

Controller's Office

To the Honorable Mayor and City Council of the City of Houston:

I hereby certify, with respect to the money required for the contracts, agreements, obligation or expenditure contemplated by the ordinance set out below that:

- ( ) Funds have been encumbered out of funds previously appropriated for such purpose.
- ( ) Funds have been certified and designated to be appropriated by separate ordinance to be approved prior to the approval of the ordinance set out below.
- ( ) Funds will be available out of current or general revenue prior to the maturity of any such obligation.
- ( ) No pecuniary obligation is to be incurred as a result of approving the ordinance set out below.
- ( ) That the money required for the expenditure or expenditures specified below is in the treasury, in the fund or funds specified below, and is not appropriated for any purposes.
- ( ) A certificate with respect to the money required for the expenditure or expenditures specified below is attached hereto and incorporated hereby by this reference.
- ( ) Other - Grant Funds Available

Date: \_\_\_\_\_, 2015

\_\_\_\_\_  
City Controller of the City of Houston

**FUND REF:** \_\_\_\_\_ **AMOUNT:** \_\_\_\_\_ **ENCUMB. NO.:** \_\_\_\_\_

City of Houston, Texas, Ordinance No. 2015 - \_\_\_\_\_

**AN ORDINANCE APPROPRIATING \$250,000.00 OUT OF THE TIRZ AFFORDABLE HOUSING FUND AND APPROVING AND AUTHORIZING A REPAIR AGENCY AGREEMENT BETWEEN THE CITY OF HOUSTON AND FORT BEND COMMUNITY REVITALIZATION PROJECTS, AS REPAIR AGENCY, FOR PERFORMANCE OF MINOR CRITICAL EMERGENCY REPAIRS TO HOMES OWNED BY QUALIFIED HOUSEHOLDS; APPROVING THE FIRST AMENDED AND RESTATED**

**ADMINISTRATIVE GUIDELINES FOR THE MINOR CRITICAL EMERGENCY HOME REPAIR PROGRAM; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.**

\* \* \*

**WHEREAS**, pursuant to Ordinance No. 2012-334, passed April 18, 2012, the City Council of the City of Houston (“City Council”) approved administrative guidelines (“MCEHRP Guidelines”) for the Minor Critical Emergency Home Repair Program (“MCEHRP”), which is intended to alleviate specific life, health, and/or safety hazards, resulting from severely substandard conditions, by causing limited repairs to be made to certain single family homes owned and occupied by households whose income does not exceed 110% of the area median income, adjusted for family size, as published by the United States Department of Housing and Urban Development, of whom a member is either elderly or disabled, and that have requested assistance, but do not meet the requirements of the Guidelines for the City’s Single Family Home Repair Program, as adopted by the City Council of the City of Houston pursuant to Ordinance 2008-683, or the requirements of the Guidelines for the City’s CDBG Disaster Recovery Program, as approved by the Texas Department of Housing and Community Affairs, and that cannot be assisted under other programs directly managed by the City’s Housing and Community Development Department (“HCDD”); and

**WHEREAS**, the City Council finds that the MCEHRP Guidelines document (i) the criteria by which households are to be determined to be eligible for repairs, (ii) the cost limits associated with the repairs, (iii) the procedures by which HCDD is to assess and document eligibility of applicants, and (iv) the procedures by which HCDD, or a duly approved third party, is to inspect housing units to determine the scope of work, select repair contactors, enter into agreements related to the repairs, monitor performance and coordinate payment for completed repairs; and

**WHEREAS**, THE City Council finds that it is desirable to approve the First Amended and Restated MCEHRP Guidelines, in the form attached as Exhibit “A” (the “First Amended and Restated MCEHRP Guidelines”), to revise the MCEHRP Guidelines to reduce the maximum direct cost of Eligible Repairs to an Eligible Residence from \$10,000.00 to \$6,000.00; and

**WHEREAS**, the City Council finds that HCDD, pursuant to applicable City, State and federal laws, rules and regulations, has selected Fort Bend Community Revitalization Projects, a Texas nonprofit corporation, (“Fort Bend Corps”) to implement certain aspects of the MCEHRP pursuant to the Repair Agency Agreement attached hereto (“Fort Bend Agreement”), which provides, without limitation, that (i) the cost of repairs to an eligible residence shall not exceed \$6,000.00, (ii) the cost of permits, materials and labor to repair all homes pursuant thereto shall not exceed \$225,000.00, (iii) the administrative fee to be paid to Fort Bend Corps shall equal 10.0% of invoiced repair work, not to exceed a total of \$25,000.00 and (iv) the owner of each home to be repaired shall agree, in writing, to continue to own and occupy the home for at least 2 years following the completion of repairs, shall authorize Fort Bend Corps to determine the scope of repairs and shall

consent to the performance of the repairs;

**WHEREAS**, the City Council finds that it is desirable to appropriate \$250,000.00 out of the TIRZ Affordable Housing Fund to pay for the repair of homes pursuant to the Fort Bend Agreement and the First Amended and Restated MCEHRP Guidelines; and

**WHEREAS**, the City Council finds that the activities under the MCEHRP will provide affordable housing in accordance with Texas Tax Code Section 311.011(f) and will stimulate business and commercial activity in accordance with Texas Local Government Code Section 380.001; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** That the findings and recitals contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2.** That the City Council hereby appropriates \$250,000.00 out of the TIRZ Affordable Housing Fund to pay costs incurred pursuant to the Fort Bend Corps Agreement.

**Section 3.** That the City Council hereby approves the First Amended and Restated MCEHRP Guidelines attached hereto as Exhibit "A".

**Section 4.** That the City Council hereby approves and authorizes the contract, agreement or undertaking described in the title of this Ordinance, in substantially the form as shown in the agreement which is attached hereto as Exhibit "B" and incorporated herein by this reference. The Mayor is hereby authorized to execute the agreement and all related documents on behalf of the City of Houston. The City Secretary is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents. The City Attorney is hereby authorized to take all action necessary to enforce legal obligations under said contracts without further authorization from City Council.

**Section 5.** There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

**PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.**

**APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2015.**

\_\_\_\_\_  
Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is \_\_\_\_\_.

\_\_\_\_\_  
City Secretary

(Prepared by Legal Dept. \_\_\_\_\_)

Senior Assistant City Attorney

(Requested by Neal Rackleff, Director, Housing and Community Development Department)

(L.D. File No. 0291500005001)

**EXHIBIT "A"**

**FIRST AMENDED AND RESTATED ADMINISTRATIVE GUIDELINES  
FOR  
MINOR CRITICAL EMERGENCY HOME REPAIR PROGRAM**

**EXHIBIT "B"**  
**REPAIR AGENCY AGREEMENT**