

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

ORDINANCE

ESTABLISHING A SOURCE OF INCOME ANTI-DISCRIMINATION POLICY IN CONNECTION WITH HOUSING VOUCHERS; PROVIDING FOR PENALTIES, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of San Antonio (COSA) offers a number of incentives to developers and other housing providers to develop rental housing to serve residents of San Antonio of all incomes and financial resources which include loans or monies awarded by the City, TIRZ and NIB awards, CCDO fee waivers, tax abatements, and grants; and

WHEREAS, the City Council finds that often attracting developers and housing providers to develop and/or provide affordable housing for low income families is difficult since developers and housing providers are unable to finance the development unless rental units are marketed at a certain rental rate and many low income families cannot afford to pay market rate rent; and

WHEREAS, without the city's incentives offsetting costs for developers and housing providers to provide affordable housing, COSA will continue to have a significant shortage of affordable housing for low income families; and

WHEREAS, COSA finds that a significant number of low income families receive housing vouchers or federal housing choice vouchers funded directly or indirectly by the federal government and routinely experience discrimination when applying for a lease because their source of income from which their rent would be paid includes funding from a housing voucher or federally housing choice voucher; and

WHEREAS, COSA finds that it is critical to ensure that where taxpayer funds and public resources are being utilized to provide incentives for the development of affordable housing, recipients of these incentives are prohibited from discriminating against and refusing to lease or rent to a family or individual because their source of income from which their rent will be paid includes funding from a federal housing assistance program, federal housing voucher or federal housing choice voucher; **NOW THEREFORE:**

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

SECTION 1. Definitions.

- a. In this ordinance "housing provider" means a developer, owner, lessee, sublessee, assignee, managing agent, or other person having the right to lease, sublease, or rent a housing accommodation to another person or group of people.

- b. "Federal Housing Assistance Program" means federally assisted housing as defined in 24 C.F.R. § 5.100 (2016).

SECTION 2. It shall be unlawful for any housing provider to refuse to lease or rent a housing accommodation because the person's lawful source of income to pay rent includes funding from a federal housing assistance program or a housing voucher directly or indirectly funded by the federal government, including a federal housing choice voucher if the housing accommodation is developed, owned or operated in connection with in any project, development or any other program through which the person receives any award, agreement, real estate purchase or sales contract; development assistance, loan, waiver, gap financing, or any other taxpayer or publicly funded incentive from the City of San Antonio.

SECTION 3. A violation under Section 2 shall constitute a criminal offense punishable by a fine not exceeding five hundred dollars (\$500), as more particularly set forth in Chapter 2, Article X, Sec. 2-639 of the City of San Antonio's Code. Each day's violation of this Ordinance shall constitute a separate offense.

SECTION 4. All departments, boards, commissions and any other entity that operates under the auspices of the City shall include a reference to this Ordinance or language incorporating the prohibitions under this Ordinance in every contract, incentive agreement or other documents evidencing the acceptance of or participation in any project, development or any other program through which the housing provider receives any award, agreement, real estate purchase or sales contract, development assistance, loan, waiver, gap financing, or any other taxpayer or publicly funded incentive from the City of San Antonio.

SECTION 5. In addition to the penalties assessed against a violator under Section 3, any contract or other form of an agreement between a violator and the City or a City affiliated entity entered into in connection with a project or program described in Sections 2 and 4 may be terminated for cause and the violator shall:

- a. refund any funds and/or reimburse any waivers provided to the person through any project or program described in Sections 2 and 4 of this Ordinance; and
- b. may be precluded or debarred from being awarded or entering into any further contracts with the City through which the person would participate or receive any program or project described in Sections 2 and 4 of this Ordinance.

SECTION 6. The City Manager or his designee is authorized, in conjunction with the City Attorney's Office, to take all actions necessary to carry out the provisions of and enforce this Ordinance.

SECTION 7. The City Clerk for the City of San Antonio is directed to publish notice of this Ordinance in a newspaper published in the City of San Antonio, Texas, as required by Article 2, Section 17 of the City Charter of San Antonio, Texas.

JYW
04/15/2021
Item No.

SECTION 8. This Ordinance shall be effective immediately upon its passage by eight (8) affirmative votes or the 10th day after its passage by less than eight (8) affirmative votes.

PASSED AND APPROVED this 15th day of April, 2021.

M A Y O R

Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Tina J. Flores, City Clerk

Andrew Segovia, City Attorney

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