



## Legislation Details (With Text)

**File #:** 19-1282      **Version:** 1      **Name:**

**Type:** CONSENT AGENDA      **Status:** Approved

**File created:** 8/20/2019      **In control:** Housing & Homelessness Solutions Committee

**On agenda:** 9/25/2019      **Final action:**

**Title:** Authorize (1) an amendment to the City of Dallas Comprehensive Housing Policy (CHP), previously approved on May 9, 2018, by Resolution No. 18-0704, as amended, to add a Title Clearing and Clouded Title Prevention Pilot Program to help clear title for low-to-moderate income families in order to establish marketable title, to encourage neighborhood stability, and to enable homeowners to become eligible for funding to invest in their homes; and (2) a three-year legal and professional services contract to implement a Title Clearing and Clouded Title Prevention Pilot Program with Cadillac Law, PLLC, most advantageous proposer of four - Not to exceed \$200,000.00 - Financing: General Fund

**Sponsors:**

**Indexes:** 1, 2, 3, 4, 5, 6, 7, 8

**Code sections:**

**Attachments:** 1. Map, 2. Resolution, 3. Exhibit A

Date	Ver.	Action By	Action	Result
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**STRATEGIC PRIORITY:** Economic and Neighborhood Vitality

**AGENDA DATE:** September 25, 2019

**COUNCIL DISTRICT(S):** 1, 2, 3, 4, 5, 6, 7, 8

**DEPARTMENT:** Housing & Neighborhood Revitalization

**EXECUTIVE:** Michael Mendoza

### SUBJECT

Authorize **(1)** an amendment to the City of Dallas Comprehensive Housing Policy (CHP), previously approved on May 9, 2018, by Resolution No. 18-0704, as amended, to add a Title Clearing and Clouded Title Prevention Pilot Program to help clear title for low-to-moderate income families in order to establish marketable title, to encourage neighborhood stability, and to enable homeowners to become eligible for funding to invest in their homes; and **(2)** a three-year legal and professional services contract to implement a Title Clearing and Clouded Title Prevention Pilot Program with Cadillac Law, PLLC, most advantageous proposer of four - Not to exceed \$200,000.00 - Financing: General Fund

### BACKGROUND

Families with inherited real estate may consider themselves homeowners and may have lived in their

homes their whole lives, yet their ownership is not properly documented in the deed records. This hampers their ability to qualify for City programs such as the Home Improvement and Preservation Program (HIPP), to obtain home improvement loans, and to sell the property when they are ready. It can erode the family's chances to pass the property on to their children or to access the equity in their property. Additionally, when a significant number of properties in a neighborhood have ownership clouds on the title and have fallen into disrepair, the lack of maintenance may affect the entire neighborhood's stability and future.

On June 24, 2019, at a special called meeting, City Council established strategic priorities for 2019 and 2020, several of which directly relate to housing, including programs to improve the City's housing stock and to improve community-oriented code compliance.

The Title Clearing and Clouded Title Prevention Pilot Program (Program) serves to address these City Council priorities and to implement the three broad goals of the CHP: to maintain affordable housing, to provide greater fair housing choices, and to overcome patterns of segregation and concentrations of poverty.

City Council approval of this item will approve the amendment to the CHP, create the program, and authorize the City Manager to execute the contract.

### **Amendment to Comprehensive Housing Policy**

The Program is a proposed legal services program to be administered by a third-party entity that is designed to focus on assisting qualified clients of the third-party entity (hereinafter referred to as "clients") to clarify the legal ownership of their real property so that homeowners can apply for funding for home repair and other needs and can prevent future heirship issues; and clients with vacant land can sell or build on their land. A secondary focus is to provide associated services, including legal rights information sessions, prevention services, and program evaluation and measurement.

The Program is open to potential clients with an assumed or possible ownership interest in real property located within eligible geographic areas who have a household income less than or equal to 120 percent of the Dallas Area Median Family Income and who are unrepresented by counsel.

Although it is difficult to quantify with precision, preliminary data analysis of the location of HIPP denials related to title issues indicates that the incidence of properties with unresolved title issues is greater in Southern Dallas.

For this reason, and to support the City Council's emphasis on equity, areas of southern Dallas (south of the Trinity River west of downtown and south of Interstate Highway 30 east of downtown) in Market Value Analysis (MVA) Categories D, E, F, G, H, and I are eligible for the pilot program, with preference given to potential clients who have an assumed ownership interest in:

- a home in MVA categories G, H, and I
- real estate in City of Dallas-designated historic districts
- real estate in designated Reinvestment Areas.

Preference will also be given to those clients within the eligible geographic areas who have been denied City of Dallas Housing and Neighborhood Revitalization (the "Department") funding for lack of ownership clarity on the title.

The Housing Policy Taskforce Steering Committee discussed this Program at the June 2019 and August 2019 meetings and received an email update in July 2019.

### **Proposed Contract for Creation and Administration of a Pilot Program**

On September 18, 2018, City Council approved the FY 2019 City budget, which included \$1,000,000.00 to support housing-related tools and strategies that can be used in areas that have been historically underserved. A portion of that money, not to exceed \$200,000.00, is proposed to be used for a contract to implement the Program.

In this contract, the selected organization will be required to focus on providing legal and professional services to 1) assist a significant number of qualified clients to attain a marketable/insurable title to their property in three to five neighborhoods within the eligible geographic areas, and 2) provide associated services, including legal rights information sessions, legal services that prevent clouded titles (such as preparing wills and transfer on death deeds), and program evaluation and measurement. The organization will also be required to commit to a universal representation model, providing representation to clients within the eligible geographical area up to capacity in a merits-blind manner.

On June 27, 2019, the City issued a request for proposals which stated that proposers may be a not-for-profit, educational, legal aid, or other legal services organization or group of organizations with a strong record of providing high-quality legal representation in low-income communities, experience with title law, applicable remedies, and knowledge of the Dallas community to apply for the initial funding for this program and to create the details for a pilot program.

Cadillac Law, PLLC, the most advantageous proposer of four, is an Oak Cliff-based, woman-owned law firm that focuses primarily on real estate, estate planning, and probate issues. Cadillac Law, PLLC intends to partner with Quest for Greater Success, a Pleasant Grove-based non-profit that offers a food pantry and job training; Domino SEM, a woman-owned business that offers affordable marketing; and Howard Watkins, PLLC, a mediator and licensed attorney.

Cadillac Law, PLLC currently offers free monthly seminars regarding estate planning and has three years' experience clearing titles, performing title abstract and examination, and representing clients in probate cases. As needed, the firm offers phone consultations, offers free consultations, and makes affordable payment plan arrangements for clients.

In order to assist the City in implementing the Program, Cadillac Law, PLLC will provide the following:

- A marketing plan to ensure community knowledge about and access to the Program;
- Quarterly information sessions in various eligible neighborhoods to provide information about title issues, probate, and estate planning;
- Efficient and effective legal services to help clients resolve issues related to real estate title;
- Additional services to prevent cloudy titles, such as estate planning services including wills, trusts, and transfer on death deeds; and
- Program evaluation and measurement.

A five-member committee from the following departments reviewed and evaluated the proposals:

- Department of Housing & Neighborhood Revitalization (1)
- Department of Planning & Urban Design (1)
- Office of Equity (1)
- Department of Sustainable Development and Construction (1)
- Office of Business Diversity (1)\*

\*The Office of Business Diversity only evaluated the Business Inclusion and Development Plan. A sub-committee within the Housing and Neighborhood Revitalization Department evaluated the financial capacity and submitted scores to the Office of Procurement Services.

The committee selected the successful respondent based on demonstrated competence and qualifications under the following criteria:

- Experience and team composition 30 points
- Approach and methodology 30 points
- Effective budget utilization & financial capacity 25 points
- Business Inclusion Development 15 points

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out email notifications to vendors registered under relevant commodity codes. To further increase competition, the Office of Procurement Services uses historical solicitation information, the Internet, and vendor contact information obtained from user departments to contact additional vendors. Additionally, in an effort to secure more competition, the Office of Business Diversity sent notifications to chambers of commerce and advocacy groups to ensure maximum vendor outreach. The Department of Housing and Neighborhood Revitalization also shared this procurement opportunity with persons who have elected to receive notices related to the Housing Policy Taskforce.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$11.15; the selected vendor meets this requirement.

#### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On May 9, 2018, City Council adopted the CHP by Resolution No. 18-0704, as amended.

On September 18, 2018, City Council approved the FY 2019 City budget, which included \$1,000,000.00 to support housing-related tools and strategies that can be used in areas that have been historically underserved by Resolution No. 18-1337.

On November 28, 2018, City Council adopted amendments to the City of Dallas CHP, to make technical changes to the HIPP, the DHAP, and the New Construction and Substantial Rehabilitation Program by Resolution No. 18-1680.

On May 22, 2019, City Council approved a resolution in furtherance of the City of Dallas’ efforts to support diverse racial, ethnic, cultural, and socio-economic backgrounds and to promote equity in the

Dallas community by Resolution No. 19-0804.

On May 22, 2019, City Council adopted an amendment to the City of Dallas CHP to add a Land Transfer Program to incentivize the development of quality, sustainable housing that is affordable to the residents of the City and the development of other uses that complement the City's CHP, economic development policy, or redevelopment policy by Resolution No. 19-0824.

On June 12, 2019, City Council adopted amendments to the City of Dallas CHP to amend and restate the low-income Housing Tax Credit policy by Resolution No. 19-0884.

On June 26, 2019, City Council adopted amendments to the City of Dallas CHP to amend the DHAP, the HIPP Homeowner Program, and the HIPP Landlord Program by Resolution No. 19-1041.

City Council will be briefed by memorandum regarding this matter on September 20, 2019.

### **FISCAL INFORMATION**

General Fund - \$200,000.00

### **M/WBE INFORMATION**

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$200,000.00	Other Services	23.80%	0.00%	\$0.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				
• Cadilac Law, PLLC is a woman owned business and is pending certification with North Central Texas Regional Certification Agency. This item will have 100.00% M/WBE participation upon approval of their application.				

### **PROCUREMENT INFORMATION**

Method of Evaluation Award Type:

Request for proposal	<ul style="list-style-type: none"><li>• Utilized for professional, personal, revenue, and planning services</li><li>• Recommended offeror is the responsible offeror whose proposal most closely meets established criteria for the services advertised, based on demonstrated competence and qualifications at a fair and reasonable price</li><li>• Always involves the evaluation by committee</li><li>• Allows for negotiation on contract terms, including price</li></ul>
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The following four bids with quotes were received and opened on June 27, 2019.

\*Denotes successful proposer

<b><u>Proposers</u></b>	<b><u>Address</u></b>	<b><u>Score</u></b>
*Cadilac Law, PLLC	5787 S. Hampton Rd. Ste. 445 Dallas, TX 75232	63.25
ML Law, PLLC	8111 Lyndon B. Johnson Frwy. #1502 Dallas, TX 75251	60.75
E. Aaron Cartwright III, Attorney at Law, PLCC	1309B W. Abram St. #200 Arlington, TX 76013	46.75
**Legal Aid of NorthWest Texas	600 E. Weatherford St. Fort Worth, TX 76102	

\*\*Pursuant to Section XXV of the Request for Proposals (Disqualification of Proposers), the City may choose to disqualify a proposer if the proposer is involved in a lawsuit filed against the City. Legal Aid of Northwest Texas is currently involved in a lawsuit filed against the City, Tenth Street Residential Association v. City of Dallas, Texas. The City has chosen to exercise its discretion to disqualify Legal Aid of Northwest Texas.

## **OWNER**

### **Cadilac Law, PLLC**

Lauren Cadilac, Owner

## **MAP**

Attached