

APPENDICES

APPENDIX I

PUBLIC HEARINGS



City of Austin
Neighborhood Housing and Community Development Office
Fiscal Year 2010-11 Action Plan
REVISED Notice of Public Hearings on Community Needs

The City of Austin expects to receive approximately \$13 million in Fiscal Year 2010-11 through four U.S. Department of Housing and Urban Development (HUD) programs: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). In order to receive these HUD grants, the City of Austin must submit an annual Action Plan to HUD that describes community needs, resources, priorities, and proposed activities with regard to housing, community development, economic development, and public services. The City has begun development of its Fiscal Year 2010-11 Action Plan, which is due to HUD on or before August 15, 2010.

As required by Chapter 373 of the Texas Local Government Code and the City's Citizen Participation Plan, the steps for public participation in the annual Action Plan are four public hearings: two public hearings before the Austin City Council and two public hearings before the Community Development Commission (CDC). There is also a 30-day written comment period on the Fiscal Year 2010-11 Draft Action Plan beginning June 1, 2010, through July 2, 2010.

Public Hearings on Community Needs – Your Voice Matters

There will be two public hearings to receive public input on community needs and service gaps. The public is invited to attend the following public hearings:

- **12:00 PM Wednesday, March 10, 2010:** Before the Community Development Commission (CDC), Boards and Commissions Room, 301 W. Second Street
- **4:00 PM Thursday, March 11, 2010:** Before the Austin City Council at Austin City Hall, City Council Chambers, 301 W. Second Street

For more information about the Fiscal Year 2010-11 Action Plan and public hearings, City of Austin staff may be reached at 512-974-3100 (voice) or 512-974-3102 (TDD) Monday through Friday, 7:45 a.m. to 4:45 p.m.

Written Comments

The public may submit written comments to the following:

Mail to:
Neighborhood Housing and Community Development Office
Attn: Action Plan FY 2010-11
PO Box 1088
Austin, Texas 78767
Email: www.cityofaustin.org/connect/email_nhcd.htm

The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. For assistance please call 512-974-2210 OR 512-974-2445 TDD. For a sign language interpreter, please call 512-974-3100 at least 4-5 days in advance. The City does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs, and activities. Dolores Gonzalez has been designated as the City's ADA/Section 504 Coordinator. Her office is located at 505 Barton Springs Road, Suite 600. If you have any questions or complaints regarding your ADA/Section 504 rights, please call the ADA/Section 504 Coordinator at 512-974-3256 (voice) or 512-974-2445 (TTY). This publication is available in alternative formats. Please call 512-974-3100 (voice) or 512-974-3102 (TDD) for assistance.



Ciudad de Austin
Oficina de Desarrollo de la Vivienda en Vecindarios y de la Comunidad
Plan de Acción para el Año Fiscal 2010-11
Aviso Revisado de Audiencia Pública de las Necesidades de la Comunidad

La Ciudad de Austin espera recibir aproximadamente \$13 millones durante el Año Fiscal 2010-11 a través de cuatro programas del Departamento de Vivienda y Desarrollo Urbano de los E. U. (HUD): Subvención Bloque Para el Desarrollo Comunitario (CDBG), Sociedades de Inversiones para el Hogar (HOME), Subsidio para Refugios de Emergencia (ESG), Oportunidades de Vivienda para Personas con SIDA (HOPWA). Para recibir estos subsidios de HUD, la Ciudad de Austin debe presentar una Plan de Acción anual ante HUD, que describa las necesidades, recursos, prioridades y actividades propuestas para la comunidad con respecto a la vivienda, desarrollo de la comunidad, desarrollo económico, y servicios públicos. La Ciudad ha comenzado a desarrollar su Plan de Acción para el Año Fiscal 2010-11, que debe presentarse ante HUD en o antes de Agosto 15, 2010.

Tal como lo requiere el Capítulo 373 del Decreto de Gobierno Local de Texas y el Plan de Participación de los Ciudadanos de la Ciudad, los pasos para la participación del público en el Plan de Acción anual son cuatro audiencias públicas: dos audiencias públicas ante el Concejo Deliberante y dos audiencias públicas ante la Comisión para el Desarrollo de la Comunidad (CDC)]. También hay un período de 30 días de comentarios por escrito sobre el Borrador del Plan de Acción para el Año Fiscal 2010-11 desde Junio 1, 2010, hasta Julio 2, 2010.

Audiencias Públicas sobre Necesidades de la Comunidad – Su Opinión es Importante

Habrán dos audiencias públicas para recibir el aporte de las opiniones del público sobre necesidades de la comunidad y brechas de servicios. Se invita al público a que asista a las siguientes audiencias:

- **12:00 PM Miércoles, Marzo 10, 2010:** Ante la Comisión de Desarrollo Comunitario (CDC)], Boards and Commissions Room, 301 W. Second Street
- **4:00 PM Jueves, Marzo 11, 2010:** Ante el Concejo Municipal de Austin, City Hall, City Council Chambers, 301 W. Second Street


Para obtener más información del Plan de Acción y audiencias públicas, puede ponerse en contacto con personal de la Ciudad de Austin al 512-974-3100 (voz) o al 512-974-3102 (TDD) de Lunes a Viernes, de 7:45 a.m. a 4:45 p.m.

Comentarios por Escrito

El público puede someter comentarios por escrito a la siguiente dirección:

Envíelos por correo a:
Neighborhood Housing and Community Development Office
Attn: Action Plan FY 2010-11
PO Box 1088
Austin, Texas 78767
Email: www.cityofaustin.org/connect/email_nhcd.htm

La Ciudad de Austin está comprometida a cumplir con el Decreto sobre Americanos con Discapacidades. Se proveerán razonables modificaciones e igual acceso a comunicaciones cuando éstas sean solicitadas. Para obtener asistencia, llame 512-974-2210 O 512-974-2445 TDD. Para obtener un intérprete de lenguaje por señas, por favor llame al 512-974-3100 con al menos 4 a 5 días de anticipación. La Ciudad no discrimina en base a discapacidades o acceso, o tratamiento o empleo en sus programas y actividades. Dolores Gonzales ha sido designada como la Coordinadora de ADA/Sección 504 de la Ciudad. Su oficina está ubicada en 505 Barton Springs Road, Suite 600. Si tiene preguntas o quejas con respecto a sus derechos ADA/Section 504, por favor llame a la Coordinadora de ADA/Section 504 al 512-974-3256 (voz) o 512-974-2445 (TTY). Esta publicación está disponible en formatos alternativos. Por favor llame al 512-974-3100 (voz) o al 512-974-3102 (TDD) para obtener asistencia.



Homeless /
Special Needs
Assistance

Renter
Assistance

Homebuyer
Assistance

Homeowner
Assistance

Housing
Developer
Assistance

Commercial
Revitalization

Small Business
Assistance

Your voice matters!

Public Hearings

Each year, the City of Austin receives federal funds through four U.S. Department of Housing and Urban Development (HUD) programs: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). These funds assist with housing, community development, economic development, and public service needs.

The City expects to received \$13 million in Fiscal Year 2010-11. Austin's Neighborhood Housing and Community Development Office invites you to provide your feedback about the needs in your community and how federal and local funds should be spent to improve the lives of Austin residents.

PUBLIC HEARINGS

There will be two public hearings to receive public input on community needs and service gaps. The public is invited to attend the following public hearings:

12:00 PM Wednesday, March 10, 2010: Before the Community Development Commission (CDC) at Austin City Hall, Boards and Commissions Room, 301 W. Second Street

4:00 PM Thursday, March 11, 2010: Before the Austin City Council at Austin City Hall, City Council Chambers, 301 W. Second Street

Spanish translators and sign language interpreters available upon request.

WRITTEN COMMENTS

The public may submit written comments to the following:

Neighborhood Housing and Community Development Office

Attn: Action Plan FY 2010-11

P.O. Box 1088 Austin, TX 78767

Phone: (512) 974-3100 Fax: (512) 974-3122

Email: www.cityofaustin.org/connect/email_nhcd.htm

For immediate release

February 25, 2010

Contact: Rebecca Giello, Neighborhood Housing and Community Development, 512.974.3045

City seeks public comment on Community Needs for Fiscal Year 2010-11 Action Plan

City officials with the City of Austin's Neighborhood Housing and Community Development Office will host a series of public hearings in order to assess community needs related to housing and community development programs and services. The public hearings are a part of the federally-required process that enables the City to administer grant dollars from the U.S. Department of Housing and Urban Development (HUD).

Public Hearings on Community Needs

There will be two public hearings to receive public input on community needs and service gaps:

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The City of Austin expects to receive approximately \$13 million in Fiscal Year 2010-11 through four U.S. Department of Housing and Urban Development (HUD) programs: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). In order to receive the HUD grants, the City of Austin must submit an annual Action Plan to HUD that describes community needs, resources, priorities, and proposed activities with regard to housing, community development, economic development, and public services. The City has begun development of its Fiscal Year 2010-11 Action Plan, which is due to HUD on or before August 15, 2010.

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Written Comments

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Public Hearing
Action Plan Needs Assessment
Community Development Commission (CDC) Meeting
March 10, 2010

The following represents a summary of the testimony during the public hearing summarized by NHCD staff. The following is not a complete transcript of public testimony.

| Name | Statement | Staff Response |
|--|---|---|
| Jay Felderman - Salvation Army | Tenant Based Rental Assistance partnership between Housing Authority, City Of Austin, and Salvation Army has been in place since 1998. Funding provides services that have helped many recipients become self-sufficient. Recommended that funding be sustained or, if possible, increased to further serve those in need. | The City of Austin will continue to fund the Tenant-Based Rental Assistance (TBRA) program in fiscal year 2010-11. TBRA provides rental housing subsidies and security deposits to eligible families who would otherwise be homeless. |
| Stuart Hersh - Speaker | Emphasized the need for more S.M.A.R.T. Housing™. Recommended to make the remaining General Obligation (G.O.) Bonds available for fiscal year 2010-11 so that all bond funding is used prior to the next issuance. S.M.A.R.T. Housing™ housing builders need comprehensive pre-submittal information and fast track review to be successful producers of housing. Housing developers, especially not-for-profits, run into difficulties in the building process due to an inadequate pre-submittal information process. | The City of Austin will continue to fund S.M.A.R.T. Housing™ development opportunities in fiscal year 2010-11 through the Developer Incentive Based Program. The S.M.A.R.T. Housing™ program provides fee waivers, fast-track reviews, problem-solving assistance, and regulatory reviews that facilitate the construction of rental and homeownership. |
| Enrique Rivera - Family Connection, ECHO | There is a significant need for housing for very low-income households. With respect to homelessness, supportive services are needed in addition to housing. Child care support services for households with children are very important. Recommended continuing support for child care for community and at-risk households and housing services for the very low-income. | Child care continues to be a high priority for the City and will be funded in fiscal year 2010-11 through Child Care Services. |
| Jody Williams- Austin Independent School District (AISD) Parenting and Teen Programs | Urged funding of AISD's Parenting and Teen Pregnancy Program which offers comprehensive teen pregnancy and parenting services at four locations. Funding in fiscal year 2009-10 for this program has been cut by Texas Education Agency. | The City of Austin does provide funding directly to AISD's Parenting and Teen Program for fiscal year 2009-10. Child care continues to be a high priority for the City and will be funded in fiscal year 2010-11 through Child Care Services. |
| Jennifer McPhail- ADAPT of Texas | Recommended concentrating remaining General Obligation (G.O.) Bond money for populations earning below thirty percent of MFI. Emphasized that it is exceedingly difficult for persons with disabilities to find adequate accessible housing with only Social Security Income; however, supports Architectural Barrier Removal as a means to accessibility. Housing linked to supportive services can create conflicts between service providers and residents. | The Austin City Council provided policy direction in March 2010 that NHCD prioritize the creation of 350 units of permanent supportive housing targeting the most vulnerable, households earning below 30 percent MFI while continuing to fund affordable home ownership, home repair, and rental projects. The Architectural Barrier Removal program remains within the City's high priority for funding during fiscal year 2010-11. |

| Name | Statement | Staff Response |
|---|---|---|
| Mary Steele- ADAPT of Texas | Integrated communities are important, and funding is important to keep low-income people in mixed communities. | When allocating funding for the fiscal year 2010-11 Action Plan, Neighborhood Housing and Community Development (NHCD) will continue focusing on its vision and mission: to provide housing, community development and economic development services to eligible residents so that they have access to liveable neighborhoods and increased opportunities for self-sufficiency. The City incorporates the Department of Housing and Urban Development's (HUD) goals when allocating these new funds. |
| Burrell Steele- ADAPT of Texas | Affordable housing allows residents to live in communities with increased independence and self-sufficiency. Rising rents are not matched with rising voucher funding. The need for more funding to keep communities integrated is important. | When allocating funding for the fiscal year 2010-11 Action Plan, Neighborhood Housing and Community Development (NHCD) will continue focusing on its vision and mission and the Department of Housing and Urban Development's (HUD) goals. |
| Nelson Peet- ADAPT of Texas | Institutional living has no privacy or independence. Affordable, accessible housing is rewarding for the residents living in them. Architectural Barrier Removal and technical assistance is important to make units more accessible. | The FY 2010-11 Action Plan continues funding the Architectural Barrier Removal program. The program modifies or retrofits the living quarters of eligible, low-income elderly and severely disabled renters to make their housing more accessible. |
| Joyce Pohlman- Family Eldercare | Supported independent, self-sufficient living. Aging with respect and dignity in housing of one's choice is important. Family Eldercare provides support for clients to help them stay in their homes and offer in-home support services. Thankful for financial support thus far and hoped funding will continue. | The Austin/Travis County Health and Human Services Department will continue contracting with Family Elder Care during fiscal year 2010-11 to provide guardianship and bill payer services to help prevent and protect seniors from becoming victims of abuse, neglect, or financial exploitation. |
| Kyle Holder- Austin Early Childhood Council | Supported continued funding for child care and CDBG, especially for Bridge, Teen Parent, and Head Start programs. These are successful programs and should be supported. | Child care and youth services continue to be a high priorities for the City and will be funded in fiscal year 2010-11 through Child Care Services and Youth Services. |
| Jo Kathryn Quinn- Caritas of Austin, ECHO | Recommended supportive housing strategy as an effective means of combating chronic homelessness. Supportive housing does not have the time constraint that transitional housing does. Urged NHCD to make plans to produce units for supportive housing and to partner with agencies to provide services. Currently population of chronic homelessness outweighs supply of supportive housing. | The Austin City Council provided policy direction in March 2010 that NHCD prioritize the creation of 350 units of permanent supportive housing targeting the most vulnerable, households earning below 30 percent MFI while continuing to fund affordable home ownership, home repair, and rental projects. |
| Kathy Stark- Austin Tenants' Council | Urged funding housing and housing-related services to combat homelessness and increase access to stable housing. Decreasing affordability in Austin pushes workforce and other shares of population outside the city. Recommended continued funding for rental repair assistance program. | Housing services continue to be a high priority for the City and will be funded in fiscal year 2010-11 through various programs, some of which directly focus on addressing homelessness. The Austin City Council provided policy direction in March 2010 that NHCD prioritize the creation of 350 units of permanent supportive housing targeting the most vulnerable, households earning below 30 percent MFI while continuing to fund affordable home ownership, home repair, and rental projects. |

| Name | Statement | Staff Response |
|--|--|--|
| David Clauss- American Youthworks | Urged continued funding for G.O. Repair! Program. This program allows families to stay in their homes and helps maintain affordable housing across Austin. Furthermore, using community youth helps build service ethic and develops commitments to local communities. | The City of Austin NHCD G.O. Repair! Program will continue to receive funding in fiscal year 2010-11. The GO Repair! Program assists low- and moderate-income homeowners by using subrecipients to make eligible repairs that will eliminate health and safety hazards and/or provide improved accessibility. The Youth Support Services will also continue to be funded in fiscal year 2010-11. |
| Charles Cloutman- Meals on Wheels and More | Urged continued or increased General Obligation (G.O.) Bond funding. There is an extreme need for home repair for many residents earning less than 30 percent of MFI. Home repair can lengthen the lifespan of homes and vastly benefit residents in communities. | The Austin City Council provided policy direction in March 2010 that NHCD prioritize the creation of 350 units of permanent supportive housing targeting the most vulnerable, households earning below 30 percent MFI while continuing to fund affordable home ownership, home repair, and rental projects. |
| Alan Washington- Project Transitions | Transitional and supportive housing is important, particularly for the HIV-positive population. Increased funding for such housing and services would be ideal. | The City of Austin will continue to fund housing opportunities and supportive services to individuals living with HIV/AIDS in fiscal year 2010-11 through activities: Homeless Essential Services; Short-Term Rent, Mortgage, and Utility; Tenant-Based Rental Assistance; Permanent Housing Placement; Short-Term Supportive Housing; Transitional Housing; and Support Services. |

Public Hearing
Action Plan Needs Assessment
Austin City Council Meeting
March 11, 2010

The following represents a summary of the testimony during the public hearing summarized by NHCD staff. The following is not a complete transcript of public testimony .

| Name | Statement | Staff Response |
|---------------------------------------|---|--|
| Frances Ferguson- HousingWorks Austin | Recommended more holistic accounting of all funds available for affordable housing. Three key points include: 1) identify the full resource package needed to combat homelessness; 2) service expansion of rental housing (specifically for preservation) to populations making below 30 percent of MFI; and 3) workforce homeownership (a market and strategic gap) and the need for a standardized set of documents for all involved. | When allocating funding for the fiscal year 2010-11 Action Plan, Neighborhood Housing and Community Development (NHCD) will continue focusing on its vision and mission: to provide housing, community development and economic development services to eligible residents so that they have access to livable neighborhoods and increased opportunities for self-sufficiency. The City incorporates the U.S. Department of Housing and Urban Development's (HUD) goals when allocating these new funds. |
| Stuart Hersh- Speaker | Emphasized the need for more S.M.A.R.T. Housing™. Recommended the remaining G.O. Bonds in fiscal year 2010-11 assist low-income rental and S.M.A.R.T. Housing™ development opportunities. Also suggested reallocating various funding to Emergency Home Repair and that S.M.A.R.T. Housing™ partners need a fast-track review and more thorough information to increase production. | The City of Austin will continue to fund S.M.A.R.T. Housing™ development opportunities in fiscal year 2010-11 through the Developer Incentive Based Program. The S.M.A.R.T. Housing™ program provides fee waivers, fast-track reviews, problem-solving assistance, and regulatory reviews that facilitate the construction of rental and homeownership. |
| Helen Varty- Front Steps | FrontSteps conducted vulnerability assessments of the frequently homeless individuals (200+ visits annually) and of those, 100 percent had some form of disability. Most of this group's issues could be addressed with permanent supportive housing along with case management services. | The Austin City Council provided policy direction in March 2010 that NHCD prioritize the creation of 350 units of permanent supportive housing targeting the most vulnerable, households earning below 30 percent MFI while continuing to fund affordable home ownership, home repair, and rental projects. The Tenant-Based Rental Assistance Program will also continue to receive funding for services. |
| Jay Filderman- Salvation Army | Advocated that Tenant-Based Rental Assistance is a successful way to help formerly homeless individuals and others attain self-sufficiency. City of Austin should continue to support Tenant-Based Rental Assistance. | The City of Austin will continue to fund the Tenant-Based Rental Assistance (TBRA) program in fiscal year 2010-11. TBRA provides rental housing subsidies and security deposits to eligible families who would otherwise be homeless. |
| Mary Steele- ADAPT of Texas | Stressed the need for stable housing placement in order to maintain a close community fabric. Recommended increasing resources (money, time, opportunities) for low-income individuals to achieve stable living arrangements. | When allocating funding for the fiscal year 2010-11 Action Plan, Neighborhood Housing and Community Development (NHCD) will continue focusing on its vision and mission and the Department of Housing and Urban Development's (HUD) goals. |
| Burrell Steele- ADAPT of Texas | Affordable housing promotes community integration and facilitates self-sufficiency. Recommended supporting accessible, integrated, and affordable housing. | Housing programs continue to be a high priorities for the City and will be funded in fiscal year 2010-11 through various housing activities. |

| Name | Statement | Staff Response |
|--|---|--|
| Nelson Peet- ADAPT of Texas | Funding should be targeted to affordable and accessible units servicing individuals earning below 30 percent of MFI. Nursing homes restrict personal freedoms and minimize privacy. Supports Architectural Barrier Removal and technical assistance to communities. | The FY 2010-11 Action Plan continues funding the Architectural Barrier Removal program. The program modifies or retrofits the living quarters of eligible, low-income elderly and severely disabled renters to make their housing more accessible. The Austin City Council provided policy direction in March 2010 that NHCD prioritize the creation of 350 units of permanent supportive housing targeting the most vulnerable, households earning below 30 percent MFI while continuing to fund affordable home ownership, home repair, and rental projects. |
| Jennifer Mcphail- ADAPT of Texas | ADAPT is supportive of Architectural Barrier Removal, increasing units for individuals earning below 30 percent of MFI, and some supportive services. However, services-attached housing may, in some cases, be harmful for individuals with mental or physical disabilities. If caregivers are overbearing, they harm the overall quality of life for recipient tenants. Policies that segregate based on diagnoses create pseudo-institutional housing that limits autonomy of tenants. | The FY 2010-11 Action Plan continues funding the Architectural Barrier Removal program and assisting individuals earning below 30 percent of MFI. The Austin City Council provided policy direction in March 2010 that NHCD prioritize the creation of 350 units of permanent supportive housing targeting the most vulnerable, households earning below 30 percent MFI while continuing to fund affordable home ownership, home repair, and rental projects. |
| Jeri Jean Hutchison- Austin/Travis County Reentry Roundtable | Reentry Roundtable has worked to build a database for the homeless population. Proposed that mental illness and criminal backgrounds may harm chances for self-sufficiency. The City of Austin needs to better address issues for homeless and reentry populations. | Homeless/Special Needs continue to be a high priority for the City and will be funded in fiscal year 2010-11 through various activities. The City identified twelve groups for the fiscal years 2009-14 Consolidated Plan that are included in the Special Needs Population. Persons returning to the community from correctional institutions and/or with criminal histories was one of the twelve groups. |
| Spencer Duran- Accessible Housing Austin! | Stated the danger of linking supportive health services to housing. Cited the City of Allendale as an example of good bundling of services and housing via the Section 811 Program. | The City of Austin offers supportive health services that are not directly linked to housing services and will continue to offer these separate services in the upcoming fiscal year. |
| Kimberly Hernandez- Project Transition | Recommended expanding transitional housing for clients. Project Transition's services are at capacity given current resources. Need additional funding to expand capacity for clientele, who often have mental and substance abuse problems. | When allocating funding for the fiscal year 2010-11 Action Plan, Neighborhood Housing and Community Development (NHCD) will continue focusing on its vision and mission. The City will continue funding transitional housing services in fiscal year 2010-11 through the Transitional Housing program. Transitional Housing provides eligible households with housing and supportive services to maintain stability and receive appropriate levels of care. |
| Katherine Stark- Austin Tenants' Council | Urged the City of Austin to use federal funds for households earning below 80 percent of MFI, the most underserved of all Austinites. The City needs accessible and integrated housing. In addition, there is a new need for services relating to new sub-population of recent evictees. | When allocating funding for the fiscal year 2010-11 Action Plan, Neighborhood Housing and Community Development (NHCD) will continue focusing on its vision and mission and the U.S. Department of Housing and Urban Development's (HUD) goals. |

| Name | Statement | Staff Response |
|---|--|--|
| Mathilde Hyams Flores-AIDS Services of Austin | Housing stability is important for the HIV-positive population. The City of Austin needs more affordable permanent and long-term supportive units, as well as transitional housing. Recommended relaxing eligibility criteria to service more individuals with criminal histories. | The City of Austin will continue funding housing opportunities and supportive services to individuals living with HIV/AIDS in fiscal year 2010-11 through activities: Homeless Essential Services; Short-Term Rent, Mortgage, and Utility; Tenant-Based Rental Assistance; Permanent Housing Placement; Short-Term Supportive Housing; Transitional Housing; and Support Services. |
| Catherine Cranston-Adaptive Texas | Recommended funding be directed towards more accessible, integrated, affordable housing. Supports Architectural Barrier Removal as the program benefits citizens and urged increasing funding for such programs. | The City of Austin will continue to fund the Architectural Barrier Removal (ABR) Program in fiscal year 2010-11. ABR modifies or retrofits the living quarters of eligibly, low- income elderly and severely disabled renters/homeowners to make their housing more accessible. |



City of Austin
Neighborhood Housing and Community Development Office
Fiscal Year 2010-11 Draft Action Plan
Notice of Public Hearings and 30-Day Public Comment Period

The City of Austin Neighborhood Housing and Community Development Office announces public hearings and a 30-day public comment period to receive citizen comments to develop the City of Austin's (1) annual Fiscal Year 2010-11 Draft Action Plan, related to the allocation of the U.S. Department of Housing and Urban Development (HUD) grant funds and (2) Community Development 2010-11 Program as required by Texas Local Government Code Chapter 373, including proposed funding allocations.

Purpose of the Fiscal Year 2010-11 Action Plan

The City of Austin has prepared a Fiscal Year 2010-11 Draft Action Plan, which describes community needs, resources, and priorities for the City's housing and community development activities that are funded primarily with grants from HUD. The annual Action Plan is intended to outline how best to use limited public resources to increase the supply of decent, affordable, accessible housing; revitalize economically distressed neighborhoods; and expand economic opportunities. The Draft Action Plan includes funding recommendations for fiscal year 2010-11. The draft plan reflects approximately \$14.1 million in HUD funds. HUD funds are provided through four grant programs: Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA).

Public Hearings

The City of Austin will have two public hearings to receive public comments on the Fiscal Year 2010-11 Draft Action Plan. The public is invited to attend the following public hearings:

- **6:30 PM Monday, June 14, 2010:** Before the Community Development Commission (CDC), Boards and Commissions Room, 301 W. Second Street
- **4:00 PM Thursday, June 24, 2010:** Before the Austin City Council at City Hall, City Council Chambers, 301 W. Second Street

For more information about the Fiscal Year 2010-11 Draft Action Plan and public hearings, City of Austin staff may be reached at 512-974-3100 (voice) or 512-974-3102 (TDD) Monday through Friday, 7:45 a.m. to 4:45 p.m.

Written Comment Period

The development of the Fiscal Year 2010-11 Draft Action Plan considers public participation that includes:

- Public input received at the Community Development Commission (CDC) meeting on March 10, 2010;
- Public input received at the Austin City Council meeting on March 11, 2010; and
- Written comments submitted to the Neighborhood Housing and Community Development Office by July 12, 2010.

View the Report

The public is invited to review the Fiscal Year 2010-11 Draft Action Plan from June 11, 2010, through July 12, 2010, on the City's web site at www.cityofaustin.org/housing or at the following community locations:

- Austin Central Public Library, 800 Guadalupe (Central)
- Austin Resource Center for the Homeless, 500 East 7th Street (Central)
- East Austin Neighborhood Center, 211 Comal (East)
- Neighborhood Housing and Community Development Department, 1000 East 11th Street, Suite 200 (East)
- Rosewood-Zaragosa Neighborhood Center, 2800 Webberville Road (East)
- St. John's Neighborhood Center, 7500 Blessing (North East)
- AIDS Services of Austin, 7215 Cameron Road (North)
- Housing Authority of the City of Austin, 1124 S IH 35 (South)
- South Austin Neighborhood Center, 2508 Durwood (South)
- Pleasant Hill Library Branch, 211 East William Cannon (South)

Submit Written Comments

Written comments may be submitted until 4:45 p.m. on July 12, 2010. Please include a name, address, and phone number.

Mail to:

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Attn: Action Plan FY 2010-11

PO Box 1088

Austin, Texas 78767

Email: www.cityofaustin.org/connect/email_nhcd.htm

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Ciudad de Austin
Oficina de Desarrollo de la Vivienda en Vecindarios y de la Comunidad
Borrador de Plan de Acción para el Año Fiscal 2010-11
Aviso de Audiencia Pública y del Período de 30 Días de Comentario Público

La Oficina de Desarrollo de la Vivienda en Vecindarios y de la Comunidad de la Ciudad de Austin anuncia audiencias públicas y un período de 30 Días de Comentario público para recibir comentarios de los ciudadanos a fin de desarrollar (1) el Borrador del Plan de Acción del Año Fiscal 2010-11, con respecto a la asignación de los fondos de los subsidios del Departamento de Vivienda y Desarrollo Urbano de los E. U. (HUD) y (2) del Programa de Desarrollo de la Comunidad 2010-11 tal como lo requiere el Código del Gobierno Local de Texas, Capítulo 373, incluyendo las asignaciones de fondos propuestas.

Propósito del Plan de Acción del Año Fiscal 2010-11

La Ciudad de Austin ha preparado un Borrador de Plan de Acción para el Año Fiscal 2010-11 que describe las necesidades, recursos y prioridades de la comunidad, y prioridades para las actividades de desarrollo de la vivienda y de la comunidad de la Ciudad que están financiadas principalmente mediante subsidios de HUD. El Plan de Acción anual tiene como objetivo destacar cómo utilizar mejor los limitados recursos públicos para incrementar la oferta de vivienda decente, asequible y accesible; revitalizar áreas económicamente afectadas y expandir las oportunidades económicas. El Borrador de Plan de Acción incluye recomendaciones para la provisión de fondos para el año fiscal 2010-11. El borrador del plan refleja aproximadamente \$14.1 millones de fondos de HUD. Los fondos de HUD se proveen mediante cuatro programas de subsidios: Subvención Bloque Para el Desarrollo Comunitario (CDBG), Sociedades de Inversiones para el Hogar (HOME), Subsidio para Refugios de Emergencia (ESG), y Oportunidades de Vivienda para Personas con SIDA (HOPWA).

Audiencias Públicas

La Ciudad de Austin llevará a cabo dos audiencias públicas para recibir comentarios del público con respecto al Borrador del Plan de Acción para el Año Fiscal 2010-11. Se invita al público a las siguientes audiencias públicas:

- **6:30 PM lunes, 14 de junio, 2010:** Ante la Comisión de Desarrollo Comunitario (CDC), en el Boards and Commissions Room, 301 W. Second Street
- **4:00 PM jueves, 24 de junio, 2010:** Ante el Concejo de la Ciudad de Austin, Austin City Hall, City Council Chambers, 301 W. Second Street

Para más información del Borrador del Plan de Acción y audiencias públicas, contacte al personal de la Ciudad de Austin al 512-974-3100 (voz) o al 512-974-3102 (TDD) de Lunes a Viernes, de 7:45 a.m. a 4:45 p.m.

Período de Comentario Escrito

El desarrollo del Borrador de Plan de Acción para el Año Fiscal 2010-11 considera participación del público que incluye:

- Las opiniones del público recibidas durante la reunión de la Comisión de Desarrollo Comunitario (CDC) en 10 de marzo, 2010;
- Las opiniones del público recibidas durante la junta del Concejo de la Ciudad de Austin en 11 de marzo, 2010; y
- Los comentarios por escrito presentados ante la Oficina de Desarrollo de Vivienda y hasta 12 de julio, 2010.

Para Ver el Reporte

Se invita al público a que reconsidere el Borrador de Plan de Acción para el Año Fiscal 2010-11, desde 11 de junio, 2010 hasta 12 de julio, 2010, en el sitio Web de la Ciudad, www.cityofaustin.org/housing o en los siguientes lugares:

- Austin Central Public Library, 800 Guadalupe (Central)
- Austin Resource Center for the Homeless, 500 East 7th Street (Central)
- East Austin Neighborhood Center, 211 Comal (Este)
- Neighborhood Housing and Community Development Department, 1000 East 11th Street, Suite 200 (Este)
- Rosewood-Zaragosa Neighborhood Center, 2800 Webberville Road (Este)
- St. John's Neighborhood Center, 7500 Blessing (Noreste)
- AIDS Services of Austin, 7215 Cameron Road (Norte)
- Housing Authority of the City of Austin, 1124 S IH 35 (Sur)
- South Austin Neighborhood Center, 2508 Durwood (Sur)
- Pleasant Hill Library Branch, 211 East William Cannon (Sur)

Para Presentar Comentarios por Escrito

Comentarios por escrito pueden ser presentados hasta las 4:45 p.m. en 12 de julio, 2010. Por favor incluya nombre, domicilio y número de teléfono.

Envíelos por correo a:

Neighborhood Housing and Community Development Office

Attn: Action Plan FY 2010-11

PO Box 1088

Austin, Texas 78767

Email: www.cityofaustin.org/connect/email_nhcd.htm

La Ciudad de Austin está comprometida a cumplir con el Decreto sobre Americanos con Discapacidades. Se proveerán razonables modificaciones e igual acceso a comunicaciones cuando éstas sean solicitadas. Para obtener asistencia, llame 512-974-2210 O 512-974-2445 TDD. Para obtener un intérprete de lenguaje por señas, por favor llame al 512-974-3100 con al menos 4 a 5 días de anticipación. La Ciudad no discrimina en base a discapacidades o acceso, o tratamiento o empleo en sus programas y actividades. Dolores Gonzales ha sido designada como la Coordinadora de ADA/Sección 504 de la Ciudad. Su oficina está ubicada en 505 Barton Springs Road, Suite 600. Si tiene preguntas o quejas con respecto a sus derechos ADA/Section 504, por favor llame a la Coordinadora de ADA/Section 504 al 512-974-3256 (voz) o 512-974-2445 (TTY). Esta publicación está disponible en formatos alternativos. Por favor llame al 512-974-3100 (voz) o al 512-974-3102 (TDD) para obtener asistencia.

APPENDIX II

CITY AUSTIN MONITORING PLAN

APPENDIX II

CITY OF AUSTIN MONITORING

The goal of the City of Austin's monitoring process is to assess sub-recipient/contractor performance in the areas of program, financial and administrative compliance with federal, state and municipal regulations and current program guidelines. Under this plan, all programs and project activities are monitored through one or more of the following components outlined below.

The City of Austin's monitoring plan outlines the processes used to monitor assisted programs and project activities for compliance with federal, state and local requirements. Four monitoring processes are outlined in this section. The first component addresses monitoring active contracts; the second component addresses monitoring projects with an affordability period, or long-term monitoring requirements; the third component addresses monitoring compliance with the City's Section 3 Plan; and the fourth describes performance measurement tracking and reporting.

ACTIVE CONTRACTS

Prior to executing any agreement or obligation, monitoring takes the form of a compliance review. Verification is obtained to ensure that the proposed activity to be funded has received the proper authorization through venues such as the annual Action Plan, environmental review and fund release, and identification in the Integrated Disbursement & Information System (IDIS). Funded activities generally are recognized in the form of internal or external projects.

Internal Projects For internal activities implemented by the City staff, compliance begins with written program guidelines, documentation and tracking mechanisms that will be used to demonstrate compliance with applicable federal, state and local requirements.

External Projects For project activities implemented through external programs or third party contracts with non-profit, for-profit and community-based organizations, contract compliance may include:

- Development of a comprehensive Notice Of Fund Availability (NOFA)/Request For Proposals (RFP) which details performance, financial and regulatory responsibilities;
- Review and execution of a contract that includes, at a minimum, meeting the national objective, performance measures, a spending plan, a performance plan, a reporting format, reporting timelines, a budget and all applicable regulations referenced; and
- Subsequent verification of performance through desk, file, and/or on-site review. Whether for internal or external projects, monitoring/compliance activities may include, but may not be limited to the following:

1. Compliance Review prior to obligation of funds. Prior to entering into any agreement or obligation of entitlement funds, the City conducts a compliance review to verify that the program activity has been duly authorized. The compliance review consists of:

- Verification that the program activity has been approved as part of the Action Plan for the specified funding source and year;
- Confirmation of the availability of applicable funds for the specific activity;
- Verification that the activity has received an environmental review and fund release, as applicable;
- Documentation that the service provider is not listed in the Excluded Parties Listing (EPLS);

- Verification that the activity has been set up and identified in IDIS;
- Confirmation that the scope of work defined in the contract has adequately addressed performance, financial and tracking responsibilities necessary to report and document accomplishments: and
- Documented proof that the service provider has the required insurance in place.

After this information has been verified, staff may proceed in obtaining authorization and utilization of entitlement funds for the activity.

2. Administrative Desk Audit Review. Before processing an invoice for payment, staff reviews the information to be sure that the item or service is an eligible expense and it is part of the contract budget. Staff also reviews performance reports and supporting documentation submitted with invoices to ensure that the contractor is performing in accordance with the terms of the current contract, any amendments, and the scope of work. The contractor's insurance certificate is also reviewed regularly to ensure that it is still in effect. This level of monitoring is performed on an ongoing basis throughout the duration of the contract and is documented through the use of an Administrative Desk Audit Review (ADAR).

Through the review of performance reports and other documentation submitted by the contractor, staff is able to report the performance and the required demographic information into the department's database. This same information also allows staff to identify areas of concern early and facilitate corrections and/or improvements. Staff works with the contractor to provide the necessary technical assistance to reach resolution of any identified issue. However, if no resolution occurs or the contractor fails to perform in accordance with the terms and conditions of the contract, staff has the authority to enforce default provisions in the contract.

3. Records Audit. The review at this level includes a review of all file documents as needed. A file checklist is used to determine if the required documents are present. Through the review of performance reports and other documentation submitted by the contractor, staff is able to identify areas of concern early and facilitate corrections and/or improvements. Should problems be identified, a contractor or recipient of funds may then be provided technical assistance as necessary to reach a resolution. However, if no resolution of identified problems occurs or the contractor fails to perform in accordance with the terms and conditions of the contract, the City of Austin has the authority to suspend further payments to the contractor or recipient of funds until such time that issues have been satisfactorily resolved.

4. Selected On-Site Monitoring. A risk assessment is conducted internally and is used to determine the priority of site reviews to be conducted. Based on the results of the risk assessment, a selected number of projects may subject to an on-site review. The performance of contractors is reviewed for compliance with the program guidelines and the terms and conditions of the contract. In particular, staff verifies program administration and regulatory compliance in the following areas:

- Performance (*e.g.* meeting a national objective, conducting eligible activities, achieving contract objectives, performing scope of work activities, maintaining contract schedule, abiding by the contract budget);
- General management practices;
- Financial management practices (*e.g.* utilizing an accounting system, establishing and abiding by internal controls);
- Record keeping/reporting practices;
- Compliance with applicable anti-discrimination and accessibility regulations and ordinances (*e.g.* ADA, Section 504 of the Rehabilitation Act, Fair Housing Act, Visitability Ordinance; and

Additional activity-specific reviews (*e.g.* housing rehabilitation, economic development, public facilities, acquisition, and disposition) may include the following activities:

- In-house preparation or desk audit-review of all contract files; and
- On-site visit at the physical address of the contractor to review all contractor files.

There will be follow-up, as necessary, to ascertain regulatory and program administration compliance.

5. Project Closeout. Once a project activity has been completed and all eligible project funds expended, the staff will require the contractor to submit a project closeout package. The project closeout will provide documentation to confirm whether the contractor was successful in completing all performance and financial objectives of the contractor. Staff will review and ask the contractor, if necessary, to reconcile any conflicting information previously submitted. The project closeout will constitute the final report for the project. Successful completion of a project means that all project activities, requirements, and responsibilities of the contractor have been adequately addressed and completed.

LONG-TERM MONITORING

Acceptance of funds from Neighborhood Housing and Community Development Office (NHCD) of the City of Austin, or its sub-recipient Austin Housing Finance Corporation (AHFC) obligates beneficiaries to adhere to long-term conditions for the term of the affordability period, grant, loan, and/or agreement. NHCD is responsible for the operational function of compliance oversight and enforcement of long or extended term projects and financial obligations created through City sponsored or funded housing and community development projects. In this capacity, NHCD performs the following long-term monitoring functions and duties:

- Perform routine and required performance and compliance updates and checks during specified agreement, loan or contract terms;
- Analyze required information and documentation submitted by effected agencies or individuals for compliance with applicable legal obligations and/or regulatory requirements;
- Develop and implement policies, guidelines, forms, processes and procedures consistent with the scope and intent of the on going monitoring function; and
- Enforce and take corrective action against individuals or entities with nonperforming loans and/or non-complying projects in accordance with legal and/or regulatory terms and conditions.

Long-term monitoring uses operational tools such as risk assessment and beneficiary monitoring to achieve these goals. Monitoring may take the form of a desk review, on-site visit, visual or Housing Quality Standard (HQS) inspection, and/or technical assistance to help beneficiaries understand how to minimize deficiencies.

Cross-cutting legislation. In addition to monitoring for compliance with specific allocated funds, NHCD must also support compliance of regulations that apply to federal funds in general. The monitoring approach for these regulations are listed below:

- Section 3: (to provide job opportunities to neighborhood residents): One time desk review upon execution of contract.
- Section 504: (to ensure program accessibility to persons with disabilities): One time desk review upon execution of contract.)

- Davis Bacon: Ongoing monitoring during construction of project. Davis Bacon will only apply to projects that have construction or relocation of \$2,000 or more.
- Uniform Relocation Act: Ongoing monitoring during relocation and one-time onsite file review. Relocation oversight will not be required unless relocation is required as part of the activity. Relocation and displacement will be avoided if feasible.
- Environmental/Historical Clearance: All HUD-funded projects must be cleared to be in compliance with National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA). Based upon the clearance, an additional follow-up may be required of specific projects.

PERFORMANCE MEASUREMENT TRACKING AND REPORTING

The recent HUD NOTICE CPD-03-09 encourages State and Local entitlements to develop Performance Measurement Systems for Community Planning. The City of Austin began implementing performance measure tracking and reporting in fiscal year 1998-99. Each department was required to submit performance measures for tracking and reporting. These measures were mostly output and efficiency measures, i.e. units produced and cost per unit. The City also uses performance measure to monitor and track performance of programs in meeting goals and objectives set forth in the 5-Year Consolidated Plan.

Beginning in fiscal year 2004-05, NHCD added a new outcome measure to track the impact of the clients served with the greater community. The City sends a customer survey to a random sample of Austin residents annually. One of the questions asks residents to rate the satisfaction on: "Availability of affordable housing for low- and moderate-income families?" The six selectable responses are: 1) very satisfied, 2) satisfied, 3) neutral, 4) dissatisfied, 5) very dissatisfied, and 6) don't know. The survey was submitted to the public in July 2009 and will be given each year through this Consolidated Plan period.

The U.S. Department of Housing and Urban Development (HUD) issued the *Notice of Outcome Performance Measurement System for Community Planning and Development Formula Grant Programs* on March 7, 2006. The Notice described the new required outcome performance measurement system for communities receiving the four formula entitlement grants. The City of Austin's outcome performance measures allows HUD to clearly demonstrate program results at the national level. The City of Austin began collecting these new outcome performance measures in fiscal year 2006-07.

Integrated Disbursement Information System (IDIS) accuracy. IDIS is a tool for measuring outcomes and allocations as well as drawing down funds and is the mandated database for most HUD-funded projects. IDIS provides HUD with the primary data for all projects, activities and expenditures. IDIS policies and procedures have been developed and maintained by NHCD to ensure accurate and timely data. As a further assurance, a quarterly internal review of data in project files will be reconciled with the information reported in IDIS. NHCD recognizes and supports that the information in IDIS is the official record of NHCD HUD-funded activities; thus, IDIS processes such as setting up, completing and updating the status of activities in the IDIS system are priorities for NHCD.

APPENDIX III
RESIDENTIAL ANTI-DISPLACEMENT
AND RELOCATION ASSISTANCE PLAN

APPENDIX III

Residential Anti-Displacement and Relocation Assistance Plan

When necessary and applicable under federal requirements, the City of Austin will replace all occupied and vacant occupiable lower income housing demolished or converted to a use other than lower income housing in connection with a project assisted with funds provided under the HOME Investment Partnerships Act, Community Development Block Grant (CDBG) and other applicable federally assisted programs administered by the City of Austin.

All replacement housing will be provided within three years after the commencement of demolition or conversion. Before entering into a contract that commits the City of Austin to provide funds for a project that will directly result in demolition or conversion, the City will notify the public through public notice in a newspaper of general circulation, or post the notification at the City Clerk's Office, City's Neighborhood Housing and Community Development Office, City neighborhood centers, and additional public places located in the area of the proposed project(s). The City will submit to the U.S. Department of Housing and Urban Development (HUD) the following information:

1. A description of the proposed assisted project;
2. The physical address, number of bedrooms, and a map identifying the specific location of lower income housing that will be demolished or converted to be used other than lower income housing;
3. A project time schedule addressing the commencement and completion of the demolition or conversion;
4. To the extent known, the physical address, number of bedrooms and a map identifying the location of the replacement housing that has been or will be provided.
5. The source of funding and a time schedule for the provision of the replacement housing;
6. The basis for concluding that the replacement housing will remain lower income housing for at least 10 years from the date of initial occupancy;
7. Information demonstrating that any proposed replacement of housing units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the approved 5-Year Consolidated Plan for the City of Austin.

To the extent that the specific location of the replacement housing and other data in items 4 through 7 are not available at the time of the general submission to HUD, the City will submit a map identifying the general location of the proposed project and complete the disclosure and submission requirements as soon as the specific information is available.

The City of Austin, Neighborhood Housing and Community Development (NHCD) Office or its designated agent, the Austin Housing Finance Corporation (AHFC), is responsible for:

- ensuring the tracking of replacement lower income housing,
- ensuring the lower income housing is provided within the required period,
- ensuring the provision of relocation payments and additional relocation assistance to any lower income person displaced by the demolition of any housing or the conversion of lower income housing to another use.

Consistent with the goals and objectives of activities assisted under the Housing and Community Development Act of 1974, the City of Austin, to the greatest extent feasible, will take steps to minimize the direct and indirect displacement of persons from their homes. These steps may include, but may not be limited to, the following:

1. Coordinate code enforcement with rehabilitation and housing assistance programs.
2. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
3. Stage rehabilitation of apartment units by working on empty units first; thus, allowing tenants to remain in the building during and after rehabilitation.
4. Arrange for facilities to house persons who must be temporarily relocated during rehabilitation.
5. Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
6. Adopt policies which provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
7. Adopt tax assessment policies, such as deferred tax payment plans, to reduce the impact of increasing property tax assessments on lower income owner-occupants or tenants in revitalizing areas.
8. Establish counseling centers or provide counseling services to provide owners and tenants with information and resources on assistance available to help them remain in their neighborhood in the face of revitalization pressures.

APPENDIX IV

FAIR HOUSING

City Ordinance

Chapter 5-1. Housing Discrimination

CHAPTER 5-1. HOUSING DISCRIMINATION

ARTICLE 1. GENERAL PROVISIONS.

§ 5-1-1 DECLARATION OF POLICY.

(A) It is the policy of the City to bring about through fair, orderly and lawful procedures, the opportunity of each person to obtain housing without regard to race, color, creed, religion, sex, national origin, disability, student status, marital status, familial status, sexual orientation, gender identity, or age.

(B) This policy is established upon a recognition of the inalienable rights of each individual to obtain housing without regard to race, color, creed, religion, sex, national origin, disability, student status, marital status, familial status, sexual orientation, gender identity, or age; and further that the denial of such rights through considerations based on race, color, creed, religion, sex, national origin, disability, student status, marital status, familial status, sexual orientation, gender identity, or age, is detrimental to the health, safety and welfare of the inhabitants of the City and constitutes an unjust denial or deprivation of such inalienable rights which is within the power and the proper responsibility of the government to prevent.

Source: 1992 Code Section 7-1-1; Ord. 031106-12; Ord. 031211-11; Ord. 040610-7.

§ 5-1-2 SCOPE.

(A) To provide a procedure for investigating and settling complaints of discriminatory housing practices which are violations of state and federal law, to provide rights and remedies substantially equivalent to those granted under federal law and to permit the director to accept referral of complaints from the Secretary of Housing and Urban Development and from the Civil Rights Division of the Texas Workforce Commission, Article 2 (*Discrimination in Housing - Fair Housing Act Compliance*) prohibits discrimination in housing on the basis of race, color, sex, religion, disability, familial status or national origin and establishes procedures to enforce the provisions of federal and state law.

(B) Even though federal law protects individuals against discrimination in housing based on race, color, sex, religion, disability, familial status or national origin, it is the policy of the City that no person should be denied the opportunity to obtain housing on the basis of creed, student status, marital status, sexual orientation, gender identity, or age.

Source: 1992 Code Section 7-1-2; Ord. 031106-12; Ord. 031211-11; Ord. 040610-7; Ord. 20051215-010.

ARTICLE 2. DISCRIMINATION IN HOUSING - FAIR HOUSING ACT COMPLIANCE.

Division 1. General Provisions.

§ 5-1-11 PURPOSE.

The purposes of this article are:

- (1) to provide for fair housing practices in the City;
- (2) to create a procedure for investigating and settling complaints of discriminatory housing practices; and
- (3) to provide rights and remedies substantially equivalent to those granted under state and federal law.

Source: 1992 Code Section 7-1-20; Ord. 031106-12; Ord. 031211-11; Ord. 040610-7.

§ 5-1-12 AUTHORITY.

This article is enacted pursuant to authority explicitly granted municipalities by Section 214.903 (*Fair Housing Ordinances*) of the Texas Local Government Code and Chapter 301 (*Texas Fair Housing Act*) of the Texas Property Code.

Source: 1992 Code Section 7-2-21; Ord. 031106-12; Ord. 031211-11; Ord. 040610-7.

§ 5-1-13 DEFINITIONS.

In this article:

- (1) ADMINISTRATOR means the Equal Employment/Fair Housing Office administrator appointed by the director.
- (2) AGE means the calendar age of an individual 18 years of age or older.
- (3) AGGRIEVED PERSON includes a person who:
 - (a) claims to have been injured by a discriminatory housing practice; or
 - (b) believes that he will be injured by a discriminatory housing practice that is about to occur.
- (4) COMPLAINANT means a person, including the administrator or the commission, who files a complaint under Section [5-1-71](#) (*Complaint*).
- (5) COMMISSION means the Austin Human Rights Commission.

(6) **CONCILIATION** means the attempted resolution of issues raised by a complainant or by the investigation of the complaint, through informal negotiations involving the aggrieved person, the respondent, and the Equal Employment/Fair Housing Office.

(7) **CONCILIATION AGREEMENT** means a written agreement setting forth the resolution of the issues in conciliation.

(8) **COVERED MULTIFAMILY DWELLING** means:

(a) buildings consisting of four or more units if such buildings have one or more elevators; and

(b) ground floor units in other buildings consisting of four or more units.

(9) **CREED** means a set of principles, rules, opinions, or precepts formally expressed and seriously adhered to or maintained by a person.

(10) **DIRECTOR** means the director of the Human Resources Department.

(11) **DISABILITY**, with respect to an individual, means:

(a) a physical or mental impairment that substantially limits one or more of the major life activities of the individual;

(b) a record of the impairment; or

(c) being regarded as having an impairment.

(12) **DISCRIMINATORY HOUSING PRACTICE** means an act prohibited by this article.

(13) **DWELLING** means:

(a) a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families; or

(b) vacant land that is offered for sale or lease for the construction or location of a building, structure or part of a building or structure described in Subsection (a)

(14) **EQUAL EMPLOYMENT/FAIR HOUSING OFFICE** means the staff in the Human Resources Department that handles cases referred to the City by the United States Department of Housing and Urban Development or the Civil Rights Division of the Texas Workforce Commission.

(15) **FAMILY** means a single individual or group of individuals living together under one common roof.

(16) FAMILIAL STATUS means the status resulting from:

(a) one or more persons who are under 18 years old being domiciled with an individual who is either the parent of the persons under 18 years old, the legal guardian or custodian of the persons under 18 years old, or the designee (with written authorization) of the persons under 18 years old;

(b) being pregnant; or

(c) being in the process of securing legal custody of a person who is under the 18 years old.

(17) GENDER IDENTITY means a person's various individual attributes, actual or perceived, that may be in accord with or sometimes opposed to, one's physical anatomy, chromosomal sex, genitalia, or sex assigned at birth.

(18) HOUSING FOR OLDER PERSONS means housing:

(a) that is determined by the Equal Employment/Fair Housing Office, consistent with the United States Department of Housing and Urban Development's guidelines, to be specifically designed and operated to assist elderly persons under a federal or state program;

(b) intended for, and solely occupied by, persons 62 years of age and older; or

(c) intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing meets this definition, the Equal Employment/Fair Housing Office shall consider at least the following factors:

(i) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or, if such improvements are not practicable, that such housing is necessary to provide important housing opportunities for older persons;

(ii) that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and

(iii) the publication of and adherence to policies and procedures demonstrating an intent by the owner or manager to provide housing for persons 55 years of age or older.

(19) MAJOR LIFE ACTIVITIES means functions including caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(20) MARITAL STATUS means an individual's status as a single, married, divorced, widowed, or separated person.

(21) PERSON includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts,

unincorporated organizations, trustees, trustees in cases under Title 11 of the United States Bankruptcy Code, receivers, and fiduciaries.

(22) RESPONDENT means:

(a) the person accused of a violation of this article in a complaint of discriminatory housing practice; or

(b) any person identified as an additional or substitute respondent under Section [5-1-74](#) (*Additional or Substitute Respondent*) or an agent of an additional or substitute respondent.

(23) SEXUAL ORIENTATION means an individual's sexual preference or practice including homosexuality, heterosexuality, or bisexuality.

(24) STUDENT STATUS means an individual's status as a student enrolled in any type of educational program or institution.

(25) TO RENT includes to lease, sublease, to let, or to otherwise grant for a consideration the right to occupy premises not owned by the occupant.

Source: 1992 Code Section 7-1-22; Ord. 031106-12; Ord. 031211-11; Ord. 040610-7; Ord. 20051215-010.

§ 5-1-14 CERTAIN SALES AND RENTALS EXEMPTED.

(A) Subject to Subsection (B), [Division 3](#) (*Prohibitions Against Discrimination*) does not apply to:

(1) The sale or rental of a single-family house sold or rented by an owner if:

(a) the owner does not:

(i) own more than three single-family houses at any one time; or

(ii) own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to any right to any part of the proceeds from the sale or rental of more than three single-family houses at any one time; and

(b) the house was sold or rented without:

(i) the use of the services or facilities of a real estate agent or any other person in the business of selling or renting real estate; or

(ii) the publication, posting, or mailing of a notice, statement or advertisement prohibited by Section [5-1-52](#) (*Publication Indicating Discrimination*).

(2) The sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner maintains and occupies one of the living quarters of the owner's residence, except that the prohibition against discriminatory advertising shall apply to dwellings described in this paragraph.

(B) The exemption in Subsection (A)(1) applies only to one sale or rental in a 24-month period if the owner did not reside in the house at the time of sale or rental or was not the most recent resident of the house prior to the sale or rental.

Source: 1992 Code Section 7-1-23; Ord. 031106-12; Ord. 031211-11; Ord. 040610-7.

§ 5-1-15 RELIGIOUS ORGANIZATION AND PRIVATE CLUB EXEMPTION.

(A) This article does not prohibit a religious organization, association, or society, or a nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from:

(1) limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion, unless membership in the religion is restricted because of race, color, or national origin; or

(2) giving preference to persons of the same religion unless membership in the religion is restricted because of race, color, or national origin.

(B) This article does not prohibit a private club not in fact open to the public that, as an incident to its primary purpose, provides lodging that it owns or operates for other than a commercial purpose from limiting the rental or occupancy of that lodging to its members or from giving preference to its members.

Source: 1992 Code Section 7-1-24; Ord. 031106-12; Ord. 031211-11; Ord. 040610-7.

§ 5-1-16 HOUSING FOR ELDERLY EXEMPTED.

The provisions of this article relating to familial status do not apply to housing for older persons.

Source: 1992 Code Section 7-1-25; Ord. 031106-12; Ord. 031211-11; Ord. 040610-7.

§ 5-1-17 APPRAISAL EXEMPTION.

This article does not prohibit a person engaged in the business of furnishing appraisals of residential real property from taking into consideration factors other than race, color, religion, sex, sexual orientation, gender identity, disability, age, familial status, marital status, student status, creed, or national origin.

Source: 1992 Code Section 7-1-26; Ord. 031106-12; Ord. 031211-11; Ord. 040610-7; Ord. 20051215-010.

§ 5-1-18 EFFECT ON OTHER LAW.

(A) This article does not affect a reasonable state or local restriction on the maximum number of occupants permitted to occupy a dwelling or a restriction relating to health or safety standards.

(B) This article does not affect a requirement of nondiscrimination in any other ordinance or state or federal law.

Source: 1992 Code Section 7-1-27; Ord. 031106-12; Ord. 031211-11; Ord. 040610-7.

Resolution No. 20090806-037

RESOLUTION NO. 20090806-037

WHEREAS, the state and federal government do not currently provide protections against discrimination against an individual based on sexual orientation or gender identity; and

WHEREAS, it is a value of the City of Austin to be an open and inclusive city for all of its citizens, including those who are lesbian, gay, bisexual or transgender (LGBT); and

WHEREAS, in 1992, the City of Austin passed an Ordinance creating Chapter 7-4, now codified as Chapter 5-4 (*Discrimination in Employment by City Contractors*) of the City Code to prohibit discrimination in employment by City Contractors, including discrimination against an individual based on sexual orientation or gender identity (added in Ord. 20040610-7); and

WHEREAS, on May 13, 2006, City of Austin voters amended the City Charter to allow domestic partner benefits for City employees; and

WHEREAS, the City encourages and wants to attract companies that provide non-discrimination policies that include both sexual orientation and gender identity, as well as provide domestic partner benefits to their LGBT employees and their families; and

WHEREAS, in 1992 the Austin City Council also passed an ordinance declaring that it is the policy of the City to provide opportunity for each person to obtain employment without regard to race, color, religion, sex, sexual

orientation, gender identity, national origin, age, or disability, and the Human Resources Department is currently reviewing the City's personnel policies and other internal guidelines, including the City's Equal Opportunity and Non-discrimination statements; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager is directed to amend the City's Standard Terms and Conditions used in competitive procurements required by state law: (1) to require a copy of the contractor's employment non-discrimination policy when applying for City contracting opportunities and (2) to specify that non-compliance with Chapter 5-4 will terminate a contract and may hinder a contractor's eligibility for future contracts until deemed compliant with Chapter 5-4.

BE IT FURTHER RESOLVED:

To assist contractors with this administrative change, the City Manager shall prepare a model non-discriminatory policy for use by City contractors.

BE IT FURTHER RESOLVED:

That the City Manager is directed to review and amend all economic development loan programs and incentives, such as the Economic Development Business Information Forms, to encourage Domestic Partner benefits and non-discrimination policies including sexual orientation and gender identity.

BE IT FURTHER RESOLVED:

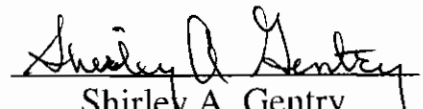
The City Manager is directed to review the City's current compliance processes related to contractor non-discrimination and report back to council on changes that would ensure more effective compliance monitoring.

BE IT FURTHER RESOLVED:

The City Manager is directed to report to the Minority-Owned and Women-Owned Business Enterprise and Small Business Council Committee and council on the Human Resources Department's review of the City's personnel policies and other internal guidelines related to non-discrimination for sexual orientation and gender identity.

ADOPTED: August 6, 2009

ATTEST:


Shirley A. Gentry
City Clerk

City Ordinance

**Chapter 5-4. Discrimination in Employment
by City Contractors**

CHAPTER 5-4. DISCRIMINATION IN EMPLOYMENT BY CITY CONTRACTORS

§ 5-4-1 DEFINITIONS.

In this chapter:

- (1) **ADMINISTRATOR** means the Equal Employment/Fair Housing Office administrator appointed by the director.
- (2) **CONTRACTOR** includes any person who submits a bid or proposal to provide labor, goods or services to the City by contract for profit; any person who supplies or provides labor, goods or services to the City by contract for profit; any person who is a subcontractor under any such contract.
- (3) **DISCRIMINATORY EMPLOYMENT PRACTICE** means discrimination against an individual because of race, creed, color, religion, national origin, sexual orientation, gender identity, disability, sex or age, unless sex or age is a bona fide occupational qualification of employment during an employment action, including recruiting, advertising, hiring, layoff, termination, classification, training or selection for training, promotion, demotion, transfer, or compensation.
- (4) **EQUAL EMPLOYMENT/FAIR HOUSING OFFICE** means the staff in the Human Resources Department that handles and investigates cases under this chapter.
- (5) **MANAGER** means the city manager or her/his designee.
- (6) **PERSON** means any individual and any partnership, firm, association, corporation, government or other entity.
- (7) **SELECTIVE INVESTMENT** means affirmatively seeking out any person or business which has no financial or business dealings in or with the government or private sector of South Africa.
- (8) **SIGNIFICANT FINANCIAL LOSS** means a procurement where substitution is not economically feasible as determined by a cost benefit analysis conducted by the city manager or where substitution would void a warranty.
- (9) **SUBCONTRACTOR** means any person providing goods, labor or services to a contractor if such goods, labor or services are procured or used in fulfillment of the contractor's obligations arising from a contract with the City of Austin.
- (10) **SUBSTANTIALLY-OWNED** means at least a 25 percent equity position in the subsidiary corporation.

(11) TO SEEK COMPLIANCE means substantive initiation of divestment activity as determined by the city manager.

Source: 1992 Code Section 7-4-1; Ord. 031106-12; Ord. 031211-11; Ord. 20051215-010.

§ 5-4-2 DISCRIMINATORY EMPLOYMENT PRACTICES PROHIBITED.

(A) No contractor, nor any agent of any such contractor, shall engage in any discriminatory employment practice defined in this chapter.

(B) No bid or proposal submitted to the City by a contractor shall be considered nor shall any purchase order be issued nor contract be awarded by the City to any contractor unless the contractor has executed an approved form, prescribed by the Equal Employment/Fair Housing Office, to be in force and effect for one year from date of filing, in which the contractor has agreed:

- (1) not to engage in any discriminatory employment practice defined in this chapter;
- (2) to take affirmative action to ensure that applicants are employed, and that employees are treated during employment without discrimination being practiced against them as defined in this chapter, including affirmative action relative to employment, promotion, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rate of pay or other forms of compensation, and selection for training or any other terms, conditions or privileges of employment;
- (3) to post in conspicuous places, available to the employees and applicants for employment, notices to be provided by the Equal Employment/Fair Housing Office setting forth the provisions of this chapter;
- (4) to state in all solicitations or advertisements for employees placed by or on behalf of the contractor, that all qualified applicants will receive consideration for employment without regard to race, creed, color, religion, national origin, sexual orientation, gender identity, disability, sex or age;
- (5) to obtain a written statement from any labor union or labor organization furnishing labor or service to the contractors in which the union or organization has agreed not to engage in any discriminatory employment practices as defined in this chapter and to take affirmative action to implement the policies and provisions of this chapter;
- (6) to cooperate fully with the City and the Equal Employment/Fair Housing Office in connection with any investigation or conciliation effort of the Equal Employment/Fair Housing Office to ensure that the purpose of the provisions against discriminatory employment practice is being carried out; and

(7) to require of all subcontractors having 15 or more employees who hold any subcontract providing for the expenditure of \$2,000 or more in connection with any contract with the City subject to the terms of this chapter that they not engage in any discriminatory employment practice as defined in this chapter.

(C) No bid or proposal submitted to the City shall be considered nor shall any purchase order be issued nor contract be awarded by the City to any contractor unless the contractor has provided in writing to the office of minority business affairs the following information:

- (1) the names of all subcontractors;
- (2) the dollar amount of all subcontracts;
- (3) the identity of all minority owned business enterprise or women owned business enterprise subcontractors; and
- (4) the dollar amount of minority owned business enterprise or women owned business enterprise subcontracts.

Source: 1992 Code Section 7-4-2; Ord. 031106-12; Ord. 031211-11; Ord. 20051215-010.

§ 5-4-3 PROMULGATION OF RULES AND REGULATIONS; COMPLAINT AND CONCILIATION PROCEDURE; COMPLIANCE CHECKS.

(A) The Equal Employment/Fair Housing Office shall, subject to the approval of the mayor and city council, promulgate rules and regulations necessary to implement this chapter and to carry out its purposes and policies; and shall receive, investigate and conciliate complaints of discriminatory employment practices or failures to comply with this chapter.

(B) Any person claiming to be aggrieved by a discriminatory employment practice prohibited by this chapter ("charging party") shall, within 60 days of the alleged act of discrimination, sign and file a verified complaint setting forth the particulars of the alleged discriminatory employment practice or other violation of this chapter and containing other information as may be required by the Equal Employment/Fair Housing Office. A complaint shall be filed with the Equal Employment/Fair Housing Office. The Equal Employment/Fair Housing Office shall, within 30 days, investigate or cause to be investigated the complaint. If an investigation reveals that violations of any of the provisions of this chapter probably exist, the Equal Employment/Fair Housing Office shall immediately endeavor to eliminate or correct the practice or violation complained of by informal methods of conference, conciliation, and persuasion.

(C) The Equal Employment/Fair Housing Office may conduct compliance checks to ascertain the status and progress of compliance under the provisions of this chapter.

Source: 1992 Code Section 7-4-5; Ord. 031106-12; Ord. 031211-11; Ord. 20051215-010.

§ 5-4-4 PROCEDURE FOR PUBLIC HEARINGS.

(A) If conciliation fails to correct or eliminate the practice or violation complained of, the Equal Employment/Fair Housing Office shall refer the case to the Austin Human Rights Commission which shall hold a public hearing. The procedure for the public hearing shall be as follows:

(1) The Equal Employment/Fair Housing Office shall send ten days notice of the time and place of the hearing personally or through the United States mail, by certified mail with return receipt requested, to the charging party and to the person alleged to have committed the discriminatory employment practice complained of ("respondent") accompanied by a copy of the complaint and a written report of the investigation and the results of the conciliation efforts.

(2) The charging party and the respondent may appear at the hearing in person or by legal counsel and present such statements, testimony or evidence as may be desired.

(B) After conclusion of the hearing, the Austin Human Rights Commission shall make its findings of facts and forward the same to the parties involved and the city council together with its recommendations. After receipt of the findings of the commission, the city council, if it concurs in such findings, may cause the contract with such contractor to be canceled, terminated or suspended in whole or in part, as the city council deems advisable under the circumstances, and such contractor shall be declared ineligible for conducting further business with the City. For reinstatement after having been declared ineligible, a contractor shall make application to the commission and upon the commission's recommendation, the city council shall either restore such eligibility or deny same.

Source: 1992 Code Section 7-4-6; Ord. 031106-12; Ord. 031211-11; Ord. 20051215-010.

§ 5-4-5 DISMISSAL OF COMPLAINT.

If the Austin Human Rights Commission determines during the proceedings that a discriminatory employment practice or other violation has not been committed as alleged, or that it is without jurisdiction to hear the complaint, it shall dismiss the matter or refer it to the proper agency.

Source: 1992 Code Section 7-4-7; Ord. 031106-12; Ord. 031211-11; Ord. 20051215-010.

§ 5-4-6 PROTECTION OF PERSON FILING COMPLAINT FROM DISCIPLINARY ACTION.

No person shall be subject to any disciplinary or punitive action in connection with his employment as a result of his filing any complaint under this chapter or giving any evidence in connection therewith.

Source: 1992 Code Section 7-4-8; Ord. 031106-12; Ord. 031211-11.

§ 5-4-7 ANNUAL REPORTS TO CITY COUNCIL.

The Austin Human Rights Commission shall report annually to the city council on the disposition of all hearings and on all other matters it may deem appropriate to be brought to the attention of the city council, including recommendations it considers necessary or desirable to carry out the policy stated in this chapter.

Source: 1992 Code Section 7-4-9; Ord. 031106-12; Ord. 031211-11; Ord. 20051215-010.

§ 5-4-8 WAIVER OF APPLICATION OF THIS CHAPTER.

Upon approval of the city council the application of the provisions of this chapter may be waived or suspended in cases or classes of cases where the size or nature of the purchase, contract, job or services or other special circumstances make compliance therewith impracticable or unnecessary.


Source: 1992 Code Section 7-4-10; Ord. 031106-12; Ord. 031211-11.

November 2, 2009 Memorandum
COBRA-Like Benefits for Domestic Partners



MEMORANDUM

TO: Mayor and Council

FROM: Marc A. Ott, City Manager 

DATE: November 2, 2009

SUBJECT: **COBRA-Like Benefits for Domestic Partners**

In September, my office was made aware of a situation regarding the death of one of our employees, and the request of their domestic partner to receive COBRA. The Consolidated Omnibus Budget Reconciliation Act (COBRA) is federal legislation requiring employers to extend healthcare coverage to employees and qualified dependents for certain qualifying events such as termination, divorce, or death.

Since COBRA is a federal program, it uses the definition of "spouse" that is defined by the federal Defense of Marriage Act (DOMA). DOMA defines the word "spouse" as a husband or wife of the opposite sex. DOMA's definitions apply to all references to "marriage" or "spouse" contained in any federal law, including, without limitation, to COBRA. Thus, COBRA coverage is not extended to same-sex spouses, civil partners, or domestic partners.

In the spirit of the recently approved non-discrimination policy, please see the attached report regarding the City of Austin providing COBRA-Like benefits for domestic partners. Currently we have 228 domestic partners covered by the City's domestic partner benefit. The attached recommended action is consistent with prior council direction and will not increase the FY10 budget.

If you have any questions regarding this new benefit, please do not hesitate to call me or my Chief of Staff, Anthony Snipes. Thank you.

cc: Anthony J. Snipes, Chief of Staff
Mark Washington, HRD Director
Tommy Tucker, HRD Assistant Director

INFORMAL REPORT TO CITY COUNCIL MEMBERS



To the Mayor and Members of the City Council

Date: 11/2/09

Page 1 of 2

SUBJECT: Extending COBRA-like Benefits to Domestic Partners

Purpose

In recent months, several Council members have requested a review on COBRA benefits for domestic partners. The Human Resources Department (HRD) had been contacted by a domestic partner of a recently deceased employee who had been informed his benefit would cease and he was not eligible to receive the COBRA benefit. Based on this circumstance and Council interest, I directed the Human Resources Department to review the current policy. Below are their findings, as well as my plan of action.

Background

The Consolidated Omnibus Budget Reconciliation Act (COBRA) is federal legislation requiring employers to extend healthcare coverage to employees and qualified dependents for certain qualifying events such as termination, divorce, or death. Highlights of the program include the following:

- The length of time COBRA coverage continues will vary based on the event but can be from 18 to 36 months.
- The COBRA enrollee pays both the employee and employer cost of the premium plus an administrative fee.
- The Act defines qualified dependents as the spouse or dependent children. A domestic partner is not a qualified beneficiary and has no COBRA election rights even if covered under the healthcare plan on the day before a qualifying event.

The City currently offers domestic partner benefits to employees and retirees but COBRA benefits were not previously extended since domestic partners were not covered by the Federal law. Based on the request of a surviving domestic partner of an employee to have COBRA benefits, the Human Resources Department (HRD) staff met with several council offices on September 30, 2009. Council Members' staff expressed interest in extending "COBRA-like" benefits to domestic partners. Also discussed was whether this could be accomplished administratively by means of City Manager approval or required Council approval.

Analysis

Staff evaluated the following in creating a "COBRA-like" benefit for Domestic Partners.

1. Financial impact – Towers Perrin, the City's benefits actuary, has reviewed the financial impact and indicated it is cost neutral. However, since the City is self-insured, a conservative

INFORMAL REPORT TO CITY COUNCIL MEMBERS



Date: 11/2/09

To the Mayor and Members of the City Council

Page 2 of 2

SUBJECT: Extending COBRA-like Benefits to Domestic Partners

staff fiscal perspective is to recognize the risk that we could have catastrophic claims and expose the City to additional cost. The City carries stop-loss coverage which caps claims at \$500,000.

2. Survey employer groups – HRD surveyed 9 employers and found that 2 offer the COBRA-like benefit to domestic partners (Dell currently does and El Paso effective 01/2010. Travis County, Fort Worth, Houston, San Antonio, Amarillo, LCRA and Samsung do not offer COBRA-like coverage to domestic partners.)
3. Legal review - HRD confirmed with the Law Department that the City can offer the proposed benefits and that the City Manager can implement a plan addendum for the remainder of 2009.
4. United HealthCare and Erisa can administer the benefit under our current contracts.
5. Non-discrimination – reaffirms the spirit of the recently approved RCA amending the personnel policies regarding non-discrimination based upon gender identity, as well as sexual orientation.

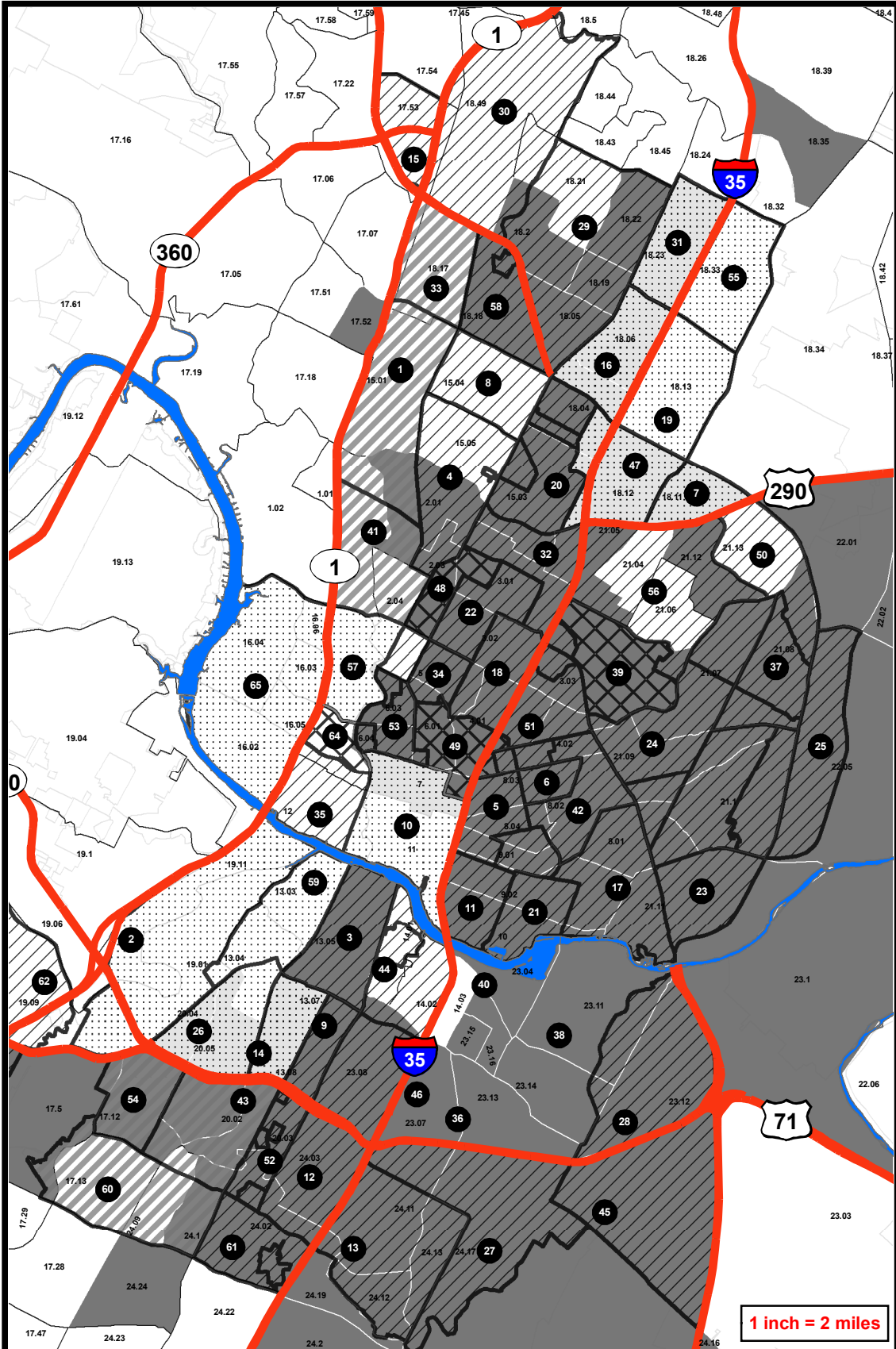
This plan amendment can be done by me since the total cost of medical benefits will be within the appropriated budget for FY10. HRD proposes to "grandfather" the domestic partner of the deceased employee that raised the issue. Although COBRA has a 60-day eligibility period, this proposed benefit is not governed by COBRA. Coverage is to become effective with the lapse of coverage on August 29, 2009.

Marc A. Ott
City Manager

APPENDIX V

MAPS

| ID | Neighborhood Plan |
|----|--------------------------------|
| 1 | ALLANDALE |
| 2 | BARTON HILLS |
| 3 | BOULDIN CREEK |
| 4 | BRENTWOOD |
| 5 | CENTRAL EAST AUSTIN |
| 6 | CHESTNUT |
| 7 | CORONADO HILLS |
| 8 | CRESTVIEW |
| 9 | DAWSON |
| 10 | DOWNTOWN |
| 11 | EAST CESAR CHAVEZ |
| 12 | EAST CONGRESS |
| 13 | FRANKLIN PARK |
| 14 | GALINDO |
| 15 | GATEWAY |
| 16 | GEORGIAN ACRES |
| 17 | GOVALLE |
| 18 | HANCOCK |
| 19 | HERITAGE HILLS |
| 20 | HIGHLAND |
| 21 | HOLLY |
| 22 | HYDE PARK |
| 23 | JOHNSTON TERRACE |
| 24 | MLK |
| 25 | MLK-183 |
| 26 | SOUTH LAMAR |
| 27 | MCKINNEY |
| 28 | MONTOPOLIS |
| 29 | NORTH AUSTIN CIVIC ASSOCIATION |
| 30 | NORTH BURNET |
| 31 | NORTH LAMAR |
| 32 | NORTH LOOP |
| 33 | NORTH SHOAL CREEK |
| 34 | NORTH UNIVERSITY |
| 35 | OLD WEST AUSTIN |
| 36 | PARKER LANE |
| 37 | PECAN SPRINGS-SPRINGDALE |
| 38 | PLEASANT VALLEY |
| 39 | RMMA |
| 40 | RIVERSIDE |
| 41 | ROSEDALE |
| 42 | ROSEWOOD |
| 43 | SOUTH MANCHACA |
| 44 | SOUTH RIVER CITY |
| 45 | SOUTHEAST |
| 46 | ST. EDWARDS |
| 47 | ST. JOHNS |
| 48 | TRIANGLE STATE |
| 49 | UT |
| 50 | UNIVERSITY HILLS |
| 51 | UPPER BOGGY CREEK |
| 52 | WEST CONGRESS |
| 53 | WEST UNIVERSITY |
| 54 | WESTGATE |
| 55 | WINDSOR HILLS |
| 56 | WINDSOR PARK |
| 57 | WINDSOR ROAD |
| 58 | WOOTEN |
| 59 | ZILKER |
| 60 | GARRISON PARK |
| 61 | SWEETBRIAR |
| 62 | EAST OAK HILL |
| 63 | WEST OAK HILL |
| 64 | OLD ENFIELD |
| 65 | WEST AUSTIN NEIGHBORHOOD GROUP |



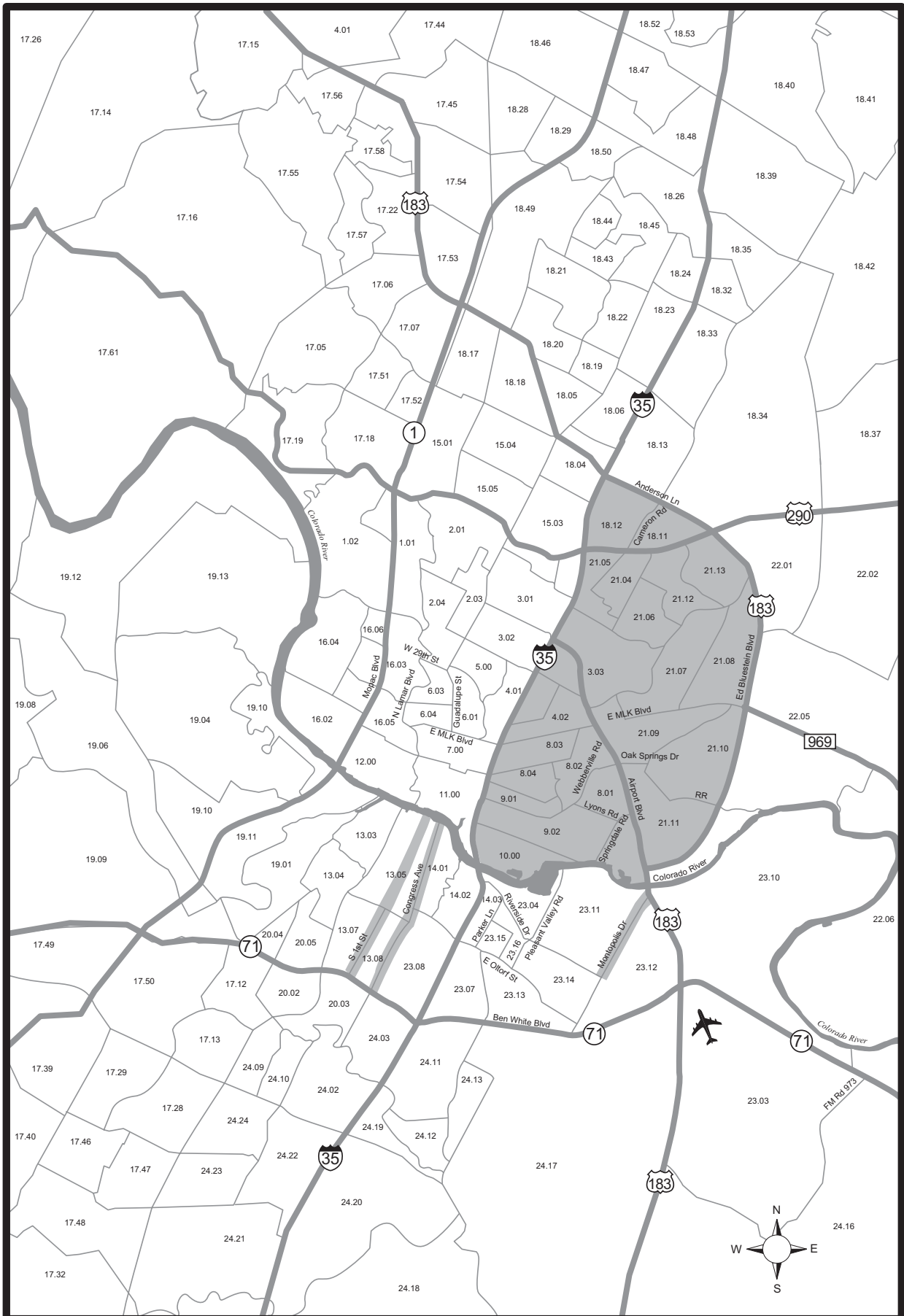
| Neighborhood Plan |
|------------------------------------|
| STATUS |
| FUTURE PLANNING AREA |
| APPROVED WITH ZONING |
| NON-NEIGH. PLANNING AREA |
| PLANNING UNDERWAY/APPRV'D TO BEGIN |
| Census Tract |
| AVG of Low-Mod % |
| 0 - 50.99 % |
| >= 51.00% |

City of Austin Neighborhood Planning Areas FY 2010-11

This map has been produced by the Austin Housing Finance Corporation for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness. Created April 2010

Source(s): City of Austin;
U.S. Department of Housing and Urban Development and
U.S. Census Bureau; 2000 Decennial Census

Neighborhood Commercial Management Program Priority Areas

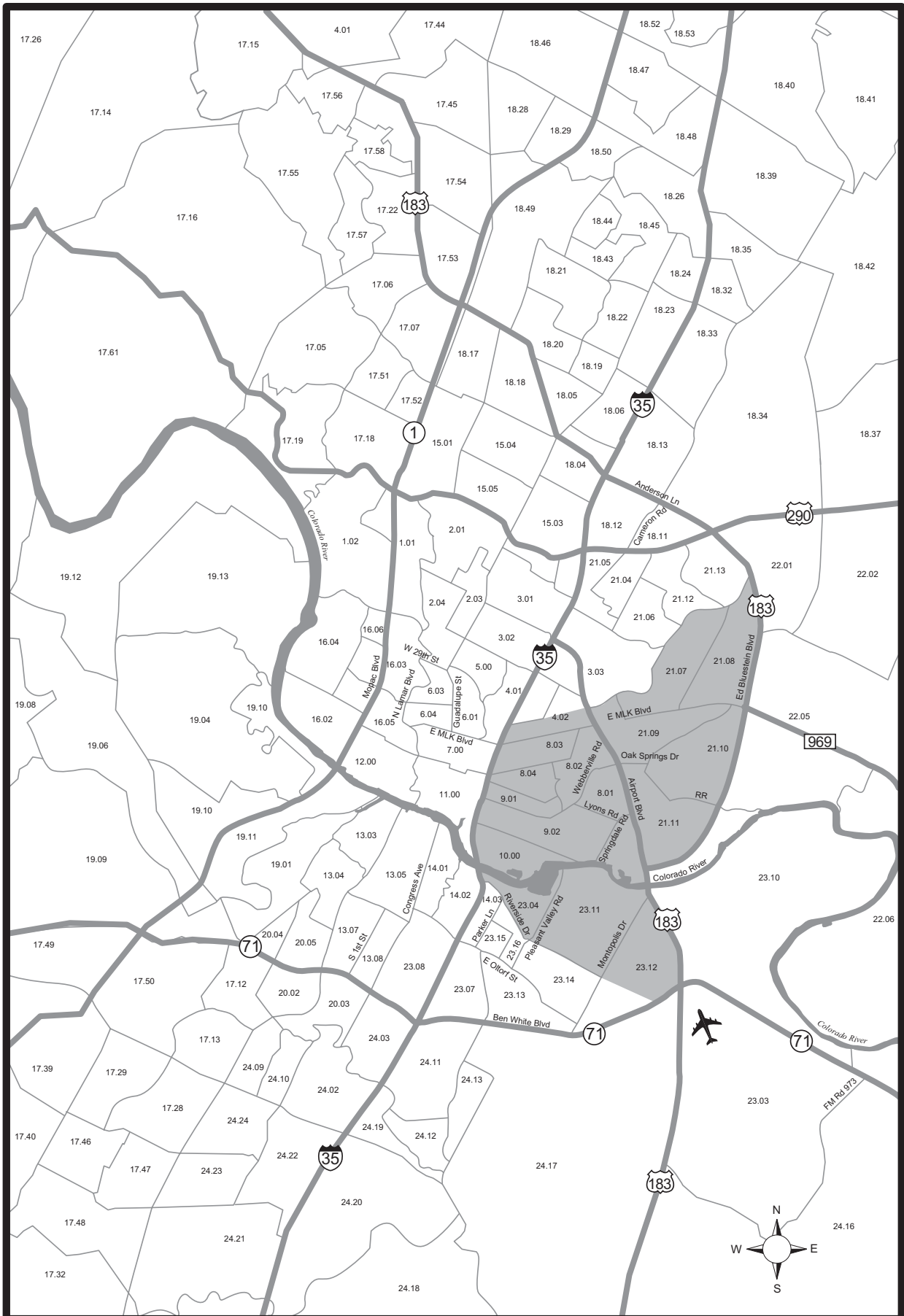


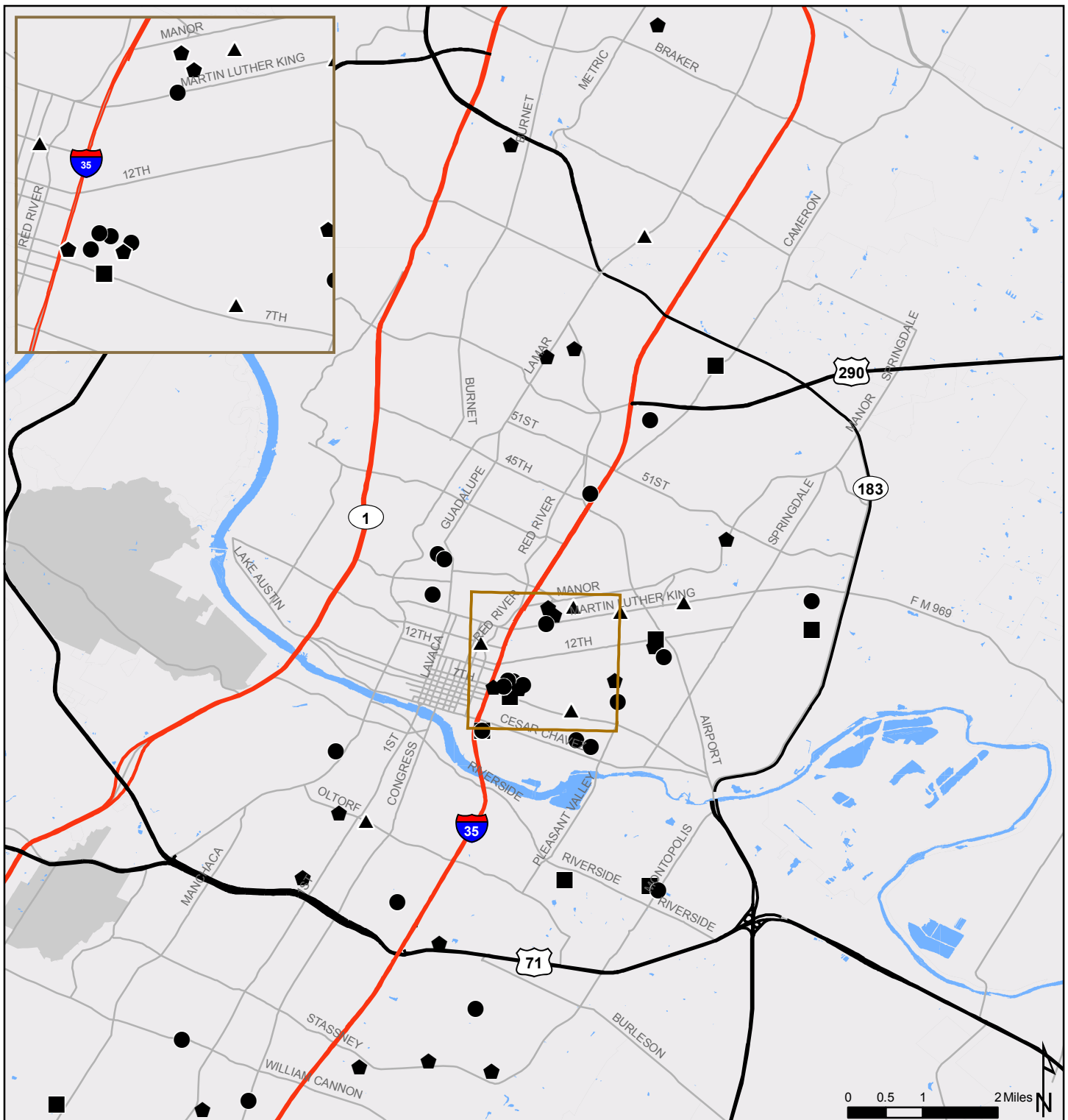
Includes portions of South Congress, South 1st Street and Montopolis.

Source: 2000 Census

The City of Austin is statutorily required to designate priority areas for commercial management.

Commercial Preservation and Revitalization Area (CP&R)



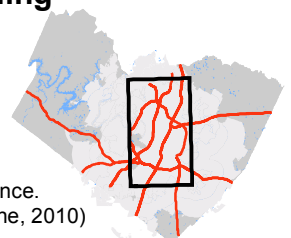


Geographic Dispersion of Rental Housing Projects



Rental Housing Project by Year Built through AHFC Funding

- ▲ Development in Process (7 projects)
- 2000 or earlier (8 projects)
- 2001 - 2005 (23 projects)
- ◆ 2006 - 2010 (21 projects)
- City of Austin Jurisdiction
- Travis County



This map has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness. (June, 2010)
Data: Policy, Planning and Outreach Team of NHCD, City of Austin

APPENDIX VI

MUELLER AFFORDABILITY REPORT



Mueller Affordable Housing Plan

January 2008



This document is intended to outline the affordable housing goals for the Robert Mueller Municipal Airport Redevelopment and Catellus Austin, LLC's approach to meeting the requirements of the master development agreement. It is envisioned that this plan will evolve over time as the project develops and new information and opportunities become available.

MUELLER'S VISION AND GOALS

The fundamental vision of Mueller — a thriving, vibrant and diverse mixed-use urban village in the heart of Austin — depends on having housing options that allow a wide range of residents to make their home at the former airport. The master development agreement (MDA) between the City of Austin and Catellus Austin, LLC recognizes this fact by prescribing ambitious affordable housing requirements for Mueller:

- √ 25% of all housing units at Mueller, or approximately 1,200 homes (generally evenly divided between for-sale and for-rent), will be affordable for residents making below Austin's median family income.
- √ For owner-occupied/for-sale housing, the affordability threshold is 80% of Austin MFI, or \$56,900 for a family of four in 2007.
- √ For rental housing, the threshold is 60% of Austin MFI, or \$42,650 for a family of four in 2007.
- √ Catellus also commits in the MDA to using diligent good faith efforts to work with the City of Austin to increase both the levels and degree of housing affordability at Mueller — i.e., to create units affordable at lower incomes, to expand the number of affordable homes, and/or to maintain and retain the affordability of Mueller's homes for longer periods.
- √ Affordable homes (for sale and for-rent) at Mueller are dispersed throughout the community and are generally indistinguishable from market rate homes.
- √ Experience, capacity, and demonstrated excellence in producing and supporting affordable housing are key criteria in Catellus' evaluation of and partnership with builders, lenders, nonprofit providers, and others involved in Mueller housing.
- √ All housing at Mueller, including affordable housing, will meet Mueller's goals for sustainability by attaining a minimum three-star rating in Austin Energy's Green Building Program.
- √ All residential units at Mueller will comply with the City of Austin's S.M.A.R.T. Housing™ policy.

In addition to these requirements and commitments in the MDA, Catellus is mindful that Mueller should provide housing options for as broad a range of potential residents as possible. This creates expectations and calls for strategic approaches toward planning the marketing of all housing — both market-rate and affordable —with each new phase of Mueller residential development.



Catellus' plan for achieving and potentially exceeding these housing goals, and the community's expectations for Mueller, includes the following major elements:

- √ Core strategies for **producing new affordable housing**, for-sale and for-rent, throughout Mueller.
- √ Strategies and tools for creating and maintaining **longer and deeper affordability**
- √ **Funding sources and mechanisms** to support investment and innovation in affordable housing as a crucial component of Mueller's community vision of livability, sustainability and diversity
- √ **Reaching and serving future residents** through partnerships to conduct outreach and provide services and counseling that will enhance access to opportunities at Mueller for quality housing and for home ownership.

PRODUCING NEW AFFORDABLE HOUSING

Owner-Occupied/For-Sale Housing

1. The definition of Affordable Housing in the MDA is intended as a guideline for setting prices for affordable homes so they can truly be affordable to households with incomes at 80% MFI. The definition of Affordable Housing is not intended to prescribe lending qualification criteria or alternative purchase prices for individual affordable home buyers.
2. Affordable for-sale homes, priced to serve households with incomes at 80% MFI, will be dispersed throughout Mueller as part of each residential development phase. The ratio of affordable to market-rate units in each phase may vary (either higher or lower) from the 25%-affordable benchmark established as a requirement for Mueller as a whole.
3. Homebuilders, selected through competitive bidding, will build these homes according to pricing, design, delivery and marketing specifications approved by Catellus in accordance with the same Mueller master plan requirements and design guidelines that apply to market-rate homes. These homes will be sold directly by the builders to households with incomes certified to be at 80% MFI or lower. Income certification is conducted as part of the pre-sales process and will be verified in collaboration with the City's SMART Housing Program..
4. Generally, affordable for-sale homes at Mueller will be smaller structures on smaller lots with less expensive finishes or features than the adjacent Mueller market-rate homes. Affordability is thus supported by lowering the cost of land, cost of construction, and builder profit margin, reducing the ultimate effective subsidy required to support the needed pricing. Of the various housing product types found in the Mueller master plan



and design guidelines, those more likely to be affordable include the 70' row house, the 37' yard house, Mueller Houses, and other condos. In order to provide a consistent character to Mueller, the architectural quality and aesthetics of affordable homes, as compared to market-rate homes, will not be compromised.

5. With each phase of development, the overall affordability mix and market conditions, as they affect both affordable and market-rate housing, will continue to be a strategic focus in the builder selection process. Conscious decisions must and will be made in each phase as to the range of affordability that will be brought to market at that time. Such considerations would include both the opportunity for affordable housing serving lower incomes and the need to respond to demand for market-rate homes at lower prices than are currently found in Central Austin, serving households in the 81-120% MFI income range.

Rental Housing

1. As with for-sale housing, affordable rental housing will be produced and made available throughout Mueller. In addition, each multi-family development will include a minimum of at least ten percent (10%) of the units to be priced for and rented to households at or below 60% MFI. Mueller will also include two multi-family properties where all or the majority of units are priced and rented to income-eligible households.
2. Developers of market-rate rental properties (i.e., subject to the 10% minimum requirement) will be selected through competitive bidding as multi-family sites are made available. Catellus will require the following to ensure success in serving 60% MFI households:
 - a. The owner of the rental property would be required to conduct income certifications at move-in for each of the affordable units. Residents of the affordable apartments will pay rents consistent with the City of Austin's S.M.A.R.T. Housing™ program requirements or the similar requirements of a housing tax credit program.
 - b. To ensure that affordable units continue to be available to the households they are intended to serve, rental property owners will be required to recertify these households annually. If the household's certified income has risen to 140% of 60% of MFI, that unit occupied by that household will no longer be credited toward meeting the 10% minimum requirement. The owner will then be required to lease the next available unit to an income-eligible household at an affordable rent. The owner will be allowed to increase the rent of the original unit to market rate and/or offer the no-longer-eligible household the opportunity to move into a



market-rate unit. These are standard protocols established in housing tax credit programs and therefore familiar to management companies.

3. Catellus envisions two predominantly or exclusively affordable apartment properties, one specifically for seniors and one for families. This is anticipated to create between 150 and 250 affordable apartments serving each of these targeted populations. Developers of these properties will be selected by means of RFQ based on experience, financing ability and proven long-term operational excellence in these target markets. Once selected, the developers will be given time to secure available subsidies. The selection process will assure the Mueller community that these properties will be in the hands of highly reputable owners, so that the property will be well maintained, a culture of opportunity will be promoted through services, and residents who uphold community rules will be attracted and retained.

Compliance

Each affordable housing builder/developer will be contractually obligated through its Purchase and Sale Agreement (PSA) with Catellus, as well as through any agreements made by the builder directly with the City of Austin under the SMART Housing™ program, to meet its affordable housing obligations, including both the production of the designated number of affordable units that Catellus requires in each section and the successful sale or rental of the affordable home to a household that is income certified.

A compliance contract will be established with the City of Austin, or with a qualified contractor experienced in affordable housing income compliance and approved by the City of Austin. Each affordable housing builder/Developer will be responsible for any compliance fee that may apply.

The affordable sales and incomes of buyers will be reported to Catellus as often as every two weeks; affordable rentals will be reported to Catellus monthly during lease-up and annually thereafter so that monitoring of the sales/rental can be maintained.

The obligation to meet all requirements of S.M.A.R.T. Housing™ will be stated clearly in the builder contracts for affordable builders. The obligation to meet all requirements of S.M.A.R.T. Housing™, other than the Affordable requirement, will be stated clearly in contracts for all other builders.



LONGER AND DEEPER AFFORDABILITY

The minimum requirements included in the MDA address the production and delivery of affordable for-sale and for-rent units as outlined above, meeting the basic benchmarks of 25% of units being affordable at 80% or 60% of MFI. Beyond that, the City Council Affordable Housing Resolution, incorporated by reference in the MDA, calls upon Catellus to make diligent good-faith efforts to achieve longer and deeper affordability in Mueller housing. These efforts would not increase the total number of affordable residences at Mueller but would extend the duration of affordability and the range of incomes with access to homes. What follows is a description of Catellus' current activities that meet this requirement of good-faith effort.

At present, affordable for-sale homes are contemplated to be subject to a shared appreciation restriction in the form of a soft second lien. This lien allows the effective up-front subsidy for affordable units to be re-captured when their initial owners re-sell the homes to market-rate buyers. The funds thus captured will be used to support longer and deeper affordability through the Mueller Foundation.

As called for in the City Council Affordable Housing Resolution, Catellus will continue to review a number of existing programs, tools and models to create and maintain longer-term affordability, to increase the potential number of affordable housing units, and to provide affordable housing options to lower-income residents. Some of these strategies, which can be used to support one or more of these three objectives, include deed restrictions, soft subordinate financing, limited-equity cooperative housing, community land trusts and other shared-equity structures. Catellus will include the status of these efforts in its semi-annual Affordable Housing reports.

FUNDING SOURCES AND MECHANISMS

As envisioned and assumed in the MDA, Catellus will directly fund and execute the core strategies required to produce and market the affordable housing that achieves the agreement's minimum requirements (25% of all units affordable at 80% MFI for-sale, 60% MFI for rent). This includes the grassroots marketing, community outreach, homebuyer education and financial counseling that are not specifically required by the MDA, but that Catellus feels are essential to ensure the Mueller affordable housing program is both equitable and successful.

The Affordable Housing Resolution that is part of the MDA expressly approves Catellus' commitment to use diligent, good faith efforts to work with AHFC to increase both the levels and degree of affordable housing at Mueller as part of the City's Mueller affordable housing program. To support the strategies that go beyond the MDA's minimum requirements and create longer and deeper affordability at Mueller, Catellus aims to create the Mueller Foundation. The Mueller Foundation will provide a variety of community benefits and enhancements at Mueller, of which affordable housing is expected to be the most financially significant. The Foundation's specific purposes will include promoting and increasing the availability and quality of affordable



housing, schools and education, open space and parks, job training programs, sustainable development, affordable housing, and other charitable and educational programs that are consistent with the spirit and intent of the Mueller redevelopment master plan.

Catellus proposes to establish three revenue sources for the Foundation:

1. A fee of 0.25% on all property sales, including both commercial and residential property throughout Mueller, in perpetuity (subsequent to the initial transaction by Catellus as master developer).
2. A fee of approximately \$1,000 per unit, collected from residential builder/developers.
3. Shared-equity reimbursements — recaptured effective subsidies plus pro-rata net gain — received upon the resale of an affordable home to a market-rate buyer.

The Mueller Foundation will be a Texas nonprofit corporation and pursue obtaining recognition from the IRS as a federal income tax exempt charitable entity under Internal Revenue Code Section 501(c)(3). The Mueller Foundation will be governed by a board of community leaders and advocates. The Mueller Foundation may work with the Austin Community Foundation to assist with administrative and financial management services and to ensure compliance with appropriate regulations regarding the activities of 501(c)(3) non-profit corporations.

REACHING AND SERVING FUTURE RESIDENTS

To the extent allowed by Fair Housing Laws, marketing at Mueller will use a varied approach in order to attract the diverse community of residents sought for the neighborhood:

1. The vision of a thriving, diverse neighborhood will be presented in all marketing materials.
2. Marketing materials and community relations and outreach are designed to engage culturally, economically, and socially diverse audiences.
3. Print and electronic marketing materials, as well as advertising and community events, will promote a wide range of housing options based on targeted monthly housing payment.
4. Strategic marketing and outreach will be conducted to engage with:
 - a. Surrounding neighborhoods: As long-standing partners in the Mueller vision, these neighborhoods will receive marketing materials for rental and ownership opportunities in each phase.
 - b. Major employers: The employees of Seton, UT and other major employers in the Mueller development are a key audience for both market-rate and affordable housing options.



Counseling: Developing and maintaining Mueller as a mixed-income community will be supported by homebuyer education and mortgage/credit counseling. This process is a proven model for preparing families with fewer financial resources for the costs of homeownership. The Mueller strategy for delivering counseling has been developed with the homebuilders, preferred lenders, the City of Austin and other counseling providers to simultaneously achieve three goals:

1. Provide access to homebuyer education and counseling for buyers who can be qualified for a mortgage within a defined period of time;
2. Provide access to long-term counseling for those who will need more time to become mortgage-qualified.
3. Provide access to on-going homeowner education.

Catellus has selected both its counseling partners and its preferred lenders based on their demonstrated skills and experience in providing support for affordable housing buyers, owners and programs.

Property Taxes: Given a rising market, an increase in the property tax burden on affordable homeowners poses a challenge to the sustainability of affordable homes at Mueller. Catellus is aware of this issue and will work with the City, consultants and experts and the appraisal district to investigate the issue and determine what solutions can be proffered. Some potential solutions include determining best practices in other markets both within and outside Texas, assessing the viability of legislation seeking to permit appraisal districts to value and tax affordable homes at less than market, counseling with respect to property tax protests, and other funding sources to assist affordable homeowners who have ad valorem tax issues due to escalating property value and property taxes. Catellus will include the status of these efforts in its semi-annual Affordable Housing reports.

CONCLUSION

Catellus is committed to the vision of Mueller as a thriving and diverse mixed-use, mixed-income urban development. We are honored to be working with the City of Austin to identify creative ways to make this vision a reality, and look forward to our continued collaboration toward success.

SEMI-ANNUAL REPORT
AFFORDABLE HOUSING UPDATE THRU MAY 31ST, 2010
AFFORDABLE HOUSING RESOLUTION IMPLEMENTATION EFFORTS

Catellus has continued to take the necessary steps described below to meet or exceed the affordability requirements at Mueller as outlined in the MDA:

1. Catellus has continually implemented the general strategy established to meet the affordable housing MDA requirement of 25% affordability of all for-sale and for-rent homes be affordable. Builders/developers of the affordable units are required to sell or lease to households with incomes at the defined ceiling of affordability (80% MFI in for-sale; 60% MFI in rental) and to be constructed in accordance to the City's SMART Housing Program. These units are priced to ensure marketability to these target markets within the parameters outlined in the MDA.
2. Each market rate multifamily property at Mueller is planned to include at least 10% affordable rental units. Catellus has continued to implement the present strategy, calling for the affordable housing requirement in the MDA to be fulfilled through the development of a senior apartment property and a family apartment property in which most or all units will be affordable at the 60% MFI threshold or below. Both the senior and family apartment projects have been envisioned as projects that would take advantage of existing financing mechanisms for affordable rental housing, notably tax credit programs and the City of Austin's bond program, and that would provide opportunities for expanding the level and degree of affordability at Mueller as called for in the MDA's Affordable Housing Resolution.

Activities to implement the multifamily strategy in the current reporting period include:

- Mosaic at Mueller, the first market-rate rental housing at Mueller developed by Simmons Vedder and managed by Greystar, has been completed. Forty-four (44) units or 10% of the 441-unit property are provided to households at 60% MFI for 50 years, forty-five (45) additional years over the SMART Housing's 5-year affordability requirement. To date, all forty-four rental homes have been constructed and leased to income-qualified families earning 60% MFI or less.
- DMA Development Company, LLC is the senior apartment property developer. The senior apartment project has 201 units planned. 171 units (85.1%) are expected to be provided to household at or below 60% MFI for 99 years, ninety four (94) additional years over SMART Housing's 5-year affordability requirement and forty five (45) additional years over tax credit project's 40-year affordability requirement. Of the 171 affordable units, 85 units or 50% will be affordable for households below 60% MFI, 60 units or 35.1% will be below 50% MFI and 26 units or 15.2% will be below 30% MFI.

DMA has successfully secured tax credit from Texas Department of Housing and Community Affairs (TDHCA) and General Obligation Bond funds from the City of Austin as part of the local government financial support required by the tax credit project. DMA is in the process of identifying permanent financing. The community is currently scheduled to break ground by the end of 2010 with initial move in scheduled for first quarter of 2012.

3. A primary affordability strategy for Mueller's for-sale housing is that market mechanisms will allow builders to provide a smaller house for a lower price. Affordable units will be included among the row houses, the 37' yard homes, and Mueller House units and other condominiums or product types. Due to the dispersion of these unit types between Mueller's planned residential development phases, affordable units will represent more than 25% of total units in some phases and less than 25% in others. Secondary strategies for ensuring sustained affordability include establishment of the Mueller Foundation, reviewing and participating in existing City programs, developing new programs, and partnering with third parties with expertise in funding and producing affordable for-sale homes, as described in the MDA's Affordable Housing Resolution.

Catellus has continued to successfully implement the following for-sale affordable homes strategy activities:

- The first two phases of for-sale residential subdivisions have been fully developed. David Weekley and Meritage were the affordable yard and row homebuilders for these two phases, along with their market rate homes at Mueller. To date, all 133 affordable homes have been successfully sold to affordable homebuyers and closed.
- The third phase is anticipated to begin development in the fall of 2010. Plans for the development include 24 garden homes by Weekley Homes and 26 Mueller Houses Standard Pacific Homes that will be affordable and available to households earning 80% MFI or less. Initial move-in is scheduled for early 2011.
- PeopleTrust continues as the Mueller Compliance Agent, performing the income compliance process for the affordable purchase and rental homes.
- Frameworks continues to be Mueller's preferred partner to help affordable home buyers with general issues related to home purchase, education, credit counseling, and affiliated credit repair services through Numbers by the Book.
- The Mueller Shared Appreciation Program, created based on Austin Housing Finance Corporation's shared-equity program, has provided soft second liens to all 133 for-sale affordable homes at Mueller and was implemented through the Mueller Foundation, the non-profit organization created by Catellus to support the social and community goals including affordability at Mueller. To

date, the Mueller Foundation holds a total of \$7,131,913 in shared equity liens. Catellus will implement the shared equity program for the third phase of the development.

- Catellus and the Mueller Foundation have continued to work with PeopleTrust, the non-profit housing organization, to manage the Mueller Affordable Homes Program as well as the Shared Appreciation Program.
- The Travis Central Appraisal District agreed to assess the value of the affordable homes at the initial affordable sales price for the first year of ownership.

Tracking of Affordable Housing

| Type | Reporting Period | # of Residences Contractually Committed by Builders / Developers | # of Residences Under Construction | # of Residences Occupied |
|----------|--------------------------|--|------------------------------------|--------------------------|
| For-Sale | Current Reporting Period | 50 | na | 0 |
| | Cumulative | 183 | na | 133 |
| For Rent | Current Reporting Period | 0 | na | 7 |
| | Cumulative | 245 | na | 44 |
| Total | Current Reporting Period | 50 | na | 7 |
| | Cumulative | 428 | na | 177 |

| Type | Total # of Homes Offered | Total # of Affordable Homes Contracted | % of Affordable Homes |
|----------|--------------------------|--|-----------------------|
| For-Sale | 794 | 183 | 23.0% |
| For Rent | 943 | 245 | 26.0% |
| Overall | 1737 | 428 | 24.6% |

Distribution of Existing Affordable Buyers by Median Family Income (MFI) Percentage

| Affordable Level | Below 50% MFI | 50%-59% MFI | 60%-69% MFI | 70%-80% MFI |
|-------------------|---------------|-------------|-------------|-------------|
| Percent of Buyers | 5% | 7% | 25% | 63% |



N. T. S.



MUELLER

Affordable Housing Distribution Map, Sections 4 and 5

Prepared for Catellus Austin, LLC by R Vi and ROMA Design Group

MAY 31, 2010

This land plan is conceptual in nature and does not represent any regulatory approval. No warranty or representation is made by the Developer as to the complete accuracy thereof, and same is submitted subject to land plan changes, or other conditions. The Developer has reserved the right, without notice, to make changes to this plan and other aspects of the development to comply with governmental requirements and to fulfill its marketing objective.

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