

3-26-19

**31142**

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

An ordinance amending Chapter 20A, "Fair Housing," of the Dallas City Code by adding Article II, "Mixed-Income Housing"; providing regulations for a mixed-income housing program; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Chapter 20A, "Fair Housing," of the Dallas City Code is retitled as Chapter 20A, "Fair Housing and Mixed Income Housing."

SECTION 2. That Chapter 20A, "Fair Housing," of the Dallas City Code is amended by classifying Sections 20A-1 through 20A-21 as Article I, "Fair Housing."

SECTION 3. That Chapter 20A, "Fair Housing," of the Dallas City Code is amended by adding a new Article II, "Mixed-Income Housing," to read as follows:

**"Article II Mixed-Income Housing.**

**SEC. 20A-22. PURPOSE.**

This article is adopted to implement the provisions and goals of the comprehensive housing policy, affirmatively further fair housing, create and maintain available and affordable housing throughout Dallas, promote greater fair housing choices, and overcome patterns of segregation and concentrations of poverty.

**SEC. 20A-23. APPLICABILITY.**

This article applies to developments seeking a development bonus under Division 51A-4.1100 and other properties enrolled in a mixed-income housing program.

**SEC. 20A-24. DEFINITIONS AND INTERPRETATIONS.**

(a) Definitions. In this article:

(1) **ADJUSTED INCOME** has the definition assigned to that term in 24 CFR §5.611, as amended.

(2) **AFFIRMATIVE FAIR HOUSING MARKETING PLAN** means a marketing strategy designed to attract renters of all majority and minority groups, regardless of race, color, religion, sex, disability, familial status, or national origin.

(3) **AFFORDABLE RENT** means: (i) a monthly rental housing payment, less an allowance for utilities, that does not exceed 30 percent of an eligible household's adjusted income divided by 12, or (ii) the voucher payment standard.

(4) **ANNUAL INCOME** has the definition assigned to that term in 24 CFR §5.609, as amended.

(5) **APPLICANT** means a household applying to lease a reserved dwelling unit.

(6) **AREA MEDIAN FAMILY INCOME ("AMFI")** means the median income for the Dallas, TX HUD Metro Fair Market Rent Area, adjusted for family size, as determined annually by the Department of Housing and Urban Development.

(7) **DEPARTMENT** means the department of housing and neighborhood revitalization.

(8) **DEVELOPMENT** means the structure or structures located on the Property receiving a development bonus.

(9) **DEVELOPMENT BONUS** means yard, lot, and space bonuses that can be obtained by meeting the requirements in this division and Chapter 51A.

(10) **DEVELOPMENT BONUS RESTRICTIVE COVENANT** means a covenant running with the land that meets the requirements of this chapter.

(11) **DIRECTOR** means the director of the department of housing and neighborhood revitalization and includes representatives, agents, or department employees designated by the director.

(12) ELIGIBLE HOUSEHOLDS means households with an adjusted income within the required income band or voucher holders regardless of income.

(13) FAMILY means family as defined in 24 CFR §5.403, as amended.

(14) HANDBOOK means the HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs, as periodically revised and published by HUD.

(15) HUD means the United States Department of Housing and Urban Development.

(16) INCOME means income as defined by 24 CFR §5.609.

(17) INCOME BAND means the range of household adjusted incomes between a pre-determined upper limit and a pre-determined lower limit generally stated in terms of a percentage of area median family income adjusted for family size.

(18) MARKET VALUE ANALYSIS (“MVA”) means the most recent official study that was commissioned by and prepared for the city to assist residents and policy-makers to understand the elements of their local residential real estate markets.

(19) MIXED-INCOME HOUSING PROGRAM means a program administered by the department in which each owner using a development bonus participates.

(20) MIXED-INCOME HOUSING RESTRICTIVE COVENANT means the instrument securing the terms and enforcement of this division.

(21) OPTIONAL AMENITIES means services or features that are not included in the monthly rent, including access to premium parking and concierge services, among other services.

(22) OWNER means the entity or person who owns the development or Property during the rental affordability period, including the owner’s employees, agents, or contractors.

(23) PROPERTY means the land and all improvements as more particularly described in the mixed-income restrictive covenant.

(24) RENTAL AFFORDABILITY PERIOD means the period that the reserved dwelling units may only be leased to and occupied by eligible households.

(25) RESERVED DWELLING UNIT means the rental units in a development available to be leased to and occupied by eligible households, or which are currently leased to and occupied by eligible households and are leased at affordable rental rates.

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