

OVERVIEW: S.M.A.R.T. HOUSING™ FEE EXEMPTION PROGRAM

GOALS

- Provide capital recovery fee; development review and inspection fee; and certain construction inspection fee exemptions to promote the development of **S.M.A.R.T. Housing™**.
- Use public resources to leverage private investment.
- Stimulate the development of housing on vacant lots in new and existing subdivisions.
- Promote the use of existing City infrastructure and services.
- Promote the creation of alternative funding sources for the development of **S.M.A.R.T.** (Safe, Mixed-Income, Accessible, Reasonably-Priced, and Transit-Oriented) **Housing™**.

MINIMUM REQUIREMENTS

1. Developers must have site control of land or usable lots located within the city limits of Austin (or be prepared to have property voluntarily annexed) so that proposed developments will meet zoning and building requirements. If required zoning is not in place, the applicant must contact registered neighborhood associations and address neighborhood concerns prior to filing a zoning application.
2. Projects must be served by existing City infrastructure and services that will not require additional capital expenditures by the City.
3. Single-family units on infill lots receiving fee exemptions must be completed, sold, and occupied within 15 months of the execution of a contract with the City and/or the Austin Housing Finance Corporation (AHFC). Multi-family units and single-family units in new subdivisions must be completed, sold, and/or occupied within 24 months.
4. Units receiving fee exemptions and designated as “reasonably-priced” must be sold or rented to families with incomes at or below 80% of the area median family income (MFI) who spend no more than 30% of their gross income (including utilities) on housing, unless federal or state funding sources establish a different standard of affordability. Mixed income projects are encouraged.
5. All designated “reasonably-priced” units must be “reasonably-priced” at initial occupancy and must remain “reasonably-priced” for at least five years (for multi-family units) or one year (for single-family homeownership units without federal assistance). Failure to meet the requirements on “reasonably-priced” designated units during the affordability period will require repayment of all waived fees, with interest. Compliance for rental units may be monitored in accordance with tax credit or bond rules or state/federal monitoring standards. An increase in an eligible occupant’s household income subsequent to original occupancy does not preclude the unit from being counted as one of the “reasonably-priced” units unless this income increase is a result of additional occupants with income moving into the unit.

6. Builder must certify that all units will comply with the City's Green Building Program and obtain Austin Energy approval of plans and final inspection prior to occupancy.
7. All projects must meet accessibility standards established in the **S.M.A.R.T. Housing™** Resolution (040115-44). All single-family, duplex, and triplex construction must meet the Visitability standards prescribed by Council Ordinance 040115-45. All multi-family ground floor units must be adaptable and 10% of the multi-family units must be accessible. Multi-family site plans and building plans must be reviewed for compliance with accessibility, transit-oriented, and green building standards prior to submittal for building permit approval.
8. Owner/Applicant/Developer may be required to sign a note payable to the City for the amount of the fee exemptions received secured by a deed of trust, lien or a surety bond for an equivalent amount which will be released by the Community Development Officer after the affordability period.

EVALUATION CRITERIA – Fee waivers are limited and will be allocated on a first-come, first-serve basis. Fee waivers are not available for:

1. Remodeling of existing residential units.
2. Owners with outstanding Housing Code violations on units or projects on which they are affiliated with the owning entity as a sponsor, partner, or partial owner.
3. Owners with outstanding violations on accessibility issues on previously completed units or projects where they are affiliated with the owning entity.

PROCESS

Expedited review of **S.M.A.R.T. Housing™** projects is available year-round if the applicant's design team signs the review documents and meets response times.

For more information on this program and other incentives for the construction of reasonably-priced housing in Austin, please refer to the **S.M.A.R.T. Housing™ Guide** (available at <http://www.cityofaustin.org/ahfc/smart.htm>), or contact:

Gina Copic, S.M.A.R.T. Housing™ Manager, 974-3180, regina.copic@ci.austin.tx.us
Stuart Hersh, S.M.A.R.T. Housing™ Coordinator, 974-3154, stuart.hersh@ci.austin.tx.us
Steve Barney, S.M.A.R.T. Housing™ Coordinator, 974-3126, steve.barney@ci.austin.tx.us
Andrei Lubomudrov, S.M.A.R.T. Housing™ Research Analyst, 974-3117, andrei.lubomudrov@ci.austin.tx.us

The AHFC and the City of Austin are committed to compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, as amended. Reasonable modifications and equal access to communications will be provided upon request. Please call 974-3100 (voice) or Relay Texas at 1-800-735-2989 (TDD) for assistance.

The AHFC and the City of Austin do not discriminate on the basis of disability in the admission, access to, treatment, or employment in their programs and activities. Dolores Gonzalez has been designated as the City's Section 504/ADA Coordinator. Her office is located at 505 Barton Springs Rd, Ste. 600. If you have any questions or complaints regarding your Section 504/ADA rights, please call Dolores Gonzales at 974-3256 (Voice) or 974-2445 (TTY).

This publication is available in alternative formats. Please call 974-3100 (Voice) or Relay Texas at 1-800-735-2989 (TDD) for assistance.

S.M.A.R.T. Housing™ Application for Certification

DEPARTMENT OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT APPLICATION FOR EXEMPTION FROM PAYMENT OF CAPITAL RECOVERY FEE, DEVELOPMENT REVIEW AND INSPECTION FEES AND CERTAIN SUBDIVISION CONSTRUCTION INSPECTION FEES

I, the undersigned duly authorized representative of _____ (the "Applicant"), the owner of the proposed residential development called _____ and described in this **S.M.A.R.T. Housing™** Application, do hereby make application to the Neighborhood Housing and Community Development Department (NHCD) as administrator of the City's **S.M.A.R.T. Housing™** Program in accordance with the program guidelines for _____ residential units to be exempted from the payment of the Capital Recovery Fees and other available fee waivers, and I do hereby declare and represent as follows:

The applicant intends to construct _____ Single-family homes to be sold to qualified homebuyers or to construct and operate a _____ unit Multi-family rental residential development (the "Development") to be located within the City of Austin, Texas, and desires that the City exempt the development from the payment of Capital Recovery Fees and other available fees in accordance with the **S.M.A.R.T. Housing™** Resolution.

The Applicant has received a copy of the **S.M.A.R.T. Housing™** Guide (available at <http://www.cityofaustin.org/ahfc/smart.htm>) and having read this document, hereby agrees to comply with all terms of the rules including meeting the minimum Green Building standards, the Accessibility and Visitability standards required by the **S.M.A.R.T. Housing™** Resolution, and the Transit-Oriented standards.

The Applicant has submitted herewith a completed copy of the **S.M.A.R.T. Housing™** Application. To the best of the Applicant's knowledge, the information contained therein is true and correct.

The Applicant, if awarded the exemptions, hereby agrees to execute a contract with NHCD for the receipt of the exemptions. The Contract will contain such provisions as are necessary to carry out the requirements of the Programmatic exemption included in the Land Development Code.

Before issuance of the Certificate of Exemption, the Applicant may be asked to execute a note or surety bond, payable to NHCD in the amount of the number of exemptions granted multiplied by the fees required for the particular project and a Deed of Trust and/or restrictive covenant as specified by the Ordinance sufficient to assure that any designated reasonably priced Unit receiving the exemption will be occupied by an eligible family with income at 80 percent or below the Median Family Income (MFI) and requiring an affordability period of either 1 year (for single-family homeownership units) or 5 years (for rental units).

Please indicate the person who will on a regular basis provide income verification information to NHCD staff:

Name	Title and Organization	Phone	Email address
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If the unit does not meet income standards or other S.M.A.R.T. Housing standards, the Applicant will pay the waived fees to the respective City departments due the fees.

WITNESS MY HAND THIS _____ DAY OF _____, 20____.

BY: (NAME OF APPLICANT) _____

TITLE: _____

S.M.A.R.T. Housing™ Application for Certification

1. Name and contact information for the Applicant; i.e., the entity that currently has site control and will build the units for which exemption from payment of Capital Recovery Fees; development review and inspection fees; and certain subdivision construction inspection fees are requested (referred to hereinafter as the “Development”).

Name:	Telephone: (office) (mobile)
Organization:	Fax:
Address and Zip:	Email:

2. Form of Organization of the Applicant:

Corporation Limited Partnership General Partnership
 Sole Proprietor 501(c)3 Nonprofit Corporation

3. If the Applicant is a corporation, identify its officers and indicate their titles. If the Applicant is a partnership, identify its general partner(s) (include occupation, title, address and telephone number).
4. Contact information for the representative of the Applicant with whom staff should communicate.

Name:	Telephone: (office) (mobile)
Organization:	Fax:
Address and Zip:	Email:

5. List of street addresses and/or description of Development site (**Please attach** a legal description and, if a single-family project, a list of lots, addresses, and Parcel ID numbers). (Attachment No. 1)

Street #	Street Name (or intersection)	Zip Code

6. Will any of the following be required: Service extension 1704 determination
 Variance or waiver (please describe) Site Plan Approval Subdivision Annexation
7. What is the current zoning of the property? _____
 If rezoning is required, what zoning will be proposed? _____

Note: S.M.A.R.T. Housing policy requires applicants seeking a zoning change to offer to meet with surrounding neighborhoods prior to filing a zoning application. For details, contact staff.

8. If the Applicant presently owns the Development site, indicate: **(Include copy of Title Commitment, Escrow Contract or other document sufficient to show site control).** If an option, what is the option expiration date? _____

(Attachment No. 2: Proof of Site control such as contract, option, deed, dedicated plat, etc.)

9. If the applicant does not presently own the Development site, please describe any relationship that exists by virtue of common control or ownership between the Applicant and the present owner of the Development site. If none, please write "none."
- _____

10. Anticipated buildout schedule (as applicable):

For Single-Family Subdivisions:
Final subdivision plat approval: _____
Complete subdivision improvements: _____
Phase 1: Finish (# of) _____ homes by (date) _____
Phase 2: Finish (# of) _____ homes by (date) _____
Phase 3: Finish (# of) _____ homes by (date) _____

For Multi-Family or Mixed-Use Structures:
Final subdivision plat approval: _____
Site Plan approval: _____
Phase 1: Finish (# of) _____ units by (date) _____
Phase 2: Finish (# of) _____ units by (date) _____
Phase 3: Finish (# of) _____ units by (date) _____

11. Has builder been selected? Yes No Company name _____
- Has architect been selected? (if needed) Yes No Company name _____
- Has engineer been selected? (if needed) Yes No Company name _____

12. **Please attach** a map or diagram indicating:

- (a) The existing legal lot(s) or parcels where the Development is proposed to be built;
- (b) The Development's proximity to public transportation – this information is available at <http://www.capmetro.org>.
- (c) If the development is close to flood plains, railroad tracks, or former landfill locations, the map or diagram should indicate this as well.

(Attachment No. 3: Site Map with items listed above)

13. Describe any additional facilities to be included in the Development such as parking, laundry, office or recreational facilities.

14. **Attach** a brief summary of prior development experience of the applicant or its principals, indicating date of project, size of project, type of project, and location of project. If a nonprofit, include name and experience of contractor who will build the units.

(Attachment No. 4: Experience and/or track record of developer – **may be omitted if** applicant has previously received exemptions under this program)

15. Indicate any subsidy, loan guarantee, Bond Financing, Issuer of Bonds, Low Income Housing Tax Credit, down payment assistance, or other subsidy for which the Applicant has received a commitment, has made, or intends to make, application with respect to the Development. If none, please write "none."

16. Indicate percentage and number of units to be rented or sold to moderate income (families with incomes at 80% of MFI or below), or very low income (50% of MFI or below). If some units will be reserved for persons with special needs, and/or Section 8 families, please note this below.

___ % of the units will be sold or rented to families with income at ___ % MFI or below

___ % of the units will be sold or rented to families with income at ___ % MFI or below

___ % of the units will be sold or rented to families with income at ___ % MFI or below

17. Is your organization a non-profit? Yes No If so, what type? _____

18. Provide details of the development below. (**If necessary**, attach additional pages - Attachment No. 5: Details of the development.)

_____ Number of Houses or Units with _____ bedrooms, _____ baths, _____ sq. ft. of living area

Land/Lot Cost:	Construction Cost:
Selling Price*:	Monthly Rental (for rental developments):
Selling Price per Square Foot:	Monthly Rental per Square Foot:

*For single-family or condominium units, staff recommends pricing the “reasonably-priced” homes at no more than \$125,000. **If selling price of reasonably-priced homes will exceed \$125,000, please explain in Attachment No. 5: Details of the development.**

For Single Family, will the homes be: site-built manufactured, or modular homes

Built or manufactured by _____ company

Note: Austin’s Green Building standards require that **homes meet the City’s Building Code and Energy Code standards**. Questions? Contact the Development Assistance Center: 512/974-6370

19. Are you considering applying for gap financing from NHCD/AHFC to complete your development? If yes, applicant must also complete and submit appropriate supplemental financing application. **Note: Some NHCD/AHFC federal funding sources have environmental, labor, and monitoring requirements beyond S.M.A.R.T. Housing™ requirements.** Yes No

20. Applicant understands that all reasonably-priced dwellings must be occupied by an income-eligible family for a period of **five years** from the date of initial occupancy (or, **one year** for single-family homeownership units with no federal assistance). Applicant will provide annual documentation of income compliance for the duration of the five- or one-year affordability period. Yes

Applicant hereby submits this completed S.M.A.R.T. Housing Application for Certification with the required attachments to Neighborhood Housing and Community Development for consideration.

_____ Submitted this _____ day of _____, 20__.

Applicant’s Signature

- Enclosures:
- Attachment No. 1 – Legal Description and List of lots and addresses
 - Attachment No. 2 – Proof of site control
 - Attachment No. 3 – Site Map
 - Attachment No. 4 – Experience and track record of developer/contractor (may be omitted if Applicant has previously received exemptions under the program)
 - Attachment No. 5 – Details of the Development (if necessary)