a 5% increase in rental housing costs, resulting in the dwelling unit being unaffordable to the household.

**B. ELIGIBILITY**

Applicants must meet all of the following criteria:

- a. Be a current resident of the city of San Antonio
- b. Have a household income at or below 100% of the San Antonio-New Braunfels Metropolitan Statistical Area Median Income (AMI), as determined by the US Department of Housing and Urban Development (HUD)
- c. Be the primary lease holder in a multifamily unit or a lot in a mobile home park and meet one of the following:
  - i. Be subject to redevelopment or a code enforcement action against the property owner of the rental housing in which they reside or;
  - ii. Be subject to a qualifying rent increase
    - a) The household must provide documentation demonstrating a rental rate increase within a 12-month period that is at least:

| Qualifying Rent Increase |                  |
|--------------------------|------------------|
| Income Level             | Minimum Increase |
| At or below 60% AMI      | 5%               |
| 61-80% AMI               | 7%               |
| 81-100% AMI              | 10%              |

- b) The proposed increase must bring total housing cost to over 30% of household income
- c) Have not received relocation assistance over the allowable limits under this program in the previous 12 months
- d) Mobile home residents must lease a lot in a mobile home park or the home itself



### C. EXCEPTIONS

This policy does not apply to the following circumstances:

- a) For relocation assistance sought due to redevelopment or a code enforcement action against the property owner:
  - i. A dwelling unit that is vacated because of damage caused by the household
  - ii. Events beyond the owner's control, including but not limited to fire, vandalism, natural disaster, or other destruction
  - iii. A household that qualifies for relocation assistance under federal or state law
  - iv. Relocation that is being provided by the property owner exceeding the requirements of this policy
  - v. A dwelling unit where the landlord has provided a fixed term tenancy and notified the household prior to occupancy
  - vi. A dwelling unit operated as emergency or temporary shelter for persons experiencing homelessness
- b) For relocation assistance sought due to an increase in rental costs, the policy does not apply to the following circumstances:
  - i. Rental agreements for week-to-week tenancies
  - ii. Renters that occupy the same dwelling unit as the owner/landlord

### D. PROCEDURE

The process of receiving relocation assistance can be initiated in two ways:

- a) Households who receive a notice to vacate or have been notified of a qualifying increase in rental costs may submit an application for assistance to the Neighborhood and Housing Services Department (NHSD) with the required documentation identified in Section I (B)
- b) Property owners who plan to issue notices to vacate due to redevelopment are strongly encouraged to partner with the City by notifying NHSD ten (10) business days prior to issuing notices to vacate. By partnering with the City, the property owner shall:
  - i. Provide written notice to vacate in English and Spanish to all residents. The minimum notice shall be;
    - a) 90 days for multifamily developments or;
    - b) 180 days for mobile home parks
  - ii. Agree to hold at least two meetings in coordination with NHSD to ensure residents are aware of the impending relocation, RRAP, and the City's housing navigation services. The meetings should be held at a time and place that is convenient for the owner, NHSD, and the households who received notices to vacate
  - iii. Financial assistance is dependent on the availability of funding
  - iv. Households are subject to the eligibility requirements outlined in section (B) of this policy

**E. RELOCATION ASSISTANCE**

- a. The types of assistance available under RRAP include:
  - i. Housing counseling services including referrals and coordination with schools as needed. Referrals will be made to service and housing providers within the household's neighborhoods of choice when possible
  - ii. Financial assistance for reasonable relocation and moving expenses, including the following:
    - a) First month's rent
    - b) Application fees and deposits
    - c) Security deposit at replacement housing
    - d) Rental of moving truck and movers
    - e) Moving materials such as boxes and moving pads
    - f) Outstanding utility debt
    - g) Utility connection and disconnection fees or deposits, where these cannot be waived
    - h) Costs specific to mobile homes including:
      - 1. Relocation of a mobile home
      - 2. Storage of items while the home is being transported
      - 3. Mobile home park fees
      - 4. Site preparation (including preparing a pad, utility connections, repairs and skirting)
- b. Households with elderly or disabled individuals are eligible to receive an additional \$500
- c. Households being relocated due to a code enforcement action against the owner of the multifamily development or mobile home park in which they reside are eligible to receive financial assistance for hotel stays and storage until new housing is secured, subject to the eligibility requirements in Section B
- d. The amount of assistance for which a household is eligible will be determined by the household's income and current housing unit type (multifamily or mobile home) in accordance with Table A. City staff shall use a tiered approach to prioritize assisting households with the greatest need



**Table A: Resident Relocation Assistance Program Allowances**

| Relocation Assistance* |                 |                  |
|------------------------|-----------------|------------------|
| Income**               | Multifamily     | Mobile Home Park |
| ≤ 80% AMI              | • Up to \$3,000 | • Up to \$7,000  |
| 81-100% AMI            | • Up to \$2,250 | • Up to \$5,250  |

\* Households with elderly or disabled individuals are eligible to receive an additional \$500. Households relocating due to a code enforcement action may receive additional funding to cover hotel and storage costs until new housing is secured.

\*\* San Antonio-New Braunfels Metropolitan Statistical Area Median Income (AMI) for the current year, as determined by the US Department of Housing and Urban Development (HUD).

## II. EMERGENCY ASSISTANCE FOR HOUSING STABILIZATION

### A. POLICY PURPOSE

To provide assistance and housing counseling services to stabilize renter and homeowner households experiencing emergency situations affecting their ability to pay rent-related and utility expenses.

### B. ELIGIBILITY

Applicants must meet all the following criteria:

- a. Be a current resident of the City of San Antonio
- b. Be the primary lease or mortgage holder in a multifamily unit, mobile home, or single family home within the city limits of San Antonio
- c. Have a household income at or below 100% AMI as defined by HUD
- d. Provide documentation for the proof of hardship that renders the household unable to pay rent or utilities as identified in Appendix I, Table C

### C. FINANCIAL ASSISTANCE

The City will conduct an assessment to determine the exact amount of financial assistance available to each household. The City in its sole discretion will determine eligible expenses and administer assistance directly to the provider.

City staff shall provide assistance based on income and use a tiered approach to assist households with the greatest need.



**Table B: Emergency Assistance for Housing Stabilization Allowances**

| Emergency Assistance |  |  |
|----------------------|--|--|
| Income*              | Renters  | Homeowners   |
| ≤ 80% AMI            | <ul style="list-style-type: none"> <li>• Up to \$3,500 for rent and;</li> <li>• Up to \$1,500 for utilities</li> </ul> | <ul style="list-style-type: none"> <li>• Up to \$3,500 for mortgage assistance</li> <li>• Up to \$1,500 for utilities</li> </ul> |
| 81-100% AMI          | <ul style="list-style-type: none"> <li>• Up to \$2,625 for rent and;</li> <li>• Up to \$1,125 for utilities</li> </ul> | <ul style="list-style-type: none"> <li>• Up to \$2,625 for mortgage assistance</li> <li>• Up to \$1,125 for utilities</li> </ul> |

\* San Antonio-New Braunfels Metropolitan Statistical Area Median Income (AMI) for the current year, as determined by the US Department of Housing and Urban Development (HUD).

**Renters**

- a. Assistance will be administered directly to property management on behalf of the applicant
- b. Households will be eligible to receive up to three (3) months of rent and rent-related assistance. Assistance can only be provided once over a 12 month period. After the first month of assistance, if a proof of hardship persists, the household can receive up to two monthly rent payments, subject to an assessment conducted by Fair Housing staff
- c. A household is eligible to receive:
  - i. Up to \$3,500 for rent-related expenses per household per 12 month period
  - ii. Up to \$1,500 for utility expenses per household per 12 month period
- d. Utility assistance covers electricity or water bills only, and payment will be deposited directly to the utility companies (CPS and SAWS)
- e. Fair housing counseling referrals include those to social and financial service agencies offering relevant services, counseling and resources

**Homeowners**

- a. Assistance per household will be up to \$1,500 in utilities and \$3,500 per household per 12 month period
- b. Only mortgages on principal residences are eligible
- c. Utility assistance covers electricity or water bills only, and payment will be deposited directly to the utility companies (CPS and SAWS)
- d. Fair housing counseling referrals include those to social and financial service agencies offering relevant services, counseling and resources
  - i. Referrals to the City’s available home repair programs for households with structurally unsafe housing conditions will also be provided

## DEFINITIONS

**Affordable Housing:** Housing is affordable when a household is paying no more than 30 percent of their income for gross housing costs, including utilities.

**Area Median Income (AMI):** The middle income level at which one-half of all households in the community earn more, and one-half of all households earn less.

**Disabled:** A person with a mental or physical impairment that substantially limits at least one major life activity. This includes people who have a record of such impairment or are regarded as having such impairment.

**Dwelling Unit:** A permitted unit of accommodation that is used as a residence by one or more persons who maintain a household.

**Elderly:** People 62 years of age or older.

**Household:** Any person or persons who occupy a residential unit primarily for living or dwelling purposes under a rental agreement or lease, or mortgage.

**Multi-Family Development:** A property with four or more residential dwelling units including but not limited to, apartments and townhomes.

**Mobile Home Park:** A contiguous development of land that has been separated into two (2) or more mobile living home sites which may or may not be contiguous, which are platted or designed for the accommodation or placement of mobile living units, and which are rented or offered for rent by the site owner.

**Redevelopment:** The replacement, rehabilitation, or repurposing of existing improvements on an already developed site.

**Qualifying Rent Increase:** An increase in contracted rent, inclusive of pet rent, and non-utilities charges such as maintenance and amenities fees, that is at least 5% for 0-60% AMI households, 7% for 61-80% AMI households, or 10% for 81-100% AMI households over a twelve (12) month period.



**APPENDIX I**

**Table C: Criteria for the Proof of Hardship for Emergency Assistance Program for Housing Stabilization**

| Job/Wage Instability                  |   | Health-Related Issues  |   | Other   |  |
|---------------------------------------|---|--|---|---|--|
| Unemployment/<br>Termination          | Income                                  |  | Medical   |   | Unexpected Expenses  |
|                                       | Hours Reduced                           | Wages Reduced  | One-time support  | Temporary Condition                           |  |
| Termination letter from employer      | Employer letter stating change in hours | Employer letter regarding wage reduction or notice of furlough | Estimate of treatment cost and hospital/or insurance bill | Receipt and discharge paperwork from hospital | Receipts of expenses incurred such as: Funeral, tow, car repair, divorce, etc. |
| Proof of unemployment application     | Paystubs for last three pay cycles      | Employer letter of current/future hours per pay period         | Diagnosis paperwork (doctor's note)                       | Doctor's note with release date for work      |  |
| Proof client has applied for benefits |   | Unemployment letter/SSI benefits discontinued                  | FMLA paperwork, if applicable                             | FMLA paperwork, if applicable                 |  |



Presented into Record  
from Mayor Nirenberg  
Item #34  
March 21, 2019 Regular  
City Council Meeting  
Aced  
Lincee

**ATTACHMENT:**

The San Antonio Housing Commission held a special meeting on March 12 to review the Risk Mitigation Policy. After much discussion, the Housing Commission unanimously approved the proposed Risk Mitigation Policy with the following revisions:

1. Add an introduction to the Risk Mitigation Policy that connects the Policy to the MHPTF's policy priority on preventing, mitigating and minimizing displacement particularly in vulnerable neighborhoods. The Housing Commission clarified that the Risk Mitigation Fund was proposed as one of four strategies to assist residents impacted by displacement and asked staff not to lose sight of protecting neighborhoods.
2. Add language in the Policy regarding additional expectations of property owners and developers including any current provisions that the City has in place regarding preservation of affordable housing or displacement prevention. These provisions are currently in place in the CCHIP and the City's 2017 Neighborhood and Housing Bond.
3. Ensure that data is collected to help measure how the Policy is being implemented. Make it clear that this is a new pilot policy that will be improved by analyzing data collected from residents who use the services provided through this policy. Staff will analyze data to make adjustments to the policy one year from adoption or sooner as needed. The Commission also asked for regular reports on the status of implementation.
4. Further elaborate on the City's outreach plan for the Risk Mitigation Policy especially for those residents that are experiencing direct/indirect displacement. The Commission suggested that there be a targeted effort to provide information to residents living in neighborhoods identified by the City's Vulnerable Community Assessment.

# City of San Antonio Risk Mitigation Policy

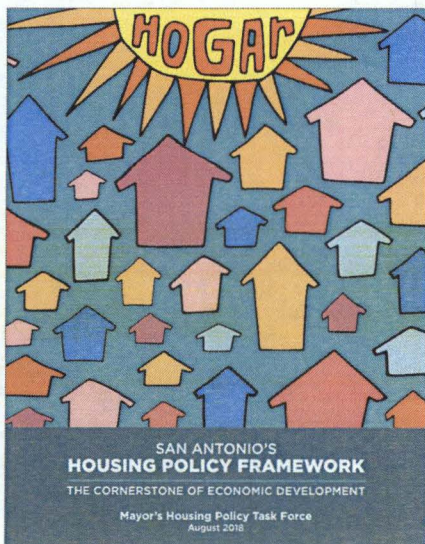
**City Council  
Agenda Item #34**

March 21, 2019



**Verónica R. Soto, AICP, Director**

## Risk Mitigation Fund Background



Recommended by MHPTF



Part of the 3 yr business plan for NHSD



FY 19 Budget allocated \$1 for Risk Mitigation

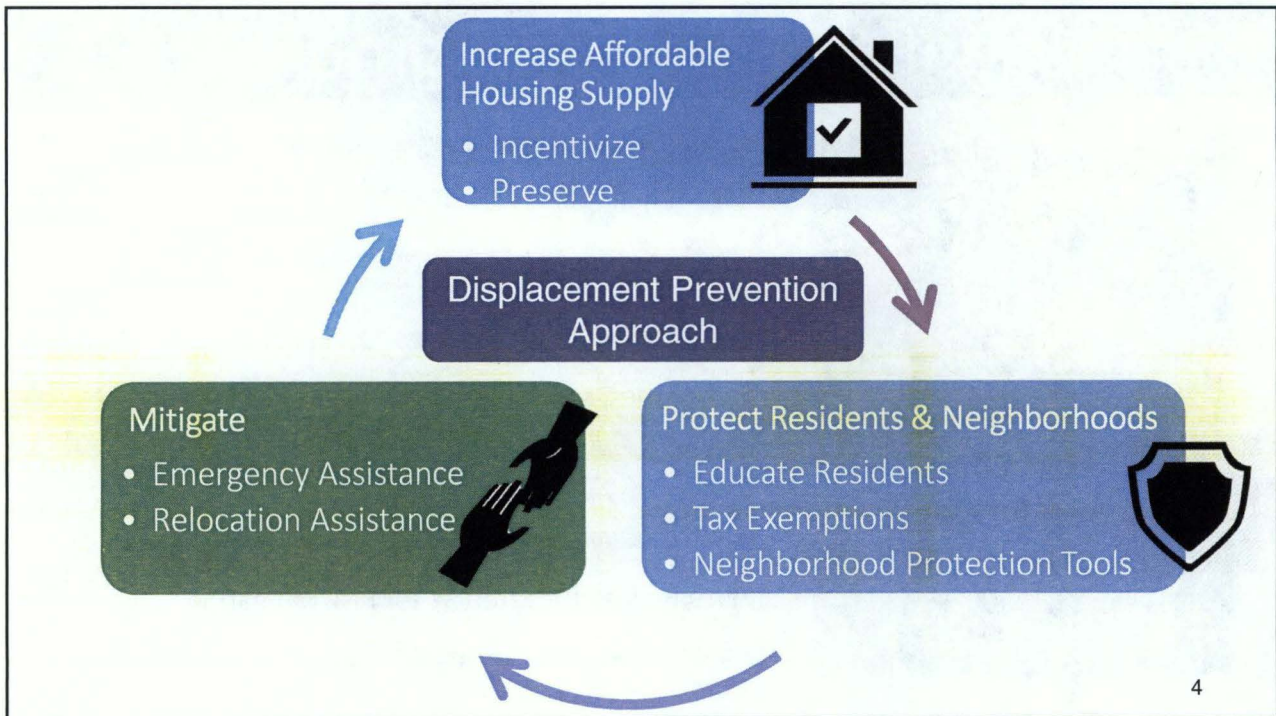




# Community Outreach



- ✓ 5 community meetings
- ✓ 3 technical focus groups
- ✓ 13 stakeholder meetings
- ✓ 235 survey responses
- ✓ 1,700 total participants





# Current City Displacement Prevention

- City Ad Valorem Tax Relief (Anchor Neighborhood HB 1102)**

  - 92K current senior exemptions, 33K pay no property taxes
- Coordinated Housing System**
- Housing Rehabilitation Programs \$10M in FY2019**
- Neighborhood Empowerment Zones**

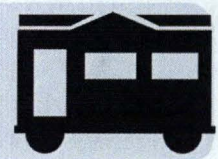
  - Preliminary development studies



# Risk Mitigation Overview

**Resident Relocation Assistance (\$600,000)**  
 \$3,000 - Multifamily  
 \$7,000 - Mobile Home

- Redevelopment
- Health & Safety
- Unaffordable Rent Increase



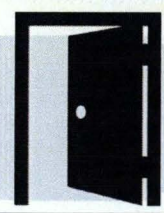
**Emergency Assistance (\$350,000)**  
 \$3,500 - Rent & Mortgage  
 \$1,500 - Utilities

- Emergency Situations



**Rental Incentive Fund Partnership (\$50,000)**

- Second Chance Housing





# Relocation Assistance

## Relocation Assistance Amounts

| Income      | Multifamily   | Mobile Home Park |
|-------------|---------------|------------------|
| ≤ 80% AMI   | Up to \$3,000 | Up to \$7,000    |
| 81-100% AMI | Up to \$2,250 | Up to \$5,250    |

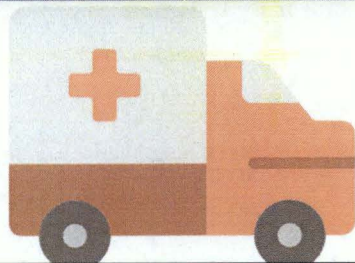
## Qualifying Rental Housing Cost Increases

| Income             | Qualifying Increase in Rent (12 Month Period) |
|--------------------|---|
| At or below 60%AMI | 5%  |
| 61-80% AMI         | 7%  |
| 81-100% AMI        | 10%   |

# Emergency Assistance

## Emergency Assistance

| Income      | Renters  | Homeowners   |
|-------------|--|--|
| ≤ 80% AMI   | Up to \$3,500 for rent and up to \$1,500 for utilities | Up to \$3,500 for mortgage and up to \$1,500 for utilities |
| 81-100% AMI | Up to \$2,625 for rent and up to \$1,125 for utilities | Up to \$2,625 for mortgage and Up to \$1,125 for utilities |





## Rental Incentive Fund



Remove barriers to housing

Rehouse displaced families quickly

Reduce relocation costs

Strengthen relationships between service providers and housing providers

## Housing Commission Recommendation

1. Comprehensive and compassionate housing policy framework
2. City incentives not be awarded to projects causing direct displacement
3. Ensure that the Policy is a pilot
4. Develop outreach plan





# Post Implementation Data Analysis

**Application**

- Demographics
- Location (district/ vulnerable area)
- Assistance amounts

**Survey**

- Satisfaction
- Stability

**Adjustments**

- As needed based on data collected
- Housing Commission review

12



## Staff Recommendation

Approval of Risk Mitigation Policy as recommended by the Comprehensive Plan Committee and Housing Commission

13

# City of San Antonio Risk Mitigation Policy

**City Council  
Agenda Item #34**

March 21, 2019



CITY OF SAN ANTONIO  
**NEIGHBORHOOD & HOUSING  
SERVICES DEPARTMENT**

**Verónica R. Soto, AICP, Director**