

AN ORDINANCE 2017-12-14-1018

ADOPTING A POLICY FOR THE ISSUANCE OF RESOLUTIONS OF SUPPORT OR NO OBJECTION FOR APPLICANTS SEEKING LOW INCOME HOUSING TAX CREDITS FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS.

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WHEREAS, the City of San Antonio (the “City”) is committed to providing increased housing opportunities affordable to low-income households; and

WHEREAS, the Texas Department of Housing and Community Affairs (“TDHCA”) administers the Housing Tax Credit program which is one of the primary means of directing private capital toward the development and preservation of affordable rental housing for low-income households; and

WHEREAS, on December 10, 2015 in Ordinance No. 2015-12-10-1048, the City Council adopted the City’s Affordable Housing Policy which included a written policy (the “Low Income Housing Tax Credit Policy”) concerning the issuance of Resolutions of Support or No Objection for developers seeking Housing Tax Credits through TDHCA; and

WHEREAS, the Low Income Housing Tax Credit Policy outlines the minimum requirements and scoring criteria to be used when the City considers a request for a Resolution of Support or No Objection; and

WHEREAS, City staff proposes to update the Low Income Housing Tax Credit Policy by requiring additional information of the proposed developments and adjusting the point scale, scoring criteria and scoring recommendation process; and

WHEREAS, on December 12, 2017, the Governance Committee approved the proposed revisions; and

WHEREAS, the City Council approves the proposed revisions to the City’s Low Income Housing Tax Credit Policy; **NOW THEREFORE:**

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

SECTION 1. The revisions to the City’s Low Income Housing Tax Credit Policy concerning Resolutions of Support or No Objection, a copy of which is attached hereto and incorporated herein by reference as **Attachment I**, are hereby approved.

SECTION 2. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.


PASSED AND APPROVED this 14th day of December, 2017.



M A Y O R

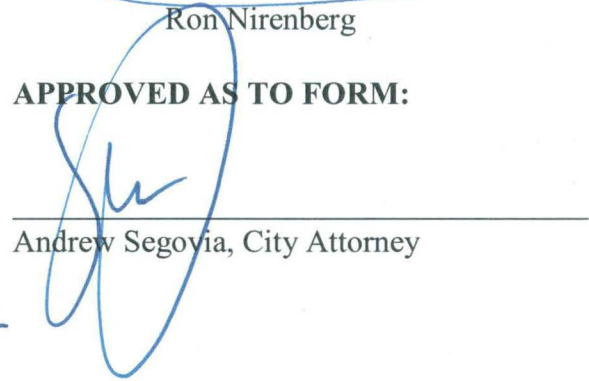
Ron Nirenberg

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

for

Agenda Item:	37						
Date:	12/14/2017						
Time:	02:21:51 PM						
Vote Type:	Motion to Approve						
Description:	An Ordinance adopting a policy for the issuance of Resolutions of Support or No Objection for applicants seeking competitive (9%) and non-competitive (4%) Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs. [Peter Zanoni, Deputy City Manager; Verónica R. Soto, Director, Neighborhood & Housing Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor	x					
Roberto C. Treviño	District 1		x				x
William Cruz Shaw	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x			x	
Clayton H. Perry	District 10		x				

SZ
12/14/2017
Item No. 37

Attachment I

Low Income Housing Tax Credits: Resolutions of Support or No Objection

The City of San Antonio (the City) has developed a policy for developers requesting Low Income Housing Tax Credits (LIHTC) for rental housing development projects through the Texas Department of Housing and Community Affairs (TDHCA). The City has developed this policy to ensure equitable housing opportunities are created for all residents, including individuals and families of all races/ethnicities, low/moderate income households, special populations, and households seeking either to rent or own a home.

This policy is also designed to ensure improved coordination with community stakeholders and residents, thereby improving the quality of the built environment in support of the goals, policies, and actions detailed within the adopted SA Tomorrow Comprehensive Plan.

Each year, the TDHCA is required to develop the Qualified Allocation Plan (QAP) to establish the procedures and requirements relating to the allocation of Housing Tax Credits. Once the QAP is submitted and approved by the Office of the Governor, which occurs no later than December of each year, the adopted QAP will be published in the Texas Register. In the administration of its HTC Program, the TDHCA awards application points for a resolution from a Governing Body of a local municipality on the following basis:

Within a municipality, the application will receive seventeen (17) points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality supports the application or development; or fourteen (14) points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality has no objection to the application or development.

For competitive (9%) tax credit applications, the City will issue a Request for Applications for Resolutions of Support or No Objection in December of each year and bring forth recommendations to the Council Subcommittee (as appropriate) and City Council for consideration no later than February of each year. This schedule aligns with the TDHCA program calendar.

For non-competitive (4%) tax credit applications, the City will accept applications on a rolling basis. Non-competitive applications will be subject to the same evaluation criteria as for competitive applications. Staff recommendations will be brought forward to the Council Subcommittee (as appropriate) and City Council for consideration following confirmation that all application requirements have been met.

Evaluation Criteria

The City has developed a self-scoring application in order to conduct a comprehensive, fair and impartial evaluation of all applications received in response to the Request for Applications process. Each application is analyzed to determine overall responsiveness and qualifications under this policy. Evaluation Criteria are outlined below.

Up to 100 Total Points May be Awarded for the Following:

- **Owner/General Partner/Property Management Experience (up to 15 points may be awarded)** – Points are awarded to applicants demonstrating past experience owning, developing, and/or managing affordable multifamily housing developments for a minimum of three (3) years
- **Nonprofit Organization or SBEDA/HUB Participation (5 points may be awarded)** – Points are awarded to applications demonstrating participation in the project by a qualified nonprofit organization, City of San Antonio certified Small Business Economic Development Advocacy (SBEDA) Program business, or state-certified Historically Underutilized Business (HUB), including either ownership of the development or other controlling interest
- **Targeted Reinvestment Areas (10 points may be awarded)** – Points are awarded to developments located in a City-designated reinvestment area, such as SA Tomorrow Regional Centers, Neighborhood Improvement Areas, and the Northeast Corridor Revitalization Area
- **Project Amenities & Resident Services (up to 20 points may be awarded)** – Points are awarded to applications that demonstrate they have located the proposed development in areas close to desired amenities, such as public parks, public transportation, public schools, full-scale grocery stores, community facilities, employment centers, as well as to projects demonstrating quality services will be provided on site to residents (e.g. on-site childcare or after-school programming)
- **Area Income Criteria (10 points may be awarded)** – Points are awarded to applications demonstrating the development of affordable housing in Census tracts with lower-than-average poverty rates or within a four-mile radius of the urban core.
- **Project Site Characteristics (10 points may be awarded)** – Points are awarded to applications that demonstrate the subject property is zoned appropriately for the proposed development type and density
- **Project Feasibility & Readiness (up to 20 points may be awarded)** – Points are awarded to applications demonstrating that the project pro forma will meet TDHCA requirements for the Housing Tax Credit program, that site control has been achieved and that appropriate environmental reviews have been completed
- **Public Engagement (up to 10 points may be awarded)** – Points are awarded to applications demonstrating evidence that the applicant took appropriate actions to inform the surrounding community of the proposed development, in the form of a project information package (letter) and developer-initiated public meeting. Applicants may earn five (5) points for providing a project information package (letter), which includes the general scope of the development and supporting materials in accordance with the RFA, to Staff, to the respective City Council member's office, and to Neighborhood Associations, Community Organizations, and planning teams located within one-half mile of the project site (as registered with the City).

Applicants may also earn five (5) points for holding a public meeting conforming with each of the requirements outlined in the Request for Applications packet as released to the public. At a minimum, the Request for Applications will specify: (a) the meeting is to be held at a publicly-accessible location within three (3) miles of the subject property site; (b) the meeting is to be scheduled on a weeknight with a scheduled start time no earlier than 5:30 p.m. and no later than 7:30 p.m., on a Saturday with a scheduled start time no earlier than 9:00 a.m. and no later than 5:00 p.m., or on a Sunday with a scheduled start time no earlier than 11:00 a.m. and no later than 5:00 p.m.; (c) City staff, the respective City Council member's office, Neighborhood Associations or Community Organizations within one-half mile of the project site (as registered with the City), plan team members, and property owners within 200 linear feet of the project site must receive written notice of the meeting at least seven calendar days in advance of the scheduled meeting date with all relevant meeting details included (notices to staff shall be emailed to HousingPolicy@sanantonio.gov); (d) notice of the meeting must also be posted on the subject property in the form of a sign measuring at least 36 inches wide by 24 inches tall, and will include all relevant meeting details; (e) meeting materials must include legibly notated maps indicating the location of the project site within the surrounding community and photographs of the subject property; (f) all printed and electronic communications regarding the meeting (including signage) must include the following language: "To submit questions or comments related to this proposed development, please contact the City of San Antonio's Neighborhood and Housing Services Department at HousingPolicy@sanantonio.gov"; and, (g) information provided during the public meeting must include the general scope of the development (i.e. total number of units, unit mix, planned amenities, etc.), the value of the tax credits being sought from TDHCA, the total projected cost of development, and the anticipated project schedule.

Using the criteria above, applications earning a minimum of **70** points may be recommended for a Resolution of Support. Applications earning between **50** and **69** points may be recommended for a Resolution of No Objection, provided the applicant earns at least a minimum of 7 points in the *Owner/General Partner/Property Management Experience* section. Applications earning **fewer than 50** points may not be recommended for either a Resolution of Support or No Objection.

In addition to earning the minimum score to be considered for a Resolution from the City, applicants must also provide all the required items noted below for submission in order to have the application considered by staff. The checklist is provided in the annual application and must include the following:

- **Completed application, signed by the Certifying Officer**
- **Template of Local Government Resolution including language required for the project as shown within the approved QAP**
- **Completed form demonstrating proof of coordination with the respective City Council member** – The template form will be included in the Request for Applications packet as released to the public and must be signed by the Council member (or designated staff member) for the district in which the project is proposed

- **Map indicating the shortest walking route from the project site to a public park** – The walking route must lead to an ADA-accessible entrance to a public park that includes an ADA-accessible playground to qualify
- **Map indicating the shortest walking route from the project site to a public transportation stop/station** – The public transportation route that serves the stop/station must provide scheduled service earlier than 6:00 a.m. and later than 7:00 p.m. on weekdays as well as scheduled service on Saturdays and Sundays
- **Map indicating the shortest walking route from the project site to the nearest assigned public elementary or secondary school** – To qualify, the nearest school must be the locally assigned public school at the time of the application and must serve at least three grade levels; the school must not utilize a lottery or similar application system for determining attendance, and must not charge tuition
- **Map indicating the shortest walking route from the project site to a full-service grocer** – A full-service grocer is defined as “offering a wide variety of fresh, frozen, canned and prepared foods, including but not limited to a variety of fresh meats, poultry, and seafood; a wide selection of fresh produce including a selection of different fruits and vegetables; a selection of baked goods and a wide array of dairy products including cheeses, and a wide variety of household goods, paper goods and toiletry items”
- **Map indicating the shortest walking route from the project site to a community center, senior center, and/or public library** – To qualify, a community center, senior center, and/or public library must be publicly accessible during regular business hours and without a cost to visit the facility (this does not prohibit such facilities from charging fees for classes or other special events)
- **Map illustrating the shortest practical driving route and public transportation route (if available) from the project site to the closest major employment center** – A major employment center is defined as an area in San Antonio with an employment density equal to or greater than 4,201 employees per square mile. Applicants can refer to the map linked here:
https://www.sanantonio.gov/Portals/0/Files/GMA/Guidance/Employee2012Density_150205.pdf
- **Map indicating the location of the project site within or nearest to a City targeted reinvestment area** – For the 2018 application period, City targeted reinvestment areas include the 12 Neighborhood Improvement Areas, the Inner City Reinvestment Infill Policy (ICRIP) area, the 13 SA Tomorrow Regional Centers, REnewSA Target Areas (includes areas from the FY 2014-2015 program and FY 2016-2017 program), and the Northeast Corridor Revitalization Area
- **Screen capture from the Bexar County Appraisal District website highlighting the parcel(s) to be developed**
- **Screen capture from the City’s Development Services Department One-Stop Zoning Map showing the current zoning district and any overlay districts for the parcel(s) to be developed** – Applicants can locate the One-Stop Zoning Map on the City’s website or by visiting the following link: <https://gis.sanantonio.gov/PDS/onestop/index.html>

Additional Information

City staff will evaluate all of the items submitted with the signed application in order to formalize its recommendation to the City Council regarding the issuance of a Resolution of Support or No Objection. Regardless of points scored using the evaluation criteria herein, the City Council reserves the right to issue a resolution of support or no objection or to not issue such Resolution in response to the Request for Application issued. Additionally, the City may waive informalities and irregularities in the applications received. The City also reserves the right to terminate an RFA, and reissue a subsequent solicitation, and/or remedy technical errors in the RFA process.

Decisions by the City will comply with Federal Fair Housing laws that prohibit discrimination which could result in different or unequal treatment in housing situations because of race, color, sex, religion, national origin, familial status or disability. The City also prohibits discrimination based on an individual's veteran status, sexual orientation or the individual's gender identity.