

February 26, 2020

**WHEREAS**, affordable housing for mixed income families is a high priority of the City of Dallas; and

**WHEREAS**, on June 27, 2012, City Council authorized adoption of the final FY 2012-13 Consolidated Plan Budget for U.S. Department of Housing and Urban Development ~~(HUD)~~ Grant ~~Funds~~ Fund for the following programs: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Housing Opportunities for Persons with AIDS (HOPWA), and Emergency Solutions Grant (ESG); and adoption of the FY 2011-12 Reprogramming Budget by Resolution No. 12-1629; and

**WHEREAS**, on June 26, 2013, City Council authorized adoption of the final FY 2013-14 Consolidated Plan Budget for ~~HUD~~ U.S. Department of Housing and Urban Development Grant Funds for the following programs: CDBG; HOME; HOPWA; and ESG; adoption of the FY 2012-13 Reprogramming Budget; and submission of the new 5 Year Consolidated Plan for the period October 1, 2013 through September 30, 2018, by Resolution No. 13-1142; and

**WHEREAS**, on September 9, 2015, City Council authorized a housing development HOME loan East Dallas Community Organization (EDCO) in an amount not to exceed \$900,000.00; and a ~~Bond-Conditional Grant Agreement~~ bond conditional grant agreement in an amount not to exceed \$405,040.00 for ~~a construction of eight homes for low and moderate~~ mixed income ~~housing-development-project~~ families by Resolution No. 15-1671; and

**WHEREAS**, on February 14, 2018, the City Council authorized an amendment to the HOME ~~Loan-Agreement~~ loan agreement and 2012 ~~Bond-Conditional Grant~~ bond conditional agreement with EDCO to extend the completion date, by Resolution No. 18-0279; and

**WHEREAS**, the City desires for East Dallas Community Organization (EDCO) to develop affordable units for low and moderate-income families; and

**WHEREAS**, on February 24, 2020, the Housing and Homelessness ~~Solutions~~ Committee will be briefed ~~by memorandum~~ regarding this matter ~~on February 24, 2020~~.

**Now, Therefore,**

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

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**SECTION 1.** That the City Manager is hereby authorized to execute an amendment to ~~Resolution No. 18-0279, previously approved on February 14, 2018, the loan agreement and conditional grant agreement and all related documents~~ with EDCO for construction of ~~8~~ eight homes for low and moderate mixed income families to ~~(1) extend the HOME loan agreement and the Bond Conditional Grant Agreement completion date~~ from December 31, 2018 to December 31, 2021; ~~(2) increase the affordable units under the conditional grant agreement from two to six and include reporting/performance thresholds; and (3) reduce the HOME amount of units under the loan agreement from \$807,740.00~~ six to two, reduce funding from up to \$900,000.00 to \$198,256.00 and close out the appropriation; and (3) amend the terms and thresholds of the 2012 Bond Conditional Grant Agreement, and include reporting/performance thresholds.

**SECTION 2.** That the terms of the ~~HOME conditional grant agreement and the loan and the Bond Conditional Grant Agreement agreement~~ are further amended to include the following, as applicable:

- (a) EDCO must execute amendments to all necessary documents.
- (b) EDCO will submit monthly reports to the Housing and Neighborhood Revitalization Department and provide updates on the status of the project.
- (c) EDCO will report delays to staff immediately, but no later than within one week of identifying major issues.
- (d) EDCO will submit complete homebuyer files for staff's review by October 31, 2021.
- (e) For the conditional grant agreement, EDCO will submit its final payment request by December 31, 2021.
- (f) Under the conditional grant agreement, EDCO will sell to homebuyers at these income levels: ~~two eligible low-income families at or below 80% of Area Median Income (AMI); and~~ four affordable of the six units will be sold to homebuyers at 120% or below of AMI; and two units will be sold to households homebuyers up to 140% of AMI. The deed restrictions will remain in effect upon sale of each unit and for a period of one year from that date.
- (g) Under the loan agreement, the two HOME funded units will be sold to families at or below 80% AMI. The deed restrictions will remain in effect upon sale of the units and for a period of 15 years from that date.

**SECTION 3.** That all other prior terms in Resolution No. 15-1671, as amended by Resolution No. 18-0279 remain in effect.

**SECTION 4.** That the City Manager, upon approval as to form by the City Attorney, may ~~(1) release liens upon satisfaction of all conditions; (2) and subordinate to the senior lender (including refinances); (3) amend all related documents; and (4) grant~~.

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**SECTION 5.** That the Director of ~~the Department of~~ Housing and Neighborhood Revitalization, or Director's designee, ~~the authority to~~ may extend the completion date ~~with~~ up to two six-month extensions.

**SECTION 5 6.** That this contract is designated as Contract No. HOU-2018-00004444.

**SECTION 6 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 the HOME Loan or Bond Conditional Grant Agreement, until such time as the amendments are duly approved by all parties and executed.

**SECTION 7 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.