WHEREAS, the City recognizes the importance of its role in local economic development initiatives and programs; and

WHEREAS, the City Council authorized Ordinance No. 27435, on December 10, 2008, creating Tax Increment Reinvestment Zone Number Eighteen, City of Dallas, Texas (the "Maple/Mockingbird TIF District"), as amended, in accordance with the Tax Increment Financing Act, as amended, V.T.C.A. Texas Tax Code, Chapter 311 to promote development and redevelopment in the Maple/Mockingbird area through the use of tax increment financing; and

WHEREAS, on September 23, 2009, City Council authorized the Final Project Plan and Reinvestment Zone Financing Plan for the Maple/Mockingbird TIF District by Ordinance No. 27690; and

WHEREAS, on March 25, 2013, the Maple/Mockingbird TIF Board of Directors reviewed the proposed Maple Station project WP West Development Enterprises, L.L.C., and/or its affiliate by Alta Maple Station, LP, in the Maple/Mockingbird TIF District, and recommended City Council consideration of development agreements with WP West Development Enterprises, L.L.C., and/or its affiliate Alta Maple Station, LP, and authority to dedicate future TIF revenues from the Maple/Mockingbird TIF District, in an amount not to exceed $8,000,000 subject to several contingencies; and

WHEREAS, in furtherance of the Maple/Mockingbird TIF District Project Plan and Reinvestment Zone Financing Plan and to promote within the Maple/Mockingbird TIF District: (1) development and diversification of the economy, (2) elimination of unemployment and underemployment, and (3) development and expansion of commerce, the City desires to provide economic incentives to WP West Development Enterprises, L.L.C., and/or its affiliate Alta Maple Station, LP, for the construction of a project containing approximately 200,000 square feet of residential space in land located at 5522 Maple Avenue, in the Maple/Mockingbird TIF District **(Exhibit A – Maple Station project location map)**.

NOW, THEREFORE,

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to execute a development agreement between WP West Development Enterprises, L.L.C., and/or its affiliate Alta Maple Station, LP, and the City of Dallas, on behalf of the Maple/Mockingbird TIF District, in an amount not to exceed $8,000,000 for the Maple Station project, to implement the Maple/Mockingbird TIF District Project Plan and Reinvestment Zone Financing Plan (**Exhibit D - Public Improvements**) and the Maple/Mockingbird TIF Board of Directors may therefore pledge or dedicate future TIF revenues in satisfaction of this agreement.

Section 2. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

Section 3. That the City Controller is authorized to encumber and disburse funds from future tax increments and subject to future appropriations from:

Maple/Mockingbird TIF District Fund

Fund 0064, Department ECO, Unit P790, Activity MMTD, Object 4599, Program No. MMTIF00002, CT ECOP790F217-01, Vendor No. VS0000077209, in an amount not exceed $945,000.

Fund 0064, Department ECO, Unit P790, Activity MMTD, Object 3072, Program No. MMTIF00002, CT ECOP790F217-02, Vendor No. VS0000077209, in an amount not exceed $315,000.

Fund 0064, Department ECO, Unit P790, Activity MMTD, Object 3016, Program No. MMTIF00002, CT ECOP790F217-03, Vendor No. VS0000077209, in an amount not exceed $4,400,000.

Fund 0064, Department ECO, Unit P790, Activity MMTD, Object 3016, Program No. MMTIF00002, CT ECOP790F217-04, Vendor No. VS0000077209, in an amount not exceed $2,340,000.

Total amount not to exceed $8,000,000 for the Maple Station project.

Section 4. That WP West Development Enterprises, L.L.C., and/or its affiliate Alta Maple Station, LP, shall design, fund and construct public improvements to support the Maple Station project, in an amount not to exceed $8,000,000 for the costs of construction of TIF eligible public improvements in the Maple/Mockingbird TIF District. WP West Development Enterprises, L.L.C., and/or its affiliate Alta Maple Station, LP, will be funded solely from the Maple/Mockingbird TIF District Funds in accordance with the terms of the development agreement described in hereof, but only to the extent such Maple/Mockingbird TIF District funds are available for such purpose.

Section 5. That nothing in this resolution shall be construed to require the City to approve funding from any source of City funds other than the Maple/Mockingbird TIF District funds. Any funds expended WP West Development Enterprises, L.L.C., and/or its affiliate by Alta Maple Station, LP, under the development agreement, that have not been paid, due to lack of or unavailability of Maple/Mockingbird TIF District funds shall no longer be considered project costs of the Maple/Mockingbird TIF District, and the obligation of the Maple/Mockingbird TIF District or the City to reimburse WP West Development Enterprises, L.L.C., and/or its affiliate Alta Maple Station, LP, shall automatically expire.

Section 6. That in addition to the conditions set out in the Sections above, the Development Agreement is hereby expressly made subject to all of the following contingencies which must be performed or occur:

A. Begin construction by December 31, 2013;

B. Build approximately 249 units containing a minimum of 200,000 square feet for residential space by December 31, 2015;

C. Invest a minimum of $32,700,000 for property acquisition cost (entire site), hard costs and soft costs for construction of the Maple Station Project by December 31, 2015;

D. Complete a post construction audit to show the total project investment of $32,700,000;

E. Complete the infrastructure improvements associated with the Maple Station Project and obtain a final certificate of acceptance for such improvements from the Department of Public Works and Transportation by December 31, 2015;

F. Execute an operating and maintenance agreement for the non-standard public infrastructure improvements associated with the project prior to December 31, 2015, for a period of twenty years (2015-2035);

;

G. Comply with the Business Inclusion and Development ("BID") goal of twenty-five percent (25%) for the TIF reimbursable improvements, the Owner shall make a good faith effort to achieve a goal of certified Minority/Women-owned Business Enterprise (M/WBE) participation for the private improvement construction of ten percent (10%) of total private expenditure, and meet all reporting requirement for each;

H. Submit quarterly (once in every three months, starting from the date of Council approval) project status reports to the OED Staff (**Exhibit G**);

I. Market the residential units pursuant to an affirmative fair housing marketing plan approved by the City (**Exhibit E - AFHMP FORM**) for a period of fifteen years (2015-2030);

J. Construct public and private improvements that conform in design and materials **shown** in elevations and site plans approved by OED staff and the City of Dallas Design Studio (**Exhibit B - Site Plan & Exhibit C - Conceptual Elevation)**, subject to zoning changes, if any;

Section 6. (Continued)

K. Conform to the Mixed Income Housing Requirements (**Exhibit H**): The funding for the project is based on meeting the affordable housing requirement of 20% of all units meeting the affordability requirements at 80% or less of the median family income for the Dallas area, except for the change listed below

- Affordable units must be available for fifteen years (from the date of project stabilization rate of 80% occupancy);and

L. The TIF funds will begin to be reimbursed up on completion of the project obligations (above required elements) and all TIF funding is subject to terms of the Maple/Mockingbird TIF Increment Allocation Policy (**Exhibit F - Maple/Mockingbird TIF District Increment Allocation Policy**).

Section 7. That the Director of Office of Economic Development, after approval and recommendation of the Maple/Mockingbird TIF District Board of Directors, may authorize an extension of the project deadline up to 6 months.

Section 8. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

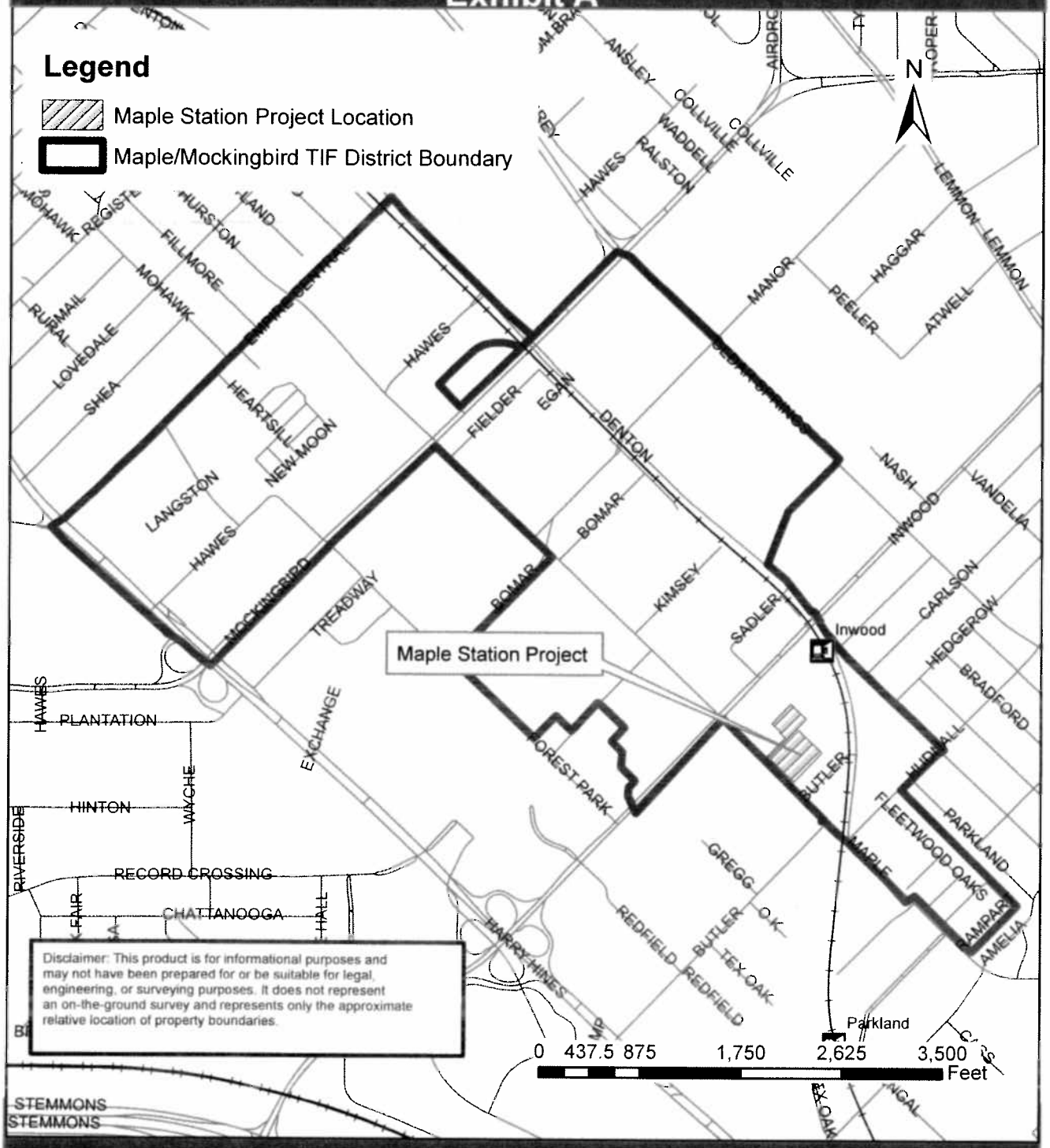
APPROVED BY
CITY COUNCIL

APR 10 2013

City Secretary

130646

Maple Station Project
Maple/Mockingbird TIF District
Exhibit A



City of Dallas

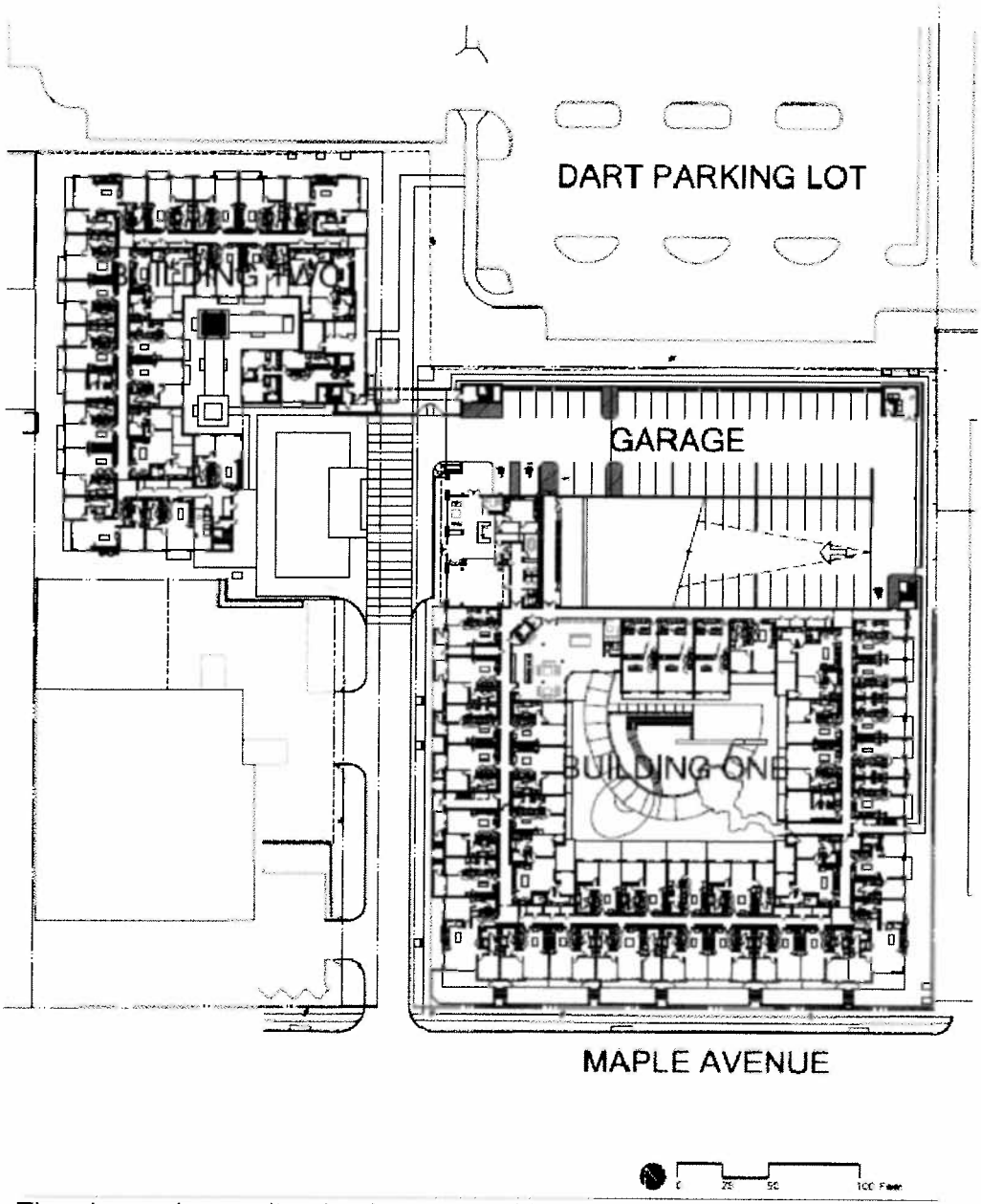
Office of Economic Development

http://www.Dallas-EcoDev.org

Created 03/2013

130646

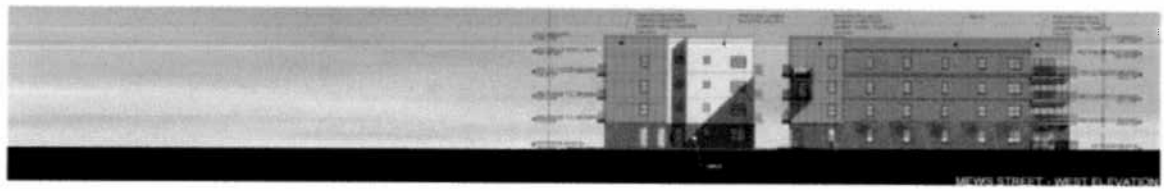
EXHIBIT B
Conceptual Site Plan
Maple Station Project



Note: The above shown site plan is approved by Maple/Mockingbird TIF Board, OED staff and Dallas CityDesign Studio staff.

130646

EXHIBIT C
Maple Station Project
Conceptual Elevations



Note: The above shown conceptual elevations are approved by the Maple/Mockingbird TIF Board, OED Staff and CityDesign Studio Staff. The final construction should substantially in conformance with the above designs. Changes like additional metal balconies, modifications in windows, metal railing along some parapet walls and exterior stairways as needed for safety are acceptable.

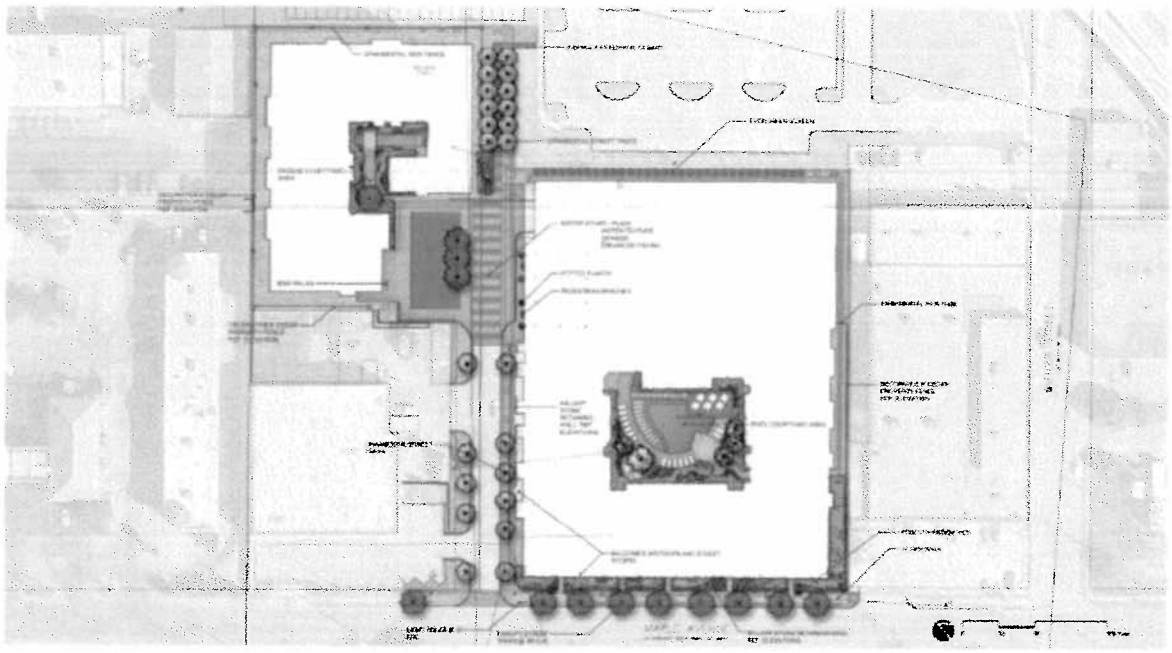
EXHIBIT D
Maple Station Project
Public Improvements
Cost Estimates

Description	Amount
Infrastructure and utility improvements	$945,000
Environmental remediation and demolition	$315,000
Affordable housing	$4,400,000
High Density Grant	$2,340,000
TIF Request	**8,000,000.00**

Note: Maximum recommended TIF funding is $8 million. This is an estimate of total public improvement costs. Costs may be moved between categories based on actual expenditure, as long as total TIF reimbursement does not exceed $8 million. No interest shall accrue on any portion of the TIF subsidy.

EXHIBIT D1

Landscape Plan:



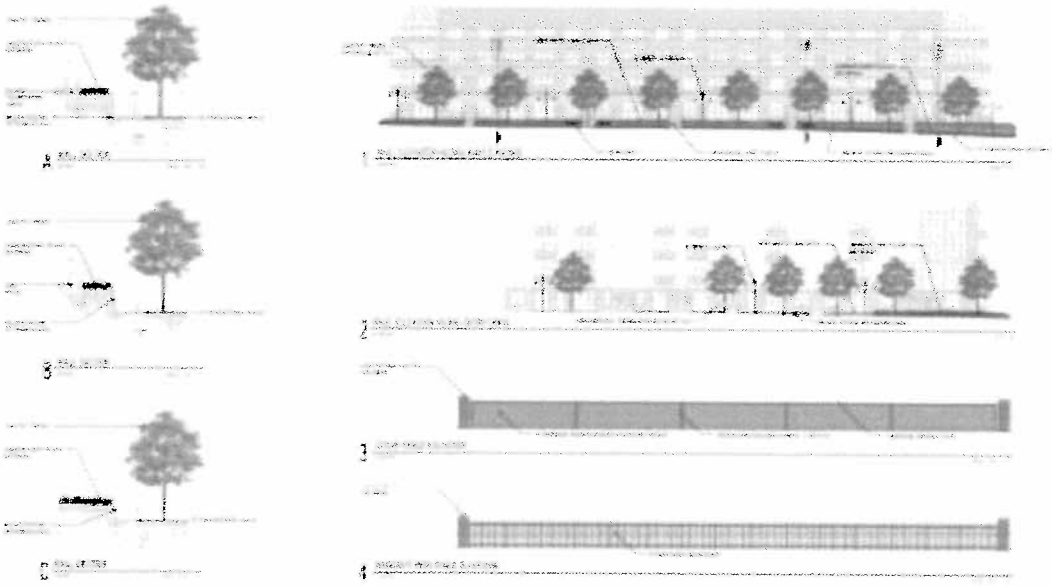
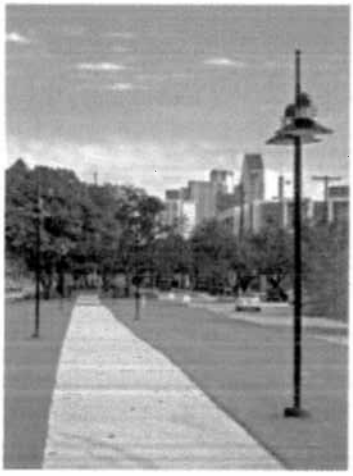


EXHIBIT D2

Public Improvement requirements:

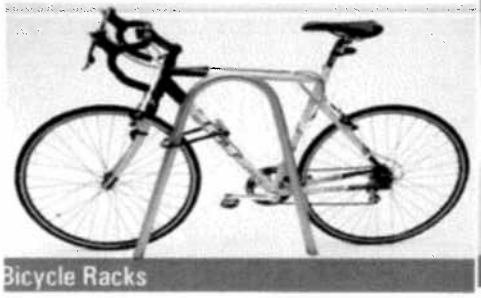
1. 12' SIDEWALKS PROVIDED ALONG MAPLE AVENUE WITH INTEGRATED TREE WELLS. 4' SIDEWALK PROVIDED ALONG MEWS STREET (REDUCED BECAUSE OF DISTANCE BETWEEN BACK OF CURB AND R.O.W. AND CONFLICT WITH REQUIRED ELECTRIC TRANSFORMERS).
2. AN UNOBSTRUCTED (CLEAR) PEDESTRIAN WALKWAY OF 5.5' IS PROVIDED FOR THE 12' SIDEWALK ALONG MAPLE. EXISTING OVERHEAD COMMUNICATION LINES PROVIDE OBSTRUCTION.
3. PAVING WITHIN MEWS STREET AND AUTO COURT WILL BE ENHANCED VEHICULAR CONCRETE. ANY PAVERS USED WILL BE VEHICULAR RATED AND SET ON CONCRETE SUB SLAB.
4. AN UNOBSTRUCTED (CLEAR) PEDESTRIAN WALKWAY OF 4' IS PROVIDED FOR THE 4' SIDEWALK ALONG THE MEWS STREET
5. CANOPY TREES ARE PLANTED ALONG MAPLE PER ARTICLE X REQUIREMENTS OF 1 CANOPY TREE PER 50'.
6. CANOPY TREES ARE PLANTED ALONG THE MEWS STREET PER ARTICLE X REQUIREMENTS OF 1 CANOPY TREE PER 50' OR 2 NON CANOPY TREES PER 50'.
7. A MINIMUM OF 5 BENCHES WILL BE INSTALLED ALONG MAPLE AVENUE AND MEWS STREET. NO BENCH WILL BE LOCATED CLOSER THAN 5 FEET FROM BACK OF CURB.
8. A MINIMUM OF 3 LITTER RECEPTACLES WILL BE INSTALLED ALONG MAPLE AVENUE AND MEWS STREET.
9. A MINIMUM OF 4 BICYCLE RACKS, 8 SPACES WILL BE PROVIDED IN PROXIMITY TO AUTO COURT.
10. NYHAVEN TIF STANDARD PEDESTRIAN POLE WILL BE PLACED ON MAPLE AVENUE AND MEWS STREET. LIGHT POLES WILL BE BETWEEN 50' AND 100' ON CENTER.

LANDSCAPE FORMS – AUSTIN BENCH WITH DIVIDERS



LOUIS POULSEN – TIF STANDARD NyHAVEN FIXTURE

EXHIBIT D3



Bicycle Racks

Trash Receptacle

130646

Exhibit E

CITY OF DALLAS
AFFIRMATIVE FAIR HOUSING MARKETING PLAN

COMPLETE FORM AND SUBMIT TO:
FAIR HOUSING OFFICE
CITY HALL • 1500 MARILLA ST., RM 1BN • DALLAS, TEXAS 75201
Ph. (214) 670-3247 • Fax (214) 670-0665

1. INTRODUCTION

The Affirmative Fair Housing Marketing Program requires that each City Assisted Housing Provider carry out an affirmative program to attract prospective buyers or tenants of all minority and non-minority groups to the housing that the applicant is providing. These groups include Whites (Non-Hispanic) and members of minority groups: African-American, Hispanics and others in the Dallas, Texas area who may be subject to housing discrimination on the basis of race, color, religion, sex, national origin, handicap or familial status.

2. APPLICATION AND PROJECT IDENTIFICATION

A. APPLICANTS:	B. PROJECT OR APPLICATION NUMBER
NAME:	NUMBER OF UNITS AVAILABLE: _____
ADDRESS (include city, state and zip code): TELEPHONE NUMBER:	NUMBER OF UNITS LEASED OR SOLD: _____ PRICE OR RENTAL RANGE OF UNITS: FROM $_____ TO: $_____
C. PROJECT NAME:	D. FOR MULTIFAMILY HOUSING ONLY: ☐ ELDERLY ☐ NON-ELDERLY
PROJECT ADDRESS:	E. APPROXIMATE STARTING DATE: ADVERTISING: _____ OCCUPANCY: _____
	F. NAME OF MANAGING AGENT:
CENSUS TRACT: _____	ADDRESS (include city, state and zip code):

3. TYPE OF AFFIRMATIVE MARKETING PLAN

☐ Project Plan ☐ Annual Plan (For single family scattered site units)
NOTE: a separate Annual Plan must be developed for each type of census tract in which the house is to be built.
☐ Minority Area ☐ White (non-minority area) ☐ Mixed Area (with _____% minority residents)

4. DIRECTION OF MARKETING ACTIVITY

Indicate below which group(s) in the housing market area are least likely to apply for the housing because of its location and other factors without special outreach efforts.
☐ White ☐ African-American ☐ Hispanic ☐ Other

5. MARKETING PROGRAM

A. COMMERCIAL MEDIA

Check the media to be used to advertise the availability of the housing.
☐ Newspaper(s)/Publication(s) ☐ Radio ☐ TV ☐ Billboard(s) ☐ Other (Specify)_____

NAME OF NEWSPAPER RADIO OR TV STATION (1)	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE (2)	SIZE/DURATION OF ADVERTISING (3)

B. BROCHURES, SIGNS AND HUD'S FAIR HOUSING POSTER

(1) Will brochures, leaflets or handouts be used to advertise? ☐ Yes ☐ No If yes, attach a copy or submit when available. (2) For project site sign; indicate sign size _____ x _____; Logotype size _____ x _____. Attach a photograph or project sign or submit when available. (3) HUD's Fair Housing Poster must be conspicuously displayed wherever sales/rentals and showings take place. Fair Housing Posters will be displayed in the ☐ Sales/Rental Office(s); ☐ Real Estate Office(s); ☐ Model Units; ☐ Other _____

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Exhibit E

C. COMMUNITY CONTACTS

To further inform the group(s) least likely to apply about the availability of the housing, the applicant agrees to establish and maintain contact with the groups/organization listed below that are located in the housing market area or SMSA. If more space is need attach an additional sheet. Notify FHO of any changes in this list. Attach a copy of correspondence to be mailed to these group/organizations. (Provide all requested information)

NAME OF GROUP/ ORGANINZATION (1)	RACIAL/ETHNIC IDENTIFICATION (2)	APPROXIMATE DATE OF CONTACT PROPOSED CONTACT (3)	PERSON CONTACTED OR TO BE CONTACTED (4)

ADDRESS AND TELEPHONE NUMBER (5)	METHOD OF CONTACTS (6)	INDICATE THE SPECIFIC FUNCTION GROUP/ORGANIZATION WILL UNDERTAKE IN IMPLEMENTING THE MARKETING PROGRAM (7)	

6. FUTURE MARKETING ACTIVITIES (Rental Units Only)

Check the block(s) that best describe future marketing activities to fill vacancies as they occur after the project has been initially occupied.

☐ Newspapers/Publications ☐ Radio ☐ TV
☐ Brochures/Leaflets/Handouts ☐ Site Signs ☐ Others (Specify)

D. OCCUPANCY GOALS

Race/Ethnic Origin:	GOALS		Race/Ethnic Origin:	CURRENT STATUS	
	African-American	_____%		African-American	_____%
	Hispanic	_____%		Hispanic	_____%
	White	_____%		White	_____%
	Other	_____%		Other	_____%

7. EXPERIENCE AND STAFF INSTRUCTIONS (Attach description on separate sheet)

A. Indicate any experience in marketing housing to the group(s) identified as least likely to apply ☐ Yes ☐ No
B. Indicate training to be provided to staff on federal, state and local fair housing laws and regulations, as well as this AFHM Plan. Attach a copy of the instructions to staff regarding fair housing.

8. ADDITIONAL CONSIDERATIONS:

9. By signing this form, the applicant agrees, after appropriate consultation with FHO, to change any part of the plan covering a multifamily protest to assure continued compliance with the City of Dallas Affirmative Fair Housing Marketing Program.

FOR FHO'S USE ONLY		SIGNATURE OF PERSON SUBMITTING PLAN
APPROVAL BY:	DISAPPROVAL BY:	
SIGNATURE:	SIGNATURE:	NAME (Type or print):
NAME (Type or print):	NAME (Type or print):	TITLE:
TITLE:	TITLE:	COMPANY:
DATE:	DATE:	DATE:

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Exhibit F

TIF Increment Allocation Policy
Maple/Mockingbird TIF District
Approved by the TIF Board March 25, 2013

It is important for the City of Dallas to encourage as many projects as possible in the Maple/Mockingbird TIF District (the "Maple/Mockingbird TIF" or "District"). In that spirit, Maple/Mockingbird TIF funds will be allocated to Developers proportionately, based on the increment created by the Project (as defined below) and Related Projects/Developers (as defined below) within the District, after payment of administrative expenses.

Definitions:

Project (TIF-eligible) - development or redevelopment that adds taxable real property value at a particular site or is a space or facility of public benefit such as open space, trails or cultural facilities. The Project has been approved for TIF funds and all requirements set forth in the development agreement have been completed.

Developer – A person or entity that has completed all requirements for a TIF-eligible Project as set out in the fully executed development agreement for the Project.

Related Project/Developer – if a Developer or a Developer's affiliates (as defined in a development agreement) has other development or redevelopment projects in addition to a TIF-eligible Project, increment from those Related Project(s) may be included in Individual Increment for reimbursement of the TIF-eligible Project expenses. A Developer of a TIF-eligible Project must have at least 50% ownership in any Related Project. These requirements will be further specified in a development agreement where applicable.

Related Projects must create new taxable real property value for the District based on the following criteria:

- New development on previously vacant land or demolished structures.
- Redevelopment or major modification of an existing building if this results in an increased taxable value of 50% or more of the original building or any increase in the floor area of an original building if the expansion is over 50% for residential projects, over 65% for mixed-use projects, and over 75% for office/showroom projects.

Total Increment – the annual amount of increment deposited into the TIF fund from the participating jurisdictions.

Individual Increment – the portion of the increment that a Project or Related Project creates each year.

Net Individual Increment – Individual Increment less the Project's and/or Related Project's portion of Administrative Expenses each year. This portion will be based on the ratio of Individual Increment to Total Increment.

Administrative Expenses – the City will take a share of TIF revenue from this District for the amount it bills to the District for costs necessary for administration of the TIF District program, which may include charges from other departments, each year.

District-Wide Improvements – improvements that are not specific to a single development site such as gateways, trails, open space, public facilities, or utility/streetscape improvements benefiting multiple properties or blocks.

Shared Increment – the Total Increment less (1) the portion of Administrative Expenses not already deducted from Individual Increment , (2) a set-aside for District-Wide Improvements if applicable, and (3) the sum of the Individual Increments of all eligible Developers.

Available Cash - cash in the Maple/Mockingbird TIF fund that is not already allocated, encumbered, or otherwise set aside for other purposes.

Procedure:

Annually, after the Total Increment has been deposited in the TIF fund, the fund will pay or set aside Administrative Expenses based on a ratio of Individual Increments and any remaining costs from unallocated increment in the TIF fund and the amount allocated for District-Wide Improvements (as described below). After Administrative Expenses and any District-Wide Improvement allocations have been paid or set aside, Developers approved for TIF funding from the Maple/Mockingbird TIF will be eligible to receive their Net Individual Increment.

In addition to their Net Individual Increment, Developers will be eligible to receive a portion of any Shared Increment. The Shared Increment allotted to an eligible Developer shall be a ratio of an eligible Developer's Individual Increment to the sum of the Individual Increments for all Projects eligible for reimbursement for that year.

Dallas Central Appraisal District (DCAD) certified values for each tax year will be the data source used to determine values for the increment allocation procedure. However, no increment allocation will be made unless a total Project or specific phase as defined in a development agreement is completed by May 1st of a given year, as evidenced by City approval of all supporting documents required in the development agreement. The City's Director of Economic Development will make the final determination in applying future available revenues in the TIF Fund among Projects.

Pre-existing Agreements

The Maple/Mockingbird TIF District does not have any pre-existing development agreements.

District-Wide Improvement Set-Aside

The TIF Board may set-aside 5% of any Shared increment for District-Wide Improvements after administrative expenses. Specific improvement projects are to be determined and the amount of this set aside will be reviewed annually based on updated financial projections and District needs.

Catalyst Project - Maple Station Project increment set-aside

Maple Station Project will be eligible to receive its own increment plus the first $3,000,000 in shared increment after paying administrative expenses and District-Wide Set Aside, subject to meeting all terms of the development agreement.

Sample Illustrations:

1. The following is a general example to illustrate the allocation procedure for the Maple Station Project increment set-aside up to $3,000,000 TIF incentives.

Total Increment for the District	**100**
Less Administrative Expenses	-10
5% District-Wide Set-Aside	**-5**
Subtotal	**85**
Maple Station Project Increment	
Project Increment	50
+ 100% of Shared Increment up to $3,000,000	35
Total Incremen to Maple Station Project	85

2. The following is a general example to illustrate the procedure where the Maple Station Project increment set-aside is paid off and a second project is eligible for reimbursement/increment payments. These projects will keep their own increment and will be eligible for their proportion of shared increments.

Total Increment for the District	**120**
Less Administrative Expenses	-12
Subtotal	**108**
5% for **District-Wide Improvements**	-5
Total for Projects	103
Distribution of Increment for Projects:	
Maple Station Project increment (after set-aside)	50
+ % of shared increment	7
Maple Project tot increment	**57**
Second Project Increment (Ex. Project 2)	40
+ % of shared increment	-6
Second Project tot increment	**46**

Notes:

In general, the assignment of increment will be done annually, after each participating jurisdiction has deposited its annual increment into the TIF fund. Upon completion of a Project, developers are eligible to be reimbursed for TIF eligible expenditures from Available Cash currently in the TIF fund, if any.

If the appraised value of the remaining property in the TIF District decreases in value despite new development and as additional TIF Projects are approved and completed, the TIF subsidy for Projects that year may be reduced or unpaid. Similarly, if the sum of (1) Administrative Expenses, (2) District-Wide Improvements, and (3) the sum of the Individual Increments is greater than the Total Increment, then the Individual Increments shall be allotted on a proportional basis based on the ratio of each Developer's Individual Increment to the sum of the

Individual Increments for that year. If there is no revenue available after administrative expenses, there will be no increment payments that year.

At its discretion, the Maple/Mockingbird TIF Board may make modifications or corrections to this Policy to increase its effectiveness.

130646

Exhibit G
Quarterly Project Status Report
Prepared by
WP WEST DEVELOPMENT ENTERPRISES, L.L.C.

Project Name:
Report Period: From: To:
Project Start Date: Required Completion Date: Current Completion Date: Number of units completed:
Briefly describe Project progress during this period:
Which documents did you submit to the City of Dallas Business Development & Procurement Services? When? Which documents did you submit to the City of Dallas Fair Housing Department? When? Describe any issues of concern with the City of Dallas (Office of Economic Development/Business Development & Procurement Services/ Fair Housing Department/Public Work and Transportation etc.)?
Attach 4-8 current construction progress pictures from four sides of the Project.
By: WP WEST DEVELOPMENT ENTERPRISES, L.L.C. _____ Todd McCulloch

130646

Exhibit H

City of Dallas Tax Increment Finance Districts
Mixed Income Housing Guidelines

Approved December 15, 2011

TIF Program Purpose

The purpose of the City of Dallas' TIF program is to promote development in underutilized and vacant areas through the use of public investment to attract private investment. The goals for the districts include improving the infrastructure within the districts and adding market rate apartments, single family homes, retail and commercial space, and office and professional space. Promoting housing for individuals and families at a variety of income levels is one of many policy considerations for the districts.

General definitions

Mixed income housing requires a minimum of 20% of all units to meet affordable housing standards.

Affordable housing units are those which are affordable to a household earning 80% or less of the median family income for the Dallas Area.

The 20% affordability requirement applies to both rental units and to units that are for sale. Requirements for for-sale units will be handled on a case-by-case basis. These guidelines primarily pertain to rental housing.

Affordability period and rent rates

Rental units must be affordable for a period of at least fifteen years, beginning from the date the project is complete per the development agreement.

Income levels and *maximum* rent will vary each year and are based on HUD's calculations for Area Median Family Income (AMFI), utility expenses, and Market Rent for the Dallas Area. Maximum rents are set each year at 30% of 80% of AMFI, including a utility allowance. Information pertaining to the maximum affordable rent and income levels that are currently in effect can be obtained from the Office of Economic Development.

Affordable units

A minimum of 20% of all occupied units shall be rented to qualifying households.

The developer may choose to offer any available unit to qualifying households. The 20% total requirement thus may be satisfied by any combination of units and need not apply to units of all sizes.

Affordable units shall be comparable in size and finish quality to market rate units and shall be dispersed throughout the development. Affordable units shall not be segregated into a particular section of the development and shall be a minimum of 500 square feet.

Qualifying households

A qualifying household is defined as a household making 80% or less of the AMFI.

Developers may include wages, salaries, tips, commissions, social security income, etc. to certify a household's income. The method used to determine income should be the same for qualifying and market rate households.

Lease terms

Households that qualify at the beginning of a lease will be assumed to qualify for the entirety of the term of that lease. Recertification is therefore only necessary during lease renewal.

At the end of the lease, the new lease rates will be set based on the household's current income at the time of renewal.

If the household no longer qualifies for an affordable unit, the lease may be renewed at market rate and another unit made available for a qualifying household in order to maintain the 20% affordability requirement.

Fees and leasing requirements

In general, all leasing requirements and all fees, utility charges, assessments, fines, etc. charged by the apartment community must be applied uniformly to qualifying households and market rate households, with the exception that the developer may choose to waive or reduce fees for qualifying households and the developer may choose to set specific lease lengths for affordable units.

Reporting Requirements

Adequate reporting by developer, owner, or property manager shall be required to ensure that the City can appropriately monitor compliance with the guidelines. Projects receiving affordable housing funding under federal or state programs may choose to submit copies of compliance reports specific to the federal or state program in lieu of the TIF program report. Specific reporting requirements will be updated as necessary.

Compliance

The developer assumes all liability for compliance with these requirements and with all applicable laws. By participating in the City's TIF program, the developer agrees to report all information accurately and on time. At the City's request, the developer agrees to produce necessary documentation for determining full compliance with this program.

The affordability period shall be extended by six months for any number of units by which the affordable housing provided during a semi-annual period falls short of the number of units required to meet the affordable housing requirements. Noncompliance may result in termination of the development agreement, a reduction in TIF reimbursement, or other action as determined by the Office of Economic Development.

Request for waiver or minor modification of these requirements shall be submitted to the Office of Economic Development and will be negotiated on a project by project basis with the City and the County.

The City may consider retaining a percentage of TIF funding to ensure that in the event that the property is sold prior to the end of the 15 year compliance period, all subsequent owners will be required to provide affordable housing for the remainder of the affordability period.

The TIF program does not alter, modify, or reduce any affordable housing requirements, duties, or obligations imposed on the developer because of receipt of funds or other assistance from other programs or persons.

Alternative Methods

A developer may propose alternative methods of meeting the requirements such as providing equivalent affordable housing units in a comparable location within or adjacent to the TIF district. All proposed alternative methods will be considered on a case by case basis and must be approved by both the City and Dallas County.

Affirmative Fair Housing Marketing Plan

An affirmative fair housing marketing plan is required for all projects with a residential component that are supported with TIF funding. This requirement is detailed in each project's development agreement. Each project will be evaluated individually to ensure that it furthers affirmative fair housing goals.

Effective Date

These guidelines are effective in each district as of the date they are approved by that district's TIF board. The guidelines apply to developments with first occupancy on October 1, 2011 or later. These guidelines will not alter the terms of development agreements authorized prior to the approval of this document.

Guideline Modifications

As needed, the City may make modifications or corrections to these guidelines to increase their effectiveness. Where these guidelines may conflict with a district's Final Plan language concerning housing provisions, the Director of the Office of Economic Development will make a final determination of project requirements.