

RESOLUTION NO.

WHEREAS, zoning is the division of land within a jurisdiction into separate districts within which uses are permitted, prohibited, or permitted with conditions; and

WHEREAS, the City Council has the right and responsibility to exercise discretion in considering rezoning requests; and

WHEREAS, state law allows nearby property owners to present a valid petition to protest a proposed change to a regulation or boundary; and

WHEREAS, valid petitions require a proposed change to receive an affirmative vote of at least three-fourths of all members of the governing body; and

WHEREAS, in this way state law has established a process whereby property owners most impacted by a proposed change can have a strong voice in protecting their material and other interests; and

WHEREAS, the protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area; and

WHEREAS, Austin has implemented community land trusts as a method of helping individuals become homeowners and continuing to live in neighborhoods where land values are escalating; and

WHEREAS, community land trusts allow a potential buyer to purchase a home and lease the land; and

WHEREAS, homeowners on land within a community land trust do not own the real property and therefore cannot meet the State Law requirement for a valid petition; and

WHEREAS, proposed land use changes can affect a homeowner within a community land trust just as dramatically as those homeowners who own the land under their structures; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF
AUSTIN HOUSING FINANCE CORPORATION THAT:**

The General Manager is directed to establish an administrative process so that homeowners within a community land trust owned and operated by the Austin Housing Finance Corporation may express their written position in a particular zoning case to the General Manager or the General Manager's designee;

BE IT FURTHER RESOLVED:

The General Manager or the General Manager's designee is directed to sign a zoning protest, as described under Texas Local Government Code Section 211.006(d), and to submit that protest to the director of the City of Austin Planning and Zoning Department on behalf of a homeowner in a particular zoning case if the homeowner owns a home within a community land trust owned and operated by the Austin Housing Finance Corporation and the homeowner submits written opposition to the zoning case to the General Manager or the General Manager's designee.

ADOPTED: _____, 2016

ATTEST: _____

Jannette S. Goodall
Secretary