

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Sections 2-142, 2-143, 2-152.4, 2-175, 2-176, and 2-177 of Chapter 2, “Administration”; amending Sections 13-7, 13-9, 13-10, and 13-11 of Chapter 13, “Courts, Fines, and Imprisonments”; amending Sections 20A-24 and 20A-31 of Chapter 20A, “Fair Housing and Mixed Income Housing”; amending Section 51-4.217 of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended”; amending Sections 51A-4.217, 51A-4.908, 51A-4.909, 51A-4.1002, and 51A-4.110 of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended”; changing the name of the Department of Housing and Community Development to the Department of Housing and Community Empowerment; changing the name of the Department of Dallas Municipal Court to the Department of Municipal Court and Detention Services; transferring the Office of the City Marshal to the Department of Municipal Court & Detention Services; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

Now, Therefore,

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

SECTION 1. That Article XIX, “Department of Housing and Community Development,” of Chapter 2, “Administration,” of the Dallas City Code, is amended to read as follows:

**“ARTICLE XIX.**

**DEPARTMENT OF HOUSING AND COMMUNITY EMPOWERMENT  
[~~DEVELOPMENT~~].**

**SEC. 2-142.**

**CREATED; DIRECTOR OF HOUSING AND COMMUNITY  
EMPOWERMENT [~~DEVELOPMENT~~].**

There is hereby created the department of housing and community empowerment ~~[development]~~ of the city, the head of which shall be the director of housing and community empowerment ~~[development]~~ who shall be appointed by the city manager. The department will be composed of the director of housing and community empowerment ~~[development]~~ and such other assistants and employees as the city council may provide upon recommendation of the city manager.

**SEC. 2-143. DUTIES OF THE DIRECTOR OF HOUSING AND COMMUNITY EMPOWERMENT ~~[DEVELOPMENT]~~.**

The director of housing and community empowerment ~~[development]~~ shall perform the following duties:

(1) Supervise and administer the department of housing and community empowerment ~~[development]~~.

(2) Perform such other duties as may be required by the city manager or by ordinance of the city council.

**SECS. 2-144 THRU 2-146. RESERVED.”**

SECTION 2. That Subsection (a) of Section 2-152.4, “Technical Resource Panel,” of Article XXI-a, “Commission on Disabilities,” of Chapter 2, “Administration,” of the Dallas City Code, is amended to read as follows:

“(a) There is hereby created a technical resource panel to be comprised of eight members appointed by the city council to serve as non-voting technical members of the commission on disabilities.

(1) The technical resource panel is not a board or commission subject to Chapter 8 of this code or Chapter XXIV, Section 13 of the city charter.

(2) The city manager may nominate members of the first technical resource panel, as recommended by the Department ~~[Office]~~ of Housing and Community Empowerment ~~[Equity and Inclusion]~~ for approval by the full council.

(3) Following the initial appointments, future technical resource panel members may be nominated by the city manager, as recommended by the Department ~~[Office]~~ of Housing and Community Empowerment ~~[Equity and Inclusion]~~, through consultation with the commission on disabilities, for approval by the full council.”

SECTION 3. That Article XXXI, “Office of the City Marshal,” of Chapter 2, “Administration,” of the Dallas City Code, is amended to read as follows:

**“ARTICLE XXXI.**

**RESERVED. [OFFICE OF THE CITY MARSHAL.]**

**SEC. 2-175. THRU 2-177. RESERVED. [CREATED.**

~~There is hereby created a division of the city manager's office to be known as the office of the city marshal, to be filled by a qualified person appointed by the city manager. The city marshal shall appoint such deputies as are authorized from time to time. The city marshal and his or her deputies shall meet all qualifications necessary to be certified as peace officers by the Texas Commission on Law Enforcement.~~

**SEC. 2-176. DUTIES OF THE CITY MARSHAL.**

~~The city marshal and his or her deputies, acting under the direction of the city manager, shall perform the following duties:~~

- ~~(1) execute warrants of arrest, subpoenas, and other legal process issuing out of the municipal court of record;~~
- ~~(2) execute other warrants of arrest, subpoenas, and legal process as determined by the municipal clerk;~~
- ~~(3) enforce state laws and the Dallas City Code;~~
- ~~(4) manage and operate the city detention center and sobering center;~~
- ~~(5) manage Dallas Security Services Division, security technology and security badging unit for protection of employees, citizens, and property at facilities that are owned, occupied, or managed by the city to ensure safety, orderly, and lawful conduct on those premises, except as otherwise provided by the city manager, city charter, or ordinance of the city council; and~~
- ~~(6) perform such other duties as may be required by the city manager or ordinance of city council.~~

**SEC. 2-177. CITY MARSHAL'S AUTHORITY; ELIGIBILITY FOR PENSION.**

- ~~(a) The city marshal and his or her deputies shall serve as peace officers and have full police authority in the exercise of their assigned duties.~~
- ~~(b) The city marshal and his or her deputies are not members of the police department of the city and are not eligible for membership in the Firemen, Policemen and Fire Alarm Operators Pension Fund; however, they are eligible for membership in the employee's retirement fund of the city. The city marshal and his or her deputies are paid law enforcement officers for the~~

~~purpose of qualifying for survivors' assistance benefits under the provisions of Article 6228f, Vernon's Texas Civil Statutes.]”~~

SECTION 4. That Section 13-7, “Department of Dallas Municipal Court Created; Director,” of Article II, “Municipal Court of Record,” of Chapter 13, “Courts, Fines, and Imprisonments,” of the Dallas City Code, is amended to read as follows:

**“SEC. 13-7.                                DEPARTMENT OF [DALLAS] MUNICIPAL COURT AND DETENTION SERVICES CREATED; DIRECTOR.**

There is hereby created the department of [Dallas] municipal court and detention services, the director of which shall be the clerk of the municipal court of record who shall be known as the municipal clerk.”

SECTION 5. That Section 13-9, “Reserved,” of Article II, “Municipal Court of Record,” of Chapter 13, “Courts, Fines, and Imprisonments,” of the Dallas City Code, is amended to read as follows:

**“SEC. 13-9.                                OFFICE OF THE CITY MARSHAL [RESERVED].**

There is hereby created the office of the city marshal, to be filled by a qualified person appointed by the municipal clerk. The city marshal shall appoint such deputies as are authorized from time to time. The city marshal and his or her deputies shall meet all qualifications necessary to be certified as peace officers by the Texas Commission on Law Enforcement.”

SECTION 6. That Section 13-10, “Reserved,” of Article II, “Municipal Court of Record,” of Chapter 13, “Courts, Fines, and Imprisonments,” of the Dallas City Code, is amended to read as follows:

**“SEC. 13.10.                                DUTIES OF THE CITY MARSHAL [RESERVED].**

The city marshal and his or her deputies, acting under the direction of the municipal court, shall perform the following duties:

- (1)        execute warrants of arrest, subpoenas, and other legal process issuing out of the municipal court of record;
- (2)        execute other warrants of arrest, subpoenas, and legal process as determined by the municipal clerk;

(3) enforce state laws and the Dallas City Code;

(4) manage and operate the city detention center and sobering center;

(5) manage the Dallas Security Services Division, security technology and security badging unit for protection of employees, citizens, and property at facilities that are owned, occupied, or managed by the city to ensure safety, orderly, and lawful conduct on those premises, except as otherwise provided by the city manager, city charter, or ordinance of the city council; and

(6) perform such other duties as may be required by the city manager or ordinance of city council.”

SECTION 7. That Section 13-11, “Reserved,” of Article II, “Municipal Court of Record,” of Chapter 13, “Courts, Fines, and Imprisonments,” of the Dallas City Code, is amended to read as follows:

“SEC. 13-11. **CITY MARSHAL’S AUTHORITY; ELIGIBILITY FOR PENSION [RESERVED].**”

(a) The city marshal and his or her deputies shall serve as peace officers and have full police authority in the exercise of their assigned duties.

(b) The city marshal and his or her deputies are not members of the police department of the city and are not eligible for membership in the Firemen, Policemen and Fire Alarm Operators Pension Fund; however, they are eligible for membership in the employee's retirement fund of the city. The city marshal and his or her deputies are paid law enforcement officers for the purpose of qualifying for survivors' assistance benefits under the provisions of Article 6228f, Vernon's Texas Civil Statutes.”

SECTION 8. That Paragraph (6) of Subsection (a), “Definitions,” of Section 20A-24, “Definitions and Interpretations,” of Article II, “Mixed-Income Housing,” of Chapter 20A, “Fair Housing and Mixed Income Housing,” of the Dallas City Code, is amended to read as follows:

“(6) DEPARTMENT means the department of housing and community empowerment [development].”

SECTION 9. That Paragraph (10) of Subsection (a), “Definitions,” of Section 20A-24, “Definitions and Interpretations,” of Article II, “Mixed-Income Housing,” of Chapter 20A, “Fair Housing and Mixed Income Housing,” of the Dallas City Code, is amended to read as follows:

“(10) DIRECTOR means the director of the department of housing and community empowerment ~~[development]~~ and includes representatives, agents, or department employees designated by the director.”

SECTION 10. That Paragraph (1) of Subsection (g), “Affirmative Fair Housing Marketing Plan,” of Section 20A-31, “Compliance, Reporting, and Recordkeeping,” of Article II, “Mixed-Income Housing,” of Chapter 20A, “Fair Housing and Mixed Income Housing,” of the Dallas City Code, is amended to read as follows:

“(1) In this subsection ADMINISTRATOR means the administrator of the fair housing division of the office of housing and community empowerment ~~[equity and inclusion]~~ or its successor.”

SECTION 11. That Romanette (iii) of Subparagraph (E) of Paragraph (20), “Temporary Inclement Weather Shelter,” of Subsection (b), “Specific Accessory Uses,” of Section 51-4.217, “Accessory Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code, is amended to read as follows:

“(iii) Except at the Kay Bailey Hutchison Convention Center and other city-owned and city-leased facilities, this accessory use may not operate within 0.5 mile of the central business district. The Office of Housing and Community Empowerment ~~[Homeless Solutions]~~ and the Office of Emergency Management and Crisis Response shall brief a city council committee on this provision by May 24, 2025.”

SECTION 12. That Romanette (iii) of Subparagraph (E) of Paragraph (11.1), “Temporary Inclement Weather Shelter,” Subsection (b), “Specific Accessory Uses,” of Section 51A-4.217, “Accessory Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(iii) Except at the Kay Bailey Hutchison Convention Center and other city-owned and city-leased facilities, this accessory use may not operate within 0.5 mile of the central business district. The Office of Housing and Community Empowerment ~~[Homeless~~

~~Solutions~~] and the Office of Emergency Management and Crisis Response shall brief a city council committee on this provision by May 24, 2025.”

SECTION 13. That Section 51A-4.908, “Affordable Housing Instrument Required,” of Division 51A-4.900, “Affordable Housing,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

**“SEC. 51A-4.908. AFFORDABLE HOUSING INSTRUMENT REQUIRED.**

(a) Requisites of instrument. If the application for a density bonus is approved, an affordable housing instrument must be executed and filed in accordance with this section on a form provided by the city. The instrument must:

- (1) be signed by all owners of the lot(s) affected;
- (2) be signed by all lienholders, other than taxing entities, that have either an interest in the lot(s) affected or an improvement on one or more of those lot(s);
- (3) contain a lot and block description of the lot(s) on which the SAH unit(s) will be located;
- (4) specify the number of the SAH units;
- (5) be a covenant running with the land;
- (6) state that all signatories agree to defend, indemnify, and hold harmless the city of Dallas from and against all claims or liabilities arising out of or in connection with the instrument;
- (7) state that it may only be amended or terminated by a subsequent written instrument that is:
  - (A) signed by the owner(s) of the lot(s) affected by the affordable housing instrument and by all lienholders, other than taxing entities, that have an interest in lot(s) or an improvement on the lot(s);
  - (B) approved by the director of housing and community empowerment [development];
  - (C) approved as to form by the city attorney; and

(D) filed and made a part of the deed records of the county or counties in which the lots are located;

(8) state that the owner agrees to comply with all the requirements of this division, including the submission of an annual report and full cooperation with audits of the affordable housing program conducted by the city;

(9) state that it may be enforced by the city of Dallas;

(10) state that it shall be governed by the laws of the State of Texas; and

(11) be approved by the director of housing and community empowerment [development] and approved as to form by city attorney.

(b) Instrument must be filed. A true and correct copy of the approved affordable housing instrument must be filed in the deed records of the county or counties in which the lots affected are located. The instrument shall not be considered effective until it is filed in the deed records in accordance with this section. After the instrument is filed in the deed records, two file-marked copies of the instrument must be filed with the director of housing and community empowerment [development].

(c) Termination or amendment of instrument. A recorded affordable housing instrument may be terminated or amended to reduce the number of SAH units on a lot if a corresponding number of SAH units are provided on one or more other lots. An instrument terminating or amending a recorded affordable housing instrument must be:

(1) signed by the owner of the lot(s) affected by the affordable housing instrument and by all lienholders, other than taxing entities, that have an interest in the lot(s) or of an improvement on the lot(s);

(2) approved by the director of housing and community empowerment [development] as to compliance with this division;

(3) approved as to form by the city attorney; and

(4) filed and made a part of the deed records of the county or counties in which the lot(s) are located by the owner of the lot(s).

The director of housing and community empowerment [development] shall not approve a termination or amendment that would cause the total number of SAH units to be reduced below the number required under this division, or that would otherwise cause this division to be violated. ”

SECTION 14. That Subsection (d) of Section 51A-4.909, “Operation of Affordable Housing Program,” of Division 51A-4.900, “Affordable Housing,” of Article IV, “Zoning



Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(d) The director of housing and community empowerment [~~development~~] shall randomly, regularly, and periodically select a sample of families occupying SAH units for the purpose of income verification. Any information received pursuant to this subsection shall remain confidential and shall be used only for the purpose of verifying income in order to determine eligibility for occupation of the SAH units. All prospective tenants of an SAH unit must agree to provide or to allow the director to obtain sufficient information to enable income verification as contemplated in this subsection as a condition to leasing the unit. A person commits an offense if he or she, with the intent to lease or occupy an SAH unit, misrepresents the gross annual family income of its tenant or prospective tenant to the lessor or the city of Dallas with knowledge of its falsity. A person who commits the offense described in this subsection shall be guilty of a separate offense for each day or portion of a day that the unit is leased or occupied based on the misrepresentation.”

SECTION 15. That Subsection (c), “Waivers,” of Section 51A-4.1002, “Applicability,” of Division 51A-4.1000, “Park Land Dedication,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(c) Waivers. Only developments that are enrolled in a program administered by the housing and community empowerment [~~development~~] department and authorized by the city council, that furthers the public purposes of the city's housing policy may be eligible to have some or all of these requirements waived.”

SECTION 16. That Paragraph (3) of Subsection (d), “Minimum Units Required,” of Section 51A-4.1105, “Procedures to Obtain a Development Bonus,” of Division 51A-4.1100, “Mixed-Income Housing,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(3) A development using a development bonus in this division must reserve no more than 50 percent of the dwelling units in each development for households at or below 80 percent of area median family income. This maximum percentage of reserved dwelling units may be waived for developments that are enrolled in a program administered by the department of housing and community empowerment [~~development~~] and authorized by the city council that furthers the public purposes of the city's housing policy and affirmatively furthers fair housing.”

SECTION 17. That Paragraph (2) of Subsection (f), “Certificate of Occupancy,” of Section 51A-4.1105, “Procedures to Obtain a Development Bonus,” of Division 51A-4.1100, “Mixed-Income Housing,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended to read as follows:

“(2) A letter from the director of housing and community empowerment ~~[development]~~ certifying that the development complies with the mixed-income restrictive covenant.”

SECTION 18. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$2,000 for violations governing fire safety, zoning, or public health and sanitation and \$500 for all other violations.

SECTION 19. That Chapters 2, 13, 20A, 51, and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 20. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 21. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

TAMMY L. PALOMINO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_