

June 28, 2023

**WHEREAS**, on May 9, 2018, the City Council adopted a Comprehensive Housing Policy (CHP) that set citywide production goals for homeownership and rental units for the next three years along with respective income bands that will be prioritized within the production goals and also set forth various programs, tools and strategies to be used to meet the production goals while also overcoming concentrations of poverty and racial segregation by Resolution No. 18-0704; and

**WHEREAS**, on May 22, 2019, the City Council authorized amendments to the City of Dallas Comprehensive Housing Policy to establish a Land Transfer Program by Resolution No. 19-0824; and

**WHEREAS**, on April 12, 2023, the City Council adopted a Dallas Housing Policy 2033 to replace the CHP by Resolution No. 23-0443, and the Dallas Housing Resource Catalog to include the approved programs from the CHP by Resolution No. 23-0444;

**WHEREAS**, the Department of Housing and Neighborhood Revitalization continues operating its programs, previously authorized and adopted under the CHP, now as restated in the Dallas Housing Resource Catalog approved on April 12, 2023; and

**WHEREAS**, Beharry Homes, Inc. (Developer) submitted a proposal to purchase one vacant Land Transfer Program lot to develop up to three single-family affordable housing units; and

**WHEREAS**, the tax foreclosed lots are being sold pursuant to 34.051 of the Texas Property Tax Code; and the surplus lots are being sold in accordance with 272.001(g) of the Local Government Code; and

**WHEREAS**, to assist in the affordable housing production goals established in the Comprehensive Housing Policy and restated in the Dallas Housing Policy 2033 and/or the Dallas Housing Resource Catalog, the City desires to enter into a development agreement with Beharry Homes, Inc.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager hereby authorizes the **(1)** sale of one Land Transfer Program lot to Beharry Homes, Inc., and/or its affiliates (Developer) subject to restrictive covenants, a right of reverter, and execution of all necessary documents, pursuant to the City's Land Transfer Program; **(2)** release of lien for all non-tax City liens, notices, or orders that were filed on one Land Transfer Program lot sold to Developer prior to or subsequent to the deeds transferring the lot to the City of Dallas; and **(3)** execution of a development agreement with Developer for the construction of up to three single-family homes on the Land Transfer Program lot, approved as to form by the City Attorney.

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**SECTION 2.** That the City Manager is hereby authorized to execute all documents, including, but not limited to deed without warranty (subject to right of redemption for tax lots), restrictive covenants, deed of trust and any necessary documents to effectuate the sale of one vacant Land Transfer Program lot shown in **Exhibit A** to Developer pursuant to the terms of development as described herein, as approved as to form by the City Attorney. Lot may revert to the City if the City Manager or his/her designee determines that the Developer has:

1. failed to take possession of the land within 90 calendar days after receiving the deed to the parcel of real property;
2. failed to complete construction of all required housing units or other required development on the real property, or failed to ensure occupancy by eligible households within the development timeframe set forth in the development agreement;
3. incurred a lien on the property because of violations of City ordinances and failed to fully pay off the lien within 180 days of the City's recording of the lien; or
4. sold, conveyed, or transferred the land without the consent of the City.

Upon determination by the City Manager that a condition described above has occurred, the City Manager is authorized to execute an instrument, approved as to form by the City Attorney, exercising against the parcel of real property the City's possibility of reverter with right to reentry. The City shall file notice of the reverter and reentry of the land by the City in the real property records of the county in which the parcel of real property is located, which notice must specify the reason for the reverter and reentry. The City shall provide a copy of the notice to the Developer in person or by mailing the notice to the Developer's post office address as shown on the tax rolls of the City or of the county in which the land is located.

**SECTION 3.** That each tax foreclosed lot shall be sold to the Developer for 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, as detailed in **Exhibit A**. City will collect fees from Developer for the recording of documents related to the transfer of ownership. The proceeds from sale and associated fees will be deposited to General Fund, Fund 0001, Department PBW, Balance Sheet Account 0519.

**SECTION 4.** That the City will provide Developer with a 120-day right of entry and due diligence period. During this period, the Developer will identify if the lot has significant development challenges that it may be undevelopable or may require significant remediation. Following the 120-day period, Developer must submit a final request for the lot. The City may extend the due diligence period, as determined in the City's sole discretion.

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**SECTION 5.** That the City Manager is hereby authorized to release all non-tax City liens, notices and orders that were filed on the lot sold to Developer, shown in **Exhibit A**, prior or subsequent to the deed transferring the lot to the City of Dallas, approved as to form by the City Attorney.

**SECTION 6.** That in addition to the conditions set out in the sections above, the development agreement shall include the following:

1. Developer is required to design, redevelop and construct a single-family home, for-sale to eligible homebuyers, on the Land Transfer Program lot obtained by Developer from the City. Developer shall submit a development plan and the development plan must be approved by the City.
2. Upon transfer of ownership of the lot from the City to the Developer, Developer must maintain the vacant lot in compliance with all applicable city, state and federal regulations including maintaining the lots free of high weeds.
3. No liens shall exist on the lot, except for liens related to the development of the lot. However, Developer shall ensure that the lot is free from liens or other encumbrances at the time of sale to each income eligible homebuyer.
4. Developer shall ensure that all single-family homes (units) have access to public sewer, public water, public road and any other necessary utilities.
5. All Project costs must be reasonable and customary and conform with the Dallas Housing Policy 2033 and the Dallas Housing Resource Catalog, together formerly known as the Comprehensive Housing Policy, and any other applicable City regulations.
6. Each unit must be a minimum of 1,842 square feet with a minimum of three bedrooms and two baths.
7. Units must be equipped with the following Energy Star rated appliances in conformity with the development standards outlined in the Comprehensive Housing Policy: refrigerator, range/oven, dishwasher and garbage disposal.
8. Units must meet applicable Section 504 Rehabilitation Act and Uniform Federal Accessibility Standards requirements. If units are presold, Developer must make the unit accessible upon the request of the prospective buyer.
9. Two units must be sold to a homebuyer in an income range of 80 -120 percent of the area median income (AMI), and one units must be sold to a homebuyer in an income range of 60 - 80 percent AMI. Units must be sold to an eligible homebuyer at a maximum sales price of \$215,000.00 for those units targeting homebuyers at an AMI of 61% - 80% and a maximum sales price of \$255,000.00 for those units targeting homebuyers at an AMI of 81% - 120%.

**SECTION 6.** (continued)

10. All income eligible homebuyers must meet the eligibility criteria set forth in the Dallas Housing Resource Catalog – City of Dallas Homebuyer Assistance Program, or a successor program.
11. Developer shall construct and sell each unit to eligible homebuyers within two years from the date of sale by the City to Developer. Developer may receive one one-year extension of any deadlines in the development agreement, subject to prior approval of the City Manager or designee.
12. Developer shall submit a marketing plan to the City for review and approval prior to construction. The marketing plan must identify the steps it is proposing to take in marketing the housing units to income eligible homebuyers.
13. The term of affordability for each unit is five years from the filing date of the deed transferring the unit from Developer to homebuyer, which shall be enforced by the restrictive covenants filed against each property.
14. Developer shall obtain a building permit for at least one unit within 60 days from the date of sale to Developer from the City.

**SECTION 7.** That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to this transaction, until such time as the documents are duly approved by all parties and executed.

**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.