

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, ADOPTING A POLICY SETTING FORTH MINIMUM STANDARDS FOR APPLICANTS WHO SEEK SUPPORT FROM THE CITY COUNCIL FOR A PROJECT TO QUALIFY FOR HOUSING TAX CREDITS (HTC) AWARDED BY THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Texas Department of Housing and Community Affairs ("TDHCA") administers a program that awards tax credits through the federal government for developers of low-income housing (the "Project"); and

WHEREAS, the TDHCA, as part of its approval and award process, considers whether an applicant has received a letter or resolution of support from the City Council of the City of Frisco, Texas ("City Council") where the Project will be located; and

WHEREAS, the City Council deems it appropriate to establish a process and standards before considering whether to approve a letter or resolution in support of a Project; and

WHEREAS, the City Council adopts the attached Policy as the minimum standards for applicants seeking City Council support of a Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2. City Council Policy for Consideration of Support of Housing Tax Credit Applications. The City Council adopts the policy, attached hereto, establishing the minimum standards for applicants who seek City Council support of a Project. The City Council directs the City Manager to develop a process, rules and procedures for filing applications, including additional rules and procedures he deems appropriate, with reasonable timeframes for internal review and possible action by the City Council.

SECTION 3: Effective Date. This Resolution shall become effective from and after its adoption.

RESOLVED THIS the 6th day of September, 2022.



Jeff Cheney
Jeff Cheney, Mayor

ATTEST TO:

Kristi Morrow
Kristi Morrow, City Secretary

City Council Policy for Consideration of Support of Housing Tax Credit Applications

The City Council of the City of Frisco ("City Council") receives requests from applicants for approval of projects to qualify for housing tax credits through a federal program administered by the Texas Department of Housing and Community Affairs ("TDHCA"). Applicants who intend to develop property for affordable housing (the "Project") may use the housing tax credit program to subsidize their development. The City does not fund or subsidize such Project; the City's role is limited to the following options: support, not support, or to take no action on the request for support. City support may be in the form of a letter or resolution, and approval is in the sole discretion of the City Council.

To provide applicants an understanding of the City's expectations for eligibility for its support, the City has created standards that must be met by the applicant before an application will be considered by the City. The following standards are the minimum requirements that must be met before the City Council will consider an application for its support of housing tax credit applicants. An applicant that meets these standards is not assured of City Council support. Support is at the sole discretion of the City Council. In addition, Council support of an application is not an approval or waiver of any requirements under any City ordinances, regulations or policies that apply to the development. Applicant is required to follow all steps and obtain necessary approval for the Project in accordance with the City's development regulations.

Staff shall implement these standards in the manner it deems appropriate for administering review of the applications. If an applicant does not meet these standards or comply with staff requests for information in implementing the standards, the application shall not be forwarded to the City Council. The applicant shall be notified in writing of the deficiency or error(s) in the application. An applicant wishing to appeal the staff rejection of the application must notify the City Manager in writing within five business days of receipt of the rejected application. The appeal must explain in detail why the application is not deficient or is not in error. The City Manager shall respond within ten business days and his decision is final.

Minimum Standards for Housing Tax Credit Applications

1. The applicant must be the developer of the property or show proof satisfactory to the City that the applicant is authorized to represent and bind the developer and the property management company that will operate the Project and that the applicant will comply with the conditions established for support of the Project by the City.
2. The applicant or developer must own the property where the Project will be located or demonstrate that it has secured an option to purchase the property.
3. The property where the Project will be located must be within the city limits of Frisco.

4. At the time of submitting the application to the City, the Project must meet all zoning and other approvals for its location, including any private covenants or restrictions. The applicant or developer must agree to not seek any change of zoning or removal of any covenant or restriction.
5. The application shall include a schematic or other rendering of the property that depicts the project, including building dimensions, building elevations and materials, parking layout, amenities on the property, landscaping, and layout of the property and improvements. The information is not a substitute for or in lieu of any submittals that are required in the development process.
6. The Project may not require any additional regulatory approval for development from the City other than the customary and ordinary approval processes for similarly situated properties. Applicant must also represent that no variances or other building exceptions will be sought or required to develop the Project.
7. Applicant and the developer, if different than applicant, and the management company who will be responsible for the Project upon completion, agree to comply with all current and applicable codes, standards, regulations, and ordinances applicable to the Project as determined by the appropriate City official. Development must also comply with principles of the City's 5 Year Consolidated Plan, Comprehensive Plan, and other strategic plans.
8. The property must be reasonably and substantially free from adverse environmental conditions, whether man made or natural. This includes soil instability, flooding, septic tank back-ups, sewage hazards, mudslides, petroleum or natural gas exploration and extraction within 1,000 feet from the property, harmful air pollution, excessive smoke, dust or noise, excessive vehicular traffic, industrial zoning and uses within 3,000 feet of the Project, excessive rodent and vermin infestation, or fire hazards.
9. The neighborhood adjacent to and within 1,500 feet of the Project must not be seriously detrimental to family life or in which substandard dwellings or high crime rates dominate.
10. The applicant or developer, if different than applicant, and the management company who will be responsible for the Project upon completion, must have a documented history of developing and managing housing tax credit properties where such properties had low crime rates and infrequent and minor property compliance issues.
11. Applicant must disclose on behalf of it, developer, and any management company that has agreed to manage the property, any current or prior lawsuits, claims, or other causes of action against it, its directors, officers and, or employees that result from their activities in securing tax credits, development of low-income housing or management of the same. The disclosure shall include the names of the parties, the general claims made and any defenses, and the ultimate outcome of the matter.
12. The applicant agrees and binds the applicant, developer, and management company that

screening and admission policies for leasing units must not have the purpose or effect of limiting occupancy by participants in the Section 8 Housing Choice Voucher Program.

13. The applicant and developer must agree to comply with the Fair Housing Act, Title VI of the Civil Rights Act, Section 504 of the 1973 Rehabilitation Act, the Americans with Disabilities Act, as amended, and the Texas Fair Housing Act. The applicant or developer shall ensure that the successive owner(s) agree to be bound to these stipulations, including any management company it uses to operate the Project.
14. Council approval expires on September 30th if the applicant or developer Approval fails to receive an award of a nine percent (9%) housing tax credit for the property from funds that are currently available for distribution to the Texas Department of Housing and Community Affairs.