KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: December 10, 2014

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing/Community Services

CMO: A. C. Gonzalez, 670-3297

MAPSCO: 46U

SUBJECT

Authorize (1) the sale of two vacant lots located at 1818 and 1822 Trunk Avenue from the Dallas Housing Acquisition and Development Corporation to Simple Faith International; and (2) the execution of a release of lien for any non-tax liens that may have been filed by the City - Financing: No cost consideration to the City

BACKGROUND

On June 18, 2003, Governor Perry signed the Urban Land Bank Demonstration Program Act. The Act allows the governing body of a municipality to adopt an Urban Land Bank Demonstration Program in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale to a land bank for the purpose of affordable housing developments. In 2004, the Dallas City Council established the Dallas Housing Acquisition and Development Corporation ("DHADC") as its land bank.

If a land bank determines that a property it owns is not appropriate for residential development, Section 379C.0106 of the Texas Local Government Code ("Code") requires that the land bank first offer the property for sale to an eligible adjacent property owner for the lower of the fair market value of the property as determined by the appraisal district in which the property is located or the sales price recorded in the annual plan.

Simple Faith International is an eligible adjacent property owner, as defined in the Code, and has submitted a proposal to purchase the DHADC-owned lots located at 1818 & 1822 Trunk Avenue for \$10,000.00, which amount is the sales price of the property recorded in the annual plan. The DHADC Board has approved the sale, subject to City Council approval.

BACKGROUND (continued)

This item will authorize the sale of two lots from DHADC to Simple Faith International and the release of lien for any non-tax liens that may have been filed by the City. The vacant lots were purchased by DHADC from a Sheriff's sale pursuant to foreclosure of tax liens and any non-tax liens in accordance with the Code. The instrument conveying the property will include a restriction limiting the purchaser's ability to lease, sell, or transfer the property for a period of three years in accordance with the Code.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On January 28, 2004, by Resolution No. 04-0458, the City Council established DHADC as its land bank for the purpose of acquiring, holding and transferring unimproved real property for the purpose of promoting the development of affordable housing as allowed under Chapter 379C of the Texas Local Government Code.

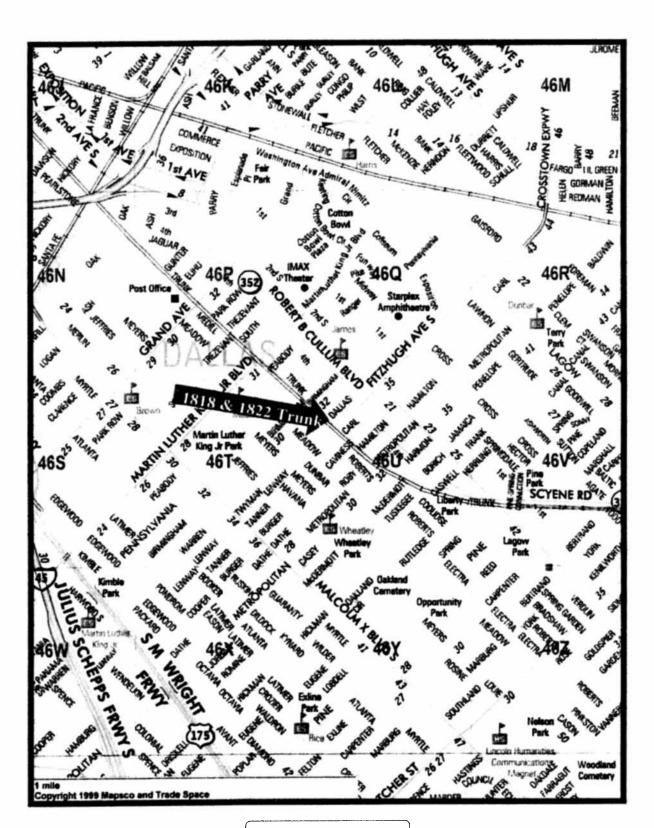
On October 23, 2014, the DHADC Board approved the sale to Simple Faith International, subject to City Council approval.

FISCAL INFORMATION

No cost consideration to the City

<u>MAP</u>

Attached



MAPSCO 46U

WHEREAS, on January 28, 2004, the City Council established the Dallas Housing Acquisition and Development Corporation ("DHADC") as its land bank for the purpose of acquiring, holding and transferring unimproved real property for the purpose of promoting the development of affordable housing as allowed under Chapter 379C of the Texas Local Government Code ("Code") by Resolution No. 04-0458; and

WHEREAS, if a land bank determines that a property it owns is not appropriate for residential development, Section 379C.0106 of the Code requires that the land bank first offer the property for sale to an eligible adjacent property owner for the lower of the fair market value of the property as determined by the appraisal district in which the property is located or the sales price recorded in the annual plan; and

WHEREAS, Simple Faith International is an eligible adjacent property owner, as defined in the Code, and has submitted a proposal to purchase the DHADC-owned lots located at 1818 & 1822 Trunk Avenue for \$10,000.00, which amount is the sales price of the property recorded in the annual plan; and

WHEREAS, the instrument conveying the property will include a restriction limiting the purchaser's ability to lease, sell, or transfer the property for a period of three years in accordance with the Code; and

WHEREAS, on October 23, 2014, the DHADC Board approved the sale to Simple Faith International, subject to City Council approval;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the sale of the lots located at 1818 & 1822 Trunk Avenue from DHADC to Simple Faith International is approved.

Section 2. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a release of lien for any non-tax liens that may have been filed by the City on the lots located at 1818 & 1822 Trunk Avenue.

Section 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA:

Economic Vibrancy

AGENDA DATE:

December 10, 2014

COUNCIL DISTRICT(S):

6

DEPARTMENT:

Housing/Community Services

Sustainable Development and Construction

CMO:

A. C. Gonzalez, 670-3297 Ryan S. Evans, 671-9837

MAPSCO:

44N

SUBJECT

A resolution declaring one unimproved property located at 1906 Bayonne Street unwanted and unneeded and authorizing its conveyance to Dallas Area Habitat for Humanity, a qualified non-profit organization, through the Land Transfer Program (list attached) - Revenue: \$6,653

BACKGROUND

This item will declare one (1) unimproved property located at 1906 Bayonne Street unwanted and unneeded and authorize its conveyance to Dallas Area Habitat for Humanity, a qualified non-profit organization, through the Land Transfer Program.

This property is being sold to a qualified non-profit organization that provides affordable housing. Dallas Area Habitat for Humanity will construct eight (8) single-family homes containing approximately 1279 square feet for purchase by low to moderate income homebuyers at the proposed sales price range from \$80,000 to \$90,000 each. The anticipated commencement date of construction is December 2017.

The deed to this property will include deed restrictions which prohibit the placement of industrialized housing on the properties.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue - \$6,652.50

OWNER

Dallas Area Habitat for Humanity

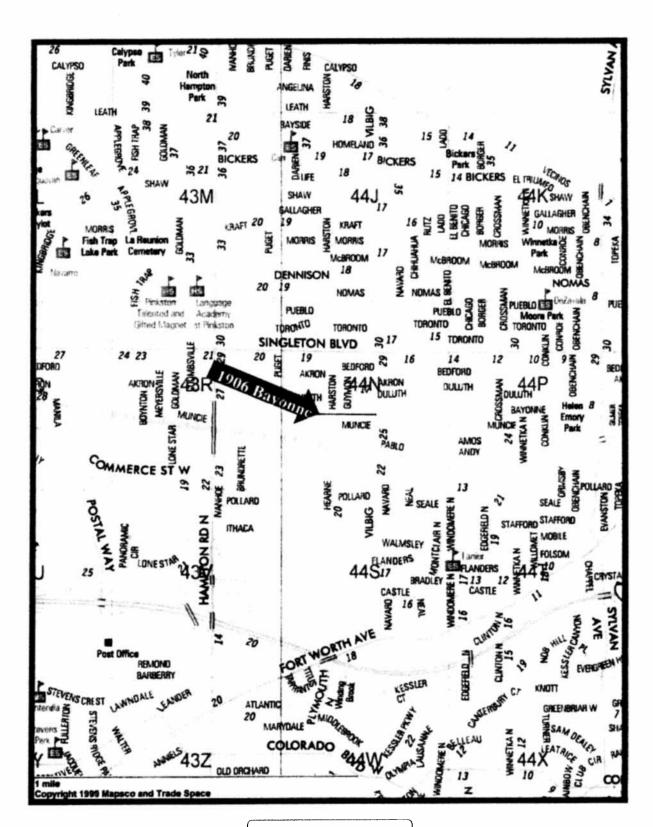
Richard Kelly, President

<u>MAP</u>

Attached

Surplus Property Resale

Parcel <u>No.</u>	<u>Address</u>	Non-Profit <u>Organization</u>	DCAD Amount	Sale <u>Amount</u>	Vac/ <u>Imp</u>	Zoning
1.	1906 Bayonne	Dallas Area Habitat for Humanity	\$73,510	\$6,652.50	V	R-5(A)



WHEREAS, the City acquired title to a certain property, identified on "Exhibit A", attached hereto and made a part hereof, by legal description and the volume and page number of said instrument recorded in the real property records of the county in which the property is located, ("Property"); and

WHEREAS, as authorized by Section 272.001(g) of the Texas Local Government Code, the City desires to sell the Property to a qualified "nonprofit organization" for the development of "affordable housing" for low income persons, as those terms are defined for the purposes of this resolution in Section 2-26.5 of the Dallas City Code ("Code") in accordance with the non-profit organization's written proposal for development of the Property by the purchaser; and

WHEREAS, the City recognizes certain "qualified nonprofit organizations" as those which:

- (1) are 501(c)(3) corporations, as defined by the U.S. Internal Revenue Service,
- (2) are in good standing with the State of Texas,
- (3) are community based organizations as evidenced by at least one-third (1/3) of their boards being made up of area residents or low income persons,
- (4) have articles of incorporation, charter or bylaws which show the provision of safe, decent, affordable housing to low and moderate income persons is a stated purpose of the organization, and
- (5) owe no outstanding judgements, tax delinquencies, or fees to the City; and

WHEREAS, the City has received a written proposal which contains proposed end use and time frame from a qualified nonprofit organization to purchase the Property by private sale ("Proposal") at a fixed price of \$1,000.00 for up to 7,500 square feet of land purchased under a single Proposal, plus \$0.133 for each additional square foot of land purchased under the Proposal, all as indicated on "Exhibit A"; and

WHEREAS, the City Council desires to declare the Property shown on Exhibit "A" unwanted and unneeded and authorize its conveyance to Dallas Area Habitat for Humanity; and

WHEREAS, the Deed without Warranty to this Property will contain:

- (1) Restrict the sale and resale of owner-occupied property to low-income individuals or families for five (5) years after the date of filing,
- (2) Require the nonprofit organization to develop the proposed housing unit within three (3) years after receiving the quitclaim deed,

- (3) Require any low-income individual or family to maintain each housing unit and all improvements on the land during the five (5) year period,
- (4) deed restrictions on the Property, acceptable to the City, requiring the Property to remain affordable to households whose incomes are less than 80% of the area median family income upon resale for five (5) years after initial occupancy, and
- (5) a right of reverter; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the Proposal identified on Exhibit "A" is approved by the City.

Section 2. That upon receipt of the monetary consideration from Dallas Area Habitat for Humanity for the Property on the list as specified on Exhibit "A", the City Manager is hereby authorized to execute a Deed without Warranty, upon approval as to form by the City Attorney and attested by the City Secretary, conveying the Property to Dallas Area Habitat for Humanity and the possibility of reverter with right of re-entry, and to the terms and conditions of Code Section 2-26.10 through 2-26.12 and the Proposal.

- **Section 3.** That the Deed without Warranty to this Property will contain deed restrictions requiring the purchaser to:
- (1) Restrict the sale and resale of owner-occupied property to low-income individuals or families for five (5) years after the date of filing,
- (2) Require the nonprofit organization to develop the proposed housing unit within three (3) years after receiving the quitclaim deed,
- (3) Require any low-income individual or family to maintain each housing unit and all improvements on the land during the five (5) year period,
- (4) deed restrictions on the Property, acceptable to the City, requiring the Property to remain affordable to households whose incomes are less than 80% of the area median family income upon resale for five (5) years after initial occupancy, and (5) a right of reverter.
- **Section 4.** That the City Manager is authorized to execute an instrument, approved as to form by the City Attorney, releasing the City's possibility of reverter with right of re-entry and terminating the deed restrictions to the Property upon compliance with all terms and conditions of Code Section 2-26.10 through 2-26.12, the Proposal, and the deed restrictions.
- **Section 5.** That the purchaser shall be responsible for the pro rata property taxes assessed from the date of closing for the remaining part of the then current calendar year. This Property shall be placed back on the tax rolls effective as of the date of execution of the deed.

December 10, 2014

Section 6. That any and all proceeds for the resale of the Property listed on Exhibit A shall be deposited to General Fund 0001, Department DEV, Balance Sheet Account 0519 and the Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for administrative costs incurred (General Fund 0001, Department DEV, Unit 1183, Object 5011). Any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8118.

Section 7. That if a title policy is desired, same shall be at the expense of the purchaser.

Section 8. That any procedures required by Code Section 2-24 that are not required by state law are hereby waived with respect to these conveyances.

Section 9. That this resolution shall take effect immediately from and after its passage in accordance with provisions of the City Charter of the City of Dallas, and is accordingly so resolved.

<u> </u>
TOTAL: \$6,662.50

KEY FOCUS AREA:

Economic Vibrancy

AGENDA DATE:

December 10, 2014

COUNCIL DISTRICT(S):

All

DEPARTMENT:

Housing/Community Services

CMO:

A. C. Gonzalez, 670-3297

MAPSCO:

N/A

SUBJECT

A public hearing to receive comments on Substantial Amendment No. 1 to amend the FY 2014-15 Action Plan for the Community Development Block Grant, HOME Investment Partnerships Program, and the Housing Opportunities for Persons with AIDS grant to (a) increase appropriations in the HOME Investment Partnerships Program made possible by unanticipated program income and refunds in the amount of \$1,688,052; (b) reprogram prior year unspent HOME Investment Partnerships Program funds in the amount of \$350,000 to the Housing Development Loan Program; (c) use of HOME Investment Partnerships Program funds for the Housing Development Loan Program; (d) decrease appropriations in the FY 2014-15 Housing Opportunities for Persons with AIDS grant due to revision in the total award amount by \$405 from \$5,375,659 to \$5,375,254; and (e) transfer Community Development Block Grant Neighborhood Enhancement Program and Neighborhood Investment Program Infrastructure activities, and associated appropriations, from the Housing/Community Services Department to the newly created Planning and Neighborhood Vitality; and at the close of the public hearing, authorize final adoption of Substantial Amendment No.1 to amend the FY 2014-15 Action Plan for the Community Development Block Grant, HOME Investment Partnerships Program, and the Housing Opportunities for Persons with AIDS grant - Not to exceed \$2,038,052 - Financing: FY 2014-15 HOME Program Income #1 (\$1,688,052), 2012-13 HOME Investment Partnerships Program Grant Funds (\$350,000)

BACKGROUND

On June 25, 2014, City Council adopted the FY 2014-15 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) Grant funds. The grant funds were available beginning on October 1, 2014.

BACKGROUND (continued)

The FY 2014-15 Action Plan includes funding for Community Development Block Grant (CDBG) in the amount of \$13,572,496, HOME Investment Partnerships Program (HOME) in the amount of \$4,365,818, and Housing Opportunities for Persons with AIDS (HOPWA) in the amount of \$5,375,659 for various activities.

Following City Council initial approval on June 25, 2014 and reconsideration on August 13, 2014, the City of Dallas received notice of the decrease in HOPWA grant funding by \$405, from the original allocation of \$5,375,659 to the final allocation of \$5,375,254. Additional funds in the amount of \$1,688,052 resulting from unanticipated funds generated from converted properties, buy-outs, etc. and refunds paid back to HUD as well as \$350,000 in unspent HOME Investment Partnerships Program funds have been identified.

On September 17, 2014, City Council authorized the creation of the Planning and Neighborhood Vitality Department by Ordinance No. 29478. The Community Development Block Grant (CDBG) Neighborhood Enhancement Program and Neighborhood Investment Program Infrastructure activities have been identified to be transferred to the Department of Planning and Neighborhood Vitality.

Federal regulations require a public hearing on the City's Proposed Consolidated Plan Budget for U.S. Department of Housing and Urban Development (HUD) grant funds. This includes the following grants: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Housing Opportunities for Persons with AIDS (HOPWA), and Emergency Solutions Grant (ESG). Federal regulations also require a public hearing on the City's Proposed Reprogramming Budget.

The Federal regulations and the City's Citizen Participation Plan requires a public hearing comment period of not less than 30 days and a public hearing to receive comments.

On October 22, 2014, City Council authorized a public hearing to be held on December 10, 2014 before City Council. This Substantial Amendment was made available for public review and comment on the proposed use of funds from October 23, 2014 through December 10, 2014.

BACKGROUND (continued)

This council action (1) holds the public hearing to receive comments on Substantial Amendment No. 1 to amend the FY 2014-15 Action Plan; and (2) authorizes final adoption of the Substantial Amendment No. 1 to amend the FY 2014-15 Action Plan for the Community Development Block Grant, HOME Investment Partnerships Program. and the Housing Opportunities for Persons with AIDS grant to (a) increase appropriations in the HOME Investment Partnerships Program made possible by unanticipated program income and refunds in the amount of \$1,688,052; (b) reprogram prior year unspent HOME Investment Partnerships Program funds in the amount of \$350,000 to the Housing Development Loan Program; (c) use of HOME Investment Partnerships Program funds for the Housing Development Loan Program; (d) decrease appropriations in the Housing Opportunities for Persons with AIDS grant due to revision in the total award amount by \$405 from \$5,375,659 to \$5,375,254; and (e) transfer Community Development Block Grant Neighborhood Enhancement Program and Investment Program Infrastructure activities, and associated Neighborhood appropriations, from the Housing/Community Services Department to the newly created Planning and Neighborhood Vitality Department.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 25, 2014, City Council adopted the FY 2014-15 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) Grant Funds, by Resolution No. 14-1001 (reconsidered and amended by Resolution No. 14-1314 on August 13, 2014).

On May 14, 2014 City Council approved preliminary adoption of the Proposed FY 2014-15 Consolidated Plan Budget and the Proposed FY 2013-14 Reprogramming Budget and authorized a public hearing by Resolution No. 14-0787.

On June 11, 2014 City Council held a public hearing to receive comments on the Proposed FY 2014-15 Consolidated Plan Budget and the Proposed FY 2013-14 Reprogramming Budget.

On June 25, 2014, City Council adopted the FY 2014-15 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) Grant funds, by Resolution No. 14-1001.

On September 17, 2014 City Council authorized the creation of the Planning and Neighborhood Vitality Department by Ordinance No. 29478.

On October 22, 2014 City Council approved preliminary adoption of Substantial Amendment No. 1 to amend FY 2014-15 Action Plan for the Community Development Block Grant, HOME Program, HOPWA grant and authorized a public hearing by Resolution No. 14-1848.

FISCAL INFORMATION

\$1,688,051.63 – FY 2014-15 HOME Program Income #1 \$350,000 – 2012-13 HOME Investment Partnerships Program Grant Funds

December 10, 2014

WHEREAS, on June 25, 2014, City Council adopted the FY 2014-15 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) Grant Funds, by Resolution No. 14-1001 (reconsidered and amended by Resolution No. 14-1314 on August 13, 2014); and

WHEREAS, Program income generated through HOME Investment Partnerships Program (HOME) activities must be used for other HOME eligible activities including Housing Development Loan Program; and

WHEREAS, unanticipated program income generated through HOME activities and refunded HOME funds must be used for HOME eligible activities including Housing Development Loan Program; and

WHEREAS, City of Dallas received notice from HUD of the decrease in HOPWA grant funding by \$405 from the original allocation of \$5,375,659 to the final allocation of \$5,375,254 following final adoption of the FY 2014-15 HOPWA budget; and

WHEREAS, Federal regulations require a public hearing on substantial amendments to the Action Plan for the City's Consolidated Plan Budget for U. S. Department of Housing and Urban Development (HUD) grant funds. This includes the following grants: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Housing Opportunities for Persons with AIDS (HOPWA), and Emergency Solutions Grant (ESG). Federal regulations also require a public hearing on the City's Proposed Reprogramming Budget; and

WHEREAS, Federal regulations and the City's Citizen Participation Plan requires a public comment period of not less than 30 days and a public hearing to receive comments to the substantial amendment #1 to the FY 2014-15 Action Plan; and

WHEREAS, a summary of the Proposed Substantial Amendment No. 1 to amend the FY 2014-15 Action Plan for the Community Development Block Grant, HOME Investment Partnerships Program and the Housing Opportunities for Persons with AIDS grants will be published in the Dallas Morning News on October 23, 2014 to provide an opportunity to submit written comments through December 10, 2014; and

WHEREAS, holding a public hearing on December 10, 2014 satisfies requirements set forth in the City's Citizen Participation Plan; **NOW**, **THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Council hereby authorizes (1) final adoption of Substantial Amendment No.1 to amend the FY 2014-15 Action Plan for the Community Development Block Grant, HOME Investment Partnerships Program, and the Housing Opportunities for Persons with AIDS grant to (a) increase appropriations in the HOME Investment Partnerships Program made possible by unanticipated program income and refunds in the amount of \$1,688,052; (b) reprogram prior year unspent HOME Investment Partnerships Program funds in the amount of \$350,000 to the Housing Development Loan Program; (c) use of HOME Investment Partnerships Program funds for the Housing Development Loan Program; (d) decrease appropriations in the FY 2014-15 Housing Opportunities for Persons with AIDS grant due to revision in the total award amount by \$405 from \$5,375,659 to \$5,375,254; and (e) transfer Community Development Block Grant Neighborhood Enhancement Program and Neighborhood Investment Program Infrastructure activities, and associated appropriations, from the Housing/Community Services Department to the newly created Planning and Neighborhood Vitality.

SECTION 2. That the City Manager is hereby authorized to establish appropriations in the amount of \$1,688,051.63 in Fund 14M1, Dept HOU, Unit 489G for the Housing Development Loan Program.

SECTION 3. That the City Manager is hereby authorized to release funds from their originally budgeted purpose from:

Fund HM12, Dept HOU, Unit 897E \$300,000

Fund HM12, Dept HOU, Unit 898E \$50,000

and reprogram them for the Housing Development Loan Program to:

Fund HM12, Dept HOU, Unit 893E \$350,000.

SECTION 4. That the City Controller is authorized to receive and deposit the following funds in an amount not to exceed \$1,688,051.63 in:

Fund 14M1, Dept HOU, Unit 489G, \$1,688,051.63

SECTION 5. That the City Controller is authorized to disburse funds from the following appropriations in an amount not to exceed \$2,038,051.63:

Fund 14M1, Dept HOU, Unit 489G, \$1,688,051.63

Fund HM12, Dept HOU, Unit 893E, \$350,000

December 10, 2014

SECTION 6. That the City Manager is hereby authorized to transfer appropriations in the amount of \$1,748,157 from Fund CD14, Dept HOU, to Fund CD14, Dept PNV as set forth in the attached schedule.

SECTION 7. That the City Manager is hereby authorized to decrease appropriations in the amount of \$12 in Fund HW14, Dept HOU, Unit 486G, Program Administration/City of Dallas, and \$393 in Fund HW14, Dept HOU, Unit 487G Program Administration/Project Sponsors.

SECTION 8. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

PROPOSED BUDGET CHANGES

		ADOPTED BUDGET	PROPOSED CHANGE	AMENDED BUDGET			
	COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)						
CD14	2014-15 Community Development Block Grant						
	FROM:						
	Housing/Community Services						
	Housing Assistance Support	1,945,172	(316,300)	1,628,872			
	Housing Development Support	1,052,706	(157,241)	895,465			
	Neighborhood Enhancement Program (NEP)	25,000	(25,000)	0			
	Neighborhood Investment Program Infrastructure	1,249,616	(1,249,616) (1,748,157)	0			
	TO:		,				
	Planning and Neighborhood Vitality						
	Neighborhood Enhancement Program (NEP)	0	25,000	25,000			
	Neighborhood Investment Program Infrastructure	0	1,249,616	1,249,616			
	Neighborhood Vitality Project Delivery	0	473,541 1,748,157	473,541			
	HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME	≣)					
	Housing/Community Services						
H M 12	2012-13 HOME Investment Partnerships Program Grant FROM:						
	Tenant Based Rental Assistance	300,000	(300,000)	0			
	Tenant Based Rental Assistance (Admin)	50,000	(50,000)	0			
	· ·	·	(350,000)				
	TO:						
	Housing Development Loan Program	900,000	350,000 350,000	1,250,000			
14 M 1	FY 2014-15 HOME Program Income #1						
	Housing Development Loan Program	0	1,688,052 1,688,052	1,688,052			
	HOUSING OPPORTUNITIES FOR PERSONS W/AIDS (HOPWA)						
	Housing/Community Services						
H W 14	2014-15 Housing Opportunities for Persons W/AIDS Grant Program Administration/City of Dallas Program Administration/Project Sponsors	t 161,269 278,475	(12) (393) (405)	161,257 278,082			