

**AN ORDINANCE 2016-09-29-0752**

**AUTHORIZING THE SAN ANTONIO HOUSING TRUST (TRUST) BOARD OF TRUSTEES TO ISSUE A REQUEST FOR APPLICATIONS (RFA) TO ALLOCATE \$1 MILLION IN AVAILABLE FUNDING TO ELIGIBLE AFFORDABLE HOUSING DEVELOPMENT PROJECTS, AS REQUIRED BY THE RULES AND REGULATIONS OF THE TRUST; AND APPROVING THE EVALUATION CRITERIA FOR SCORING AFFORDABLE HOUSING DEVELOPMENT PROJECTS AS OUTLINED IN THE REQUEST FOR APPLICATIONS.**

\* \* \* \* \*

**WHEREAS**, the City of San Antonio Housing Trust was established by City Council Ordinance No. 67895 on September 8, 1988 under a Declaration of Trust, to provide affordable housing opportunities for low and moderate income families inside Interstate Highway Loop 410; and

**WHEREAS**, the Declaration of Trust permits the Board of Trustees to:

Disburse to projects grants or secured loans an amount equal to the net annual income of the Trust plus so much of the principal as the Trustees in their discretion may deem to be in the best interest of the Trust. (Article II, Section 2.2 Distributable amount); and

**WHEREAS**, the Final Rules and Regulations for the Operation of the San Antonio Housing Trust adopted by the Board of Trustees and approved by City Council provides:

At each quarterly meeting of the Board of Trustees, the Managing Trustee will report on the interest earnings and other assets of the Trust. In accordance with the authority granted by the Declaration of Trust, Article II, Sections 2.1 and 2.2 (p.6), the Board of Trustees will determine, in the best interest of the Trust, how much of the interest income and principal, if any, should be disbursed. The Board will establish, within the bounds of the Declaration of Trust, the allocation of funds to the neighborhood and downtown areas. The Board will also determine the allocation of funds to any particular program or project previously approved for trust assistance, subject to the authorization of the Board of Trustees and City Council. (Final Rules, Part V Procedures and Standards for Distribution of Trust Funds, B. Determination of Funds Available (1989); and

**WHEREAS**, the Final rules provides further:

Prior to announcing the availability of funds, the Board of Trustees must approve by majority vote, a Funding Resolution establishing the availability of funds and allocation of funds for the neighborhood and downtown areas and for other programs or projects. Following passage of the Funding Resolution, the Board will submit a proposed ordinance to City Council for approval of the availability and allocation of funds. (Final Rules, Part V Procedures, C. Authorization of Board of Trustees and City Council (1989); and



**WHEREAS**, the Managing Trustee of the Trust, acting through its Secretary reported on the interest earnings and other assets of the Trust to the Board of Trustees at its meeting held on August 10, 2016; and the Managing Trustee's subsequent written reports are attached to and incorporated in the Funding Resolution F0810-5A and this Ordinance by reference; and

**WHEREAS**, as evidenced by the Trust's Resolution No. F0810-5A, it was determined by the Board of Trustees that the amount of \$1,000,000.00 should be made available and disbursed to support eligible housing projects; **NOW THEREFORE:**


**BE IT ORDAINED BY THE CITY COUCNIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City of San Antonio Housing Trust's Board of Trustees Resolution No. F0810-5A, adopted August 10, 2016, authorizing the allocation of a total of \$1,000,000.00 in a funding round for eligible housing projects is hereby approved. A copy of said resolution is affixed hereto and incorporated by reference herein for all purposes as **Attachment I**.

**SECTION 2.** The evaluation criteria for scoring affordable housing development projects as outlined in the Request for Applications, affixed hereto and incorporated by reference herein for all purposes as **Attachment II**, is hereby approved.

**SECTION 3.** This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

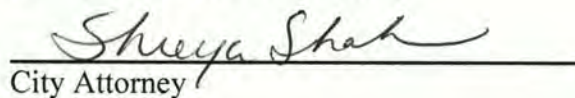
**PASSED AND APPROVED** this 29th day of September, 2016.

  
M A Y O R  
Ivy R. Taylor

**ATTEST:**

  
\_\_\_\_\_  
Leticia M. Vadek, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
for City Attorney

<b>Agenda Item:</b>	36 ( in consent vote: 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 42A, 42B, 43A, 43B, 43C, 43D )						
<b>Date:</b>	09/29/2016						
<b>Time:</b>	09:18:41 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing the San Antonio Housing Trust Board of Trustees to issue a Request for Applications to allocate \$1 million in available funding to eligible affordable housing development projects as required by the Rules and Regulations of the Trust; and approving the evaluation criteria for scoring affordable housing development projects as outlined in the Request for Applications. [Peter Zaroni, Deputy City Manager; Bridgett White, Director, Planning and Community Development]						
<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>
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				
Alan Warrick	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5	x					
Ray Lopez	District 6	x					
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9	x					
Michael Gallagher	District 10		x			x	



**SAN ANTONIO HOUSING TRUST FOUNDATION**  
**RESOLUTION NO. F0810-5A**  
**AUTHORIZING THE HOUSING TRUST FOUNDATION TO FUND UP TO**  
**\$1 MILLION DOLLARS FOR A HOUSING TRUST FUNDING ROUND**

**WHEREAS**, the City of San Antonio Housing Trust was established by Ordinance No. 67895 passed on September 8, 1989 under a Declaration of Trust to provide affordable housing opportunities for low and moderate income residents inside the City limits of the City of San Antonio, Texas; and

**WHEREAS**, under Ordinance No. 74452 passed on September 26, 1991, the San Antonio Housing Trust Foundation, Inc. was designated and approved to be the administrative and fiscal agent of the City of San Antonio Housing Trust for the disbursement of awards of Trust assistance to sponsors of affordable housing projects and programs; and

**WHEREAS**, the Declaration of Trust permits the Board of Trustees to disburse to projects as grants or secured loans an amount equal to the net annual income of the Trust plus so much of the principal as the Trustees in their discretion may deem to be in the best interest of the Trust. Article II, Section 2.2 Distributable Amount and,

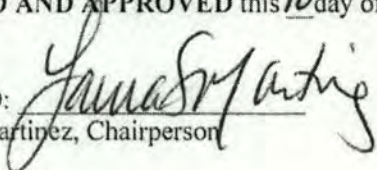
**WHEREAS**, the Final Rules and Regulations for the Operation of the San Antonio Housing Trust adopted by the Board of Trustees and approved by City Council provides: The Managing Trustee will report quarterly on the interest earnings and other assets of the Trust to the Board of Trustees. In accordance with the authority granted by the Declaration of Trust, Article II, Section 2.4 Funds for projects may be disbursed to individuals and private or public, profit or not-for-profit development entities, in the form of grants, secured loans or in such other manner as the Trustees may deem necessary and appropriate to accomplish the purposes of the Trust. (*Amended by Resolution N., T0408-01 (August 16, 2004) and approved by Ordinance No. 99800 (September 23, 2004).*)

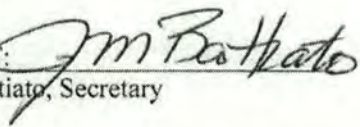
**WHEREAS**, Prior to accepting any request for funds, the Trustees shall develop written rules and regulations and any amendments thereto, and shall obtain City Council approval thereof, for evaluating applications to the Trust and for no other purpose. (*Amended by Resolution N., T0408-01 (August 16, 2004) and approved by Ordinance No. 99800 (September 23, 2004).*)

**WHEREAS**, the Final Rules provides further: Prior to announcing the availability of funds, the Board of Trustees must approve by majority vote a Funding Resolution establishing the availability of funds and the allocation of funds for the neighborhood and downtown areas and for other programs or projects. Following passage of the Funding Resolution, the Board will submit a proposed ordinance to City Council for approval of the availability and allocation of funds. Final Rules, Part V Procedures, C. Authorization of Board of Trustees and City Council (1989) and,

**NOW, THEREFORE: BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE SAN ANTONIO HOUSING TRUST FOUNDATION:** Request the San Antonio City Council to approve an ordinance for the availability and allocation of up to \$1 million dollars in Trust Funds for a Housing Trust Funding Round.

**PASSED AND APPROVED** this 10<sup>th</sup> day of August 2016.

SIGNED:   
Laura Martinez, Chairperson

ATTEST:   
John Battisto, Secretary

Trust SAHT Foundation SAHTF Finance Corp SAHTFC Public Facility Corp SAHTPFC

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San Antonio Housing Trust

**Request for Application  
("RFA")**

For

San Antonio Housing Trust  
Funding Round

Release Date: [Type here]  
Applications Due: [Type here]



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## **ANNOUNCEMENT OF FUND AVAILABILITY**

The San Antonio Housing Trust (Trust) is pleased to make \$1,000,000 available through a competitive Request for Application (RFA) to promote the creation and preservation of affordable housing. The Trust working in collaboration with the City of San Antonio will give preference to projects residing in the contemplated Target Areas as specified by the newly approved City of San Antonio Strategic Plan for Community Development. Preference will also be given to those projects that use the facilities of the San Antonio Housing Trust Public Facility Corporation. Proposals may include requests for funds to assist any housing creation or preservation project meeting the eligibility criteria specified in the Request for Proposals.

The San Antonio Housing Trust makes these funds available to provide supplemental financial support to affordable housing developments and programs requiring a limited amount of additional resources for purposes such as increasing the level of affordability of the units or closing a financial gap. It is the intent of the San Antonio Housing Trust that the limited amount of funds available be used as efficiently and creatively as possible to maximize the creation and preservation of affordable housing.

### **Proposals for allocation of funds must be submitted to:**

San Antonio Housing Trust  
2515 Blanco Rd.  
San Antonio, TX 78212

PHONE (210) 735-2772 FAX (210) 735-2112

All proposals which are timely, complete, and which meet the eligibility requirements established in the Request For Proposals will be reviewed by the San Antonio Housing Trust. The following are the amount of funds available for this funding round:

**Total Funds Available**

**\$ 1,000,000**

**DEADLINE TBD**



## **APPLICATION AND SUBMITTAL REQUIREMENTS**

Respondent's submission shall include the Application (Excel), Exhibit items listed in the Application, and all required attachments to this RFA.

Respondent is expected to examine this RFA carefully, understand the terms and conditions for providing the services listed herein and respond completely. FAILURE TO COMPLETE AND PROVIDE ANY OF THESE APPLICATION REQUIREMENTS MAY RESULT IN THE RESPONDENT'S APPLICATION BEING DEEMED NON-RESPONSIVE AND THEREFORE DISQUALIFIED FROM CONSIDERATION.

Two copies of the Proposal must be received no later than the deadline and should conform to the requirements specified in the Request for Proposals.

- One (1) original Application, signed in ink
- One (1) electronic copy of the Application in an excel format and any attachments required in an Adobe PDF format.

Applications must be received in the San Antonio Housing Trust Office no later than "time and date" at the address listed above. Any application or modification received after this time shall not be considered, and will be returned, unopened to the Respondent. Therefore, Respondents should strive for early submission to avoid the possibility of rejection for late arrival.

Application Format: Each application shall be submitted on 8 ½" x 11" white paper. The application should be placed inside a three ring binder. Font size shall be no less than 12-point type. All pages shall be numbered and printed one-sided. Margins shall be no less than 1" around the perimeter of each page. Websites or URLs shall not be submitted in lieu of the printed application. Each application must include the sections and attachments in the sequence listed in the Application, and each section and attachment must be indexed and divided by tabs and indexed in a Table of Contents page. The use of recycled paper and materials is encouraged. Unnecessarily elaborate brochures, artwork, bindings, visual aids, expensive paper or other materials beyond sufficient to present a complete and effective submission are not required. Failure to meet the above conditions may result in disqualification of the application or may negatively affect scoring.

## **RESTRICTIONS ON COMMUNICATION**

Respondents are prohibited from communicating with SAHT Staff regarding this RFA or applications from the time the RFA has been released until the contract is posted as a City Council agenda item. These restrictions extend to "thank you" letters, phone calls, emails, and any contact that results in the direct or indirect discussion of the RFA and/or application submitted by respondent. Violation of this provision by Respondent and/or its agent may lead to disqualification of Respondent's application from consideration.

The only communication allowed with SAHT staff includes the following:

- Respondents may submit questions concerning this RFA to the staff contact person listed below until 4:30 P.M. Central Standard Time, on <date>. Questions received after the stated deadline will not be answered. All question shall be sent by e-mail to: [johnhernandez@saht.org](mailto:johnhernandez@saht.org)
- Upon completion of the evaluation process, Respondents shall receive a notification letter indicating the recommended firm and anticipated agenda date.



## **SCHEDULE OF EVENTS**

Following is a list of **projected dates/times** with respect to this RFA:

RFA Release Date

Final Questions Accepted

Applications Due

## **PROCEDURES FOR OBLIGATING AND MONITORING THE USE OF TRUST FUNDS**

**Letter of Award** Upon approval of the award by the City Council, the Board of Trustees will issue a Letter of Award to specific sponsors of programs or projects certifying that the sponsor will receive Trust assistance conditioned on terms specified in the Request for Proposals, the Rules and Regulations, the Declaration of Trust, and in an Agreement for Trust Assistance. Letters of Award will state the amount of funds to be provided, the type of assistance offered, when funds will be disbursed, and the period by which an Agreement for Trust Assistance will be negotiated and executed between the sponsor and the Trust. The Letter of Award will notify the sponsor that no funds will be issued until the Agreement for Trust Assistance is executed and approved by the Board of Trustees. The Agreement for Trust Assistance will limit the period of fund availability for a period of two years from the execution date of the Agreement of Trust Assistance.

## **LOAN SERVICER**

The San Antonio Housing Trust Foundation, Inc. will act as the Loan Servicer for the purposes of disbursing and receiving funds.

## **PROJECT REVIEW AND OVERSIGHT**

Project oversight and monitoring will be done by the San Antonio Housing Trust Foundation or by such other entity as the Housing Trust chooses to appoint or contract with to oversee and monitor projects receiving Trust assistance.

Terms and conditions of project oversight and review will be worked out with successful sponsors at the time an Agreement for Trust Assistance is negotiated.

## **TYPES OF ASSISTANCE AVAILABLE**

The San Antonio Housing Trust may distribute its funds to project sponsors in the form of interest bearing or non-interest bearing secured loans or other forms as deemed appropriate by the Board of Trustees.

**Examples:**    Acquisition – Rehab of an apartment complex  
                     New construction of single-family homes  
                     Acquisition – Rehab of foreclosed properties



Housing recycling program  
Neighborhood Rehab loan program

### **APPLICANT ELIGIBILITY REQUIREMENTS**

Private, public, and non-profit development entities may be considered eligible for receipt of Trust funds if the applicants meet the following standards:

1. Applicants are not delinquent in the payment of taxes to the City of San Antonio (nor are there taxes outstanding but not yet under payment agreement with the City);
2. Applicants have not been convicted of arson or arson-related crimes, nor have arson-related charges pending;
3. Applicants have not been convicted of discrimination in the sale or lease of housing or any other violation of fair housing laws as they apply to the City of San Antonio, and do not have outstanding unresolved complaints of violation of fair housing laws;
4. Applicants have not filed for bankruptcy in the last 10 years or have not experienced loan default over the past ten years.
5. Applicants must be credit worthy and in good standing with the San Antonio Housing Trust Foundation, Inc.

### **PROJECT ELIGIBILITY REQUIREMENTS**

For programs or projects seeking Trust assistance must demonstrate to the satisfaction of the Board of Trustees that:

1. The program or project is financially feasible;
2. The affordable housing units or the opportunity to reside in affordable housing would not be possible without the assistance of the Trust;
3. Any Trust funds will be used only to assist the creation of specific affordable housing units or to assist low or moderate income individuals or families obtain affordable housing, and that projects that may contain middle-income units will use Trust funds for such units only as incidental and necessary to benefiting low or moderate income families and not to exceed 25% of the Trust assistance awarded for the project.
4. The sponsors of projects to rehabilitate existing structures or develop new affordable housing units will have a substantial equity interest in the project.
5. The sponsors of programs or projects will follow minority, handicapped, women-owned and small business enterprise and employment goals and performance



standards established by the City of San Antonio by City Council Resolution No. 88-01-02 (January 5, 1989); by City Council Resolution No. 89-19-48 (May 4, 1989); and by City Council Ordinance No. 68364 (November 22, 1988); and any future resolutions or ordinances that City Council may promulgate to promote equal enterprise and employment opportunities.

6. The affordable housing units or program services will be available without unlawful discrimination;
7. The sponsor of the program or project has conferred with neighborhood or downtown area residents and businesses that may be interested in or be affected by the implementation of the proposed program or project through a community meeting or other forum that provides a fair and reasonable opportunity for resident participation in developing a project or program;
8. The affordable units developed with Trust assistance will remain affordable for a period of time, which may range from the term of the Trust assistance to the useful life of the unit as a residence, as specified in the Request for Proposals and negotiated in the Agreement for Trust Assistance.
9. The sponsor of a project for new development has site control;
10. The sponsor will satisfy other criteria, standards or conditions that the Board of Trustees and City Council may establish in a Request for Proposal or other application procedure, as well as an Agreement for Trust Assistance executed between the sponsor and the Trust.

## **PROCEDURES AND CRITERIA FOR REVIEW OF APPLICATIONS**

### **REVIEW PROCEDURES**

The Trustees will review all applications meeting threshold criteria (listed above) which are complete and appropriately submitted to the Trust. After initial review, the Trustees may request further materials to explain any proposal.

The Trust recommends that all applicants solicit community comments during the development of their proposals by providing a forum (such as a community meeting) that provides a fair and reasonable opportunity for resident participation or comment. If applicable, all applicants should submit a letter of support for the project from the surrounding neighborhood, if applicable.

After accepting and reviewing application and comments, the Trustees may vote to approve all, some, or none of the applications they have received.

### **REVIEW CRITERIA**

The Board of Trustees will review proposals for programs and projects submitted according to the following criteria to determine which proposals, if any, best fulfill the purpose of the Trust.



1. Whether the project is located within the targeted areas as provided by the City of San Antonio's Strategic Plan
2. Whether the project used the facilities of the San Antonio Housing Trust Public Facility Corporation (SAHTPFC)/San Antonio Housing Trust Finance Corp. (SAHTFC)
3. The number of affordable units to be developed or assisted or the number of low and moderate income persons to be assisted;
4. The proportion of units in a project or program that will be affordable to low and moderate income persons;
5. The amount of Trust funds committed per affordable housing unit or per low and moderate income person;
6. The proportion of Trust assistance of the total project or program cost;
7. The track record of the project or program sponsor in completing development projects, in managing or marketing residential projects, or in administering programs of a similar type and scale;
8. The timeliness in which affordable housing units will be developed or in which low and moderate income persons will be assisted;
9. The number of years that affordable housing units developed with Trust assistance will remain affordable;
10. The number of affordable units that will be accessible to the elderly and handicapped;
11. The existing infrastructure, facilities and other public services, e.g., sidewalks, parks, schools, police and fire protection, grocery and retail shopping, etc.;
12. The amenities that will be available to residents either by the project development or through other sources;
13. Whether the project or program will provide equity opportunities for low and moderate income families;
14. The impact on school districts, property tax bases, governmental services, and the "neighborhood economy" by the project or program;
15. The impact of the project or program on the aesthetics of the neighborhood and its existing housing stock;
16. The number of existing housing units on the market to be used for affordable housing opportunities;



17. The offer of an equity participation or reversionary interest to the Trust in consideration of the receipt of Trust assistance;
18. The history of credit or insurance redlining in the community where the project or program will be located;
19. Any Green Build SA, or similar energy efficient criteria; and
20. Other criteria that may be prescribed by the Board of Trustees, and approved by City Council, for its consideration in reviewing proposals or applications for Trust Assistance.

## **FUNDING DECISIONS**

The Board of Trustees may vote to recommend the award of some, all, or none of the Trust resources available at the time of award decisions, and may recommend allocation of Trust resources available to any, one, or none of the individuals or organizations submitting proposals. The Board of Trustees will vote to recommend award of Trust resources only after review and screening of proposals, and a public hearing. Only through a majority vote of the City Council, based upon Board of Trustees recommendations, will final commitments of Trust resources be allocated.

## **INSURANCE REQUIREMENTS**

If selected to provide the services described in this RFA, Respondent must be able to provide proof of appropriate insurance while under contract.

## **AFFORDABILITY PROVISIONS**

The main objective of the Housing Trust is to increase affordable housing opportunities for low- and moderate-income households.

### **AFFORDABILITY ANALYSIS**

For rental projects, the Housing Trust requires that monthly rents plus utilities paid by tenants in affordable units not exceed 30% of the household income, adjusted for household size. Household income limits are to be proposed by sponsor but on Housing Trust assisted units cannot exceed a maximum of 120% of the San Antonio median family income. For ownership units, monthly carrying costs including principal, interest, taxes, insurance, and condominium fees should not exceed 30% of the occupant household's income.

For purposes of determining affordability, the definition of income shall be the same as that described at 24 CFR Part 813. For purposes of defining family and other related terms (elderly family, disabled person, handicapped person), the definitions found at 24 CFR Part 812 Subpart A shall apply. The San Antonio Housing Trust Foundation will establish rent schedules or an entity selected by the Foundation.

### **LONG TERM AFFORDABILITY**



The Housing Trust requires assurance of long-term affordability of low- and moderate-income units for at least 15 years. Length of term of affordability is a principal criteria used by the Trust in making decisions of award of Trust assistance. Proposals providing affordability of units beyond the Trust required minimum will be given consideration concurrent with the importance of this review criteria. Acceptable mechanisms for enforcing affordability include but are not limited to: recapture agreements, anti-speculation clauses, deeds of trust and other contractual or statutory liens, or ownership forms such as limited equity cooperatives or mutual housing associations. Please attach a detailed description of the provisions that will be made to insure the long-term affordability of the low- and moderate-income units in this development.

## **FINANCIAL STATEMENTS**

Sponsors should provide current Financial Statements and audited statements along with the management letter. Also sponsors should provide signed credit authorization forms and borrower resumes.

## **MARKET ANALYSIS**

Sponsors should include in their proposal such market data that supports and justifies the project, program, or activity being proposed. The Housing Trust may, at its discretion, require a full market study for the project being proposed. Such a study, if required, will be paid for by the sponsor and presented to the Housing Trust before full and final consideration of the proposed project will be completed.

## **ENVIRONMENTAL REVIEW**

The sponsor will complete the attached Environmental Review Check List. The Housing Trust may, at its discretion, require a Phase I Environmental Review for any given proposed project. Such an environmental review, if required, will be paid for by the sponsor and submitted to the Housing Trust before further consideration will be given to the proposal in question.

## **TENANT RELOCATION**

In the event the development necessitates relocation of existing commercial or residential tenants, the sponsor will be responsible for assisting the tenants to relocate. In general, the Housing Trust encourages development plans to accommodate existing tenants but recognizes that this will not always be possible. The Trust will not support directly or indirectly the involuntary displacement of individuals or families from their homes and neighborhoods without an entitlement of the displaced to rights and relocation or replacement housing assistance that approximate those provided in the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

## **RELATED CITY POLICIES**

### **MINORITY, WOMEN-OWNED, HANDICAPPED AND SMALL BUSINESS ENTERPRISES & EMPLOYMENT GOALS**

It is the policy of the City to encourage the employment of minorities, handicapped, women-owned and small business for construction and permanent jobs generated by new development.



Applicants should demonstrate how they will follow and meet the standards of San Antonio Ordinance No. 68364 and Resolution Nos. 88-01-02 and 89-19-48.

Project proposal evaluation will include review of a sponsor or developer's past record in meeting the requirements of the ordinance, proposed hiring plans, and current workforce. Developers should be prepared to submit documentation on these subjects.

#### **NON-DISCRIMINATION**

The Trust will not support unlawful discrimination on the basis of race, color, religious creed, familial status, age, sex, sexual orientation, handicap, or national origin. This includes the sale or rent of housing or residential lots, the advertising of the sale or rent of housing, the financing of housing or the provision of real estate brokerage services. The Housing Trust will not award funds to any proposal that violates these laws.