

### Article III.

#### Home Building Program

##### Sec. 33-50. Definitions.

For the purposes of this article, the following definitions shall apply:

- a. City shall mean the City of Longview, Texas.
- b. City Attorney shall mean the City Attorney of the City or any attorney designated by said City Attorney to carry out the functions and exercise the authority assigned to the City Attorney in this article.
- c. *City Council* shall mean the City Council of the City of Longview, Texas.
- d. *City Manager* shall mean the City Manager of the City or any person designated by said City Manager to carry out the functions and exercise the authority assigned to the City Manager in this article.
- e. *City-owned Tract* shall mean any parcel of real property that is owned by the City of Longview and in which no other Taxing Entity has any ownership interest, that is less than one acre in area, and that is either vacant or distressed, and if a structure is located thereon, the structure is unoccupied.
- f. *Contract with a Taxing Entity* shall mean any agreement by and between the City and any other Taxing Entity or Taxing Entities wherein the other Taxing Entity or Taxing Entities agree to designate Lots for use in the Home Building Program.
- g. *Home Building Entity* shall mean such individuals or organizations as shall, from time to time, apply for or receive a Lot or Lots under the Home Building Program. *Home Building Entities* means the plural of Home Building Entity.
- h. *Home Building Program* shall mean the program described in this article.
- i. *Household* shall mean all persons who occupy the same housing unit.
- j. *Income Eligible Persons* shall mean any person who is or persons who are a member of a household in which the gross annual income of the household does not exceed eighty (80%) percent of the median income for households of the same number of persons in the same area, as said median income is defined by the United States Department of Housing and Urban Development.
- k. *Lot* and *Lots* shall mean any parcel or parcels of real property designated by the City or by another Taxing Entity for use in the Home Building Program.
- l. *Program Administrator* shall mean the person or persons appointed by the City Manager to administer the Home Building Program.

- m. *Taxing Entity* and *Taxing Entities* shall mean the City of Longview, Texas; Gregg County, Texas; Harrison County, Texas; Hallsville Independent School District; Longview Independent School District; Pine Tree Independent School District; or Spring Hill Independent School District, individually, collectively or in any combination, in accordance with the context.

**Sec. 33-51. Home Building Program established.**

There is hereby created a program for recycling residential Lots as described herein, the aforesaid program to be designated as the Home Building Program. The purpose of the Home Building Program shall be to recycle or place residential Lots or parcels of real property that have been foreclosed for delinquent *ad valorem* taxes or for other reasons and that have not been redeemed by their owners in accordance with state law, into a pool for use by the City or by the Homebuilding Entities for the construction or rehabilitation of single-family residential houses for qualified low- or moderate-income individuals, thereby helping to alleviate community blight, removing said property from the group of properties maintained by the City, enhancing the tax base for the Taxing Entities by fostering the construction and rehabilitation of single-family residential homes, and generally improving the health, safety, and welfare of the citizens of the City.

**Sec. 33-52. Administration.**

The Home Building Program shall be administered by the Program Administrator, who shall be in charge of and have immediate responsibility for implementation of the Home Building Program.

**Sec. 33-53. Terms and conditions.**

The Home Building Program shall be subject to the following terms and conditions:

- a. As Lots become available through a Contract with a Taxing Entity, those Lots shall be placed in a pool.
- b. Periodically, the City shall notify the Homebuilding Entities as to the location of the Lots. Within sixty (60) days following said notification, each Homebuilding Entity shall notify the City in writing as to the Lot or Lots the Homebuilding Entity desires to utilize in its program of rehabilitation or construction of single-family residential housing.
- c. Each Home Building Entity shall agree to complete rehabilitation or construction of a single-family residential structure on each Lot conveyed to the Home Building Entity within eighteen (18) months of the time at which such Lot is conveyed to said Home Building Entity.
- d. Precedent to the conveyance of a Lot, the Homebuilding Entity shall be responsible for obtaining detailed title information from a reputable title company regarding the title status of the designated Lot, and shall provide such information to the City. Based on said title information, the City shall assess the quality of title the City may approve for said Lot, and may, subject to the provisions of any applicable Contract with a Taxing Entity, as trustee on behalf of the Taxing Entities, convey to the Homebuilding Entity by title deed, up to a special warranty deed, the interests of the Taxing Entities in the property. Subject to the provisions of any applicable Contract with a Taxing Entity, the City Council retains the authority to approve or disapprove the conveyance of any specific Lot and, in case more than one Homebuilding Entity applies for conveyance of the same Lot, to determine which Homebuilding Entity, if any, will receive the Lot.

- e. Each Homebuilding Entity to which a Lot is conveyed shall be solely responsible for the maintenance of each Lot during any period that the Homebuilding Entity owns the Lot, including mowing, cleaning, etc., in conformance with all applicable City ordinances.
- f. All construction of new homes on any Lot shall comply with all applicable City codes and ordinances, including but not limited to the City Building Code, Plumbing Code, Electrical Code, Fire Code, and Zoning Ordinance, except as such may, from time to time, be varied or waived in accordance with law.
- g. The term of any contract between the City and any Homebuilding Entity for the participation of the Homebuilding Entity in the Home Building Program shall be for a term of one (1) year; provided, however, that such a contract may be subject to automatic renewal and may contain such provisions for earlier termination as the City Attorney may deem appropriate. All such contracts shall be in a form acceptable to the City Attorney.
- h. Each Homebuilding Entity shall covenant and agree that the Lots provided to the Homebuilding Entity pursuant to the Home Building Program shall be used and utilized exclusively in a program to construct or rehabilitate single-family residential houses for purchase by Income Eligible Persons, and for no other purpose.
- i. The deed for any Lot conveyed to a Homebuilding Entity as part of the Home Building Program shall meet all applicable requirements set forth in §34.051 of the Texas Tax Code, including without limitation the requirement that the deed must refer to or set forth the applicable terms of the City's affordable housing policy.
- j. Subject to approval by the City Manager, the Program Administrator shall have the authority to specify such other reasonable terms and conditions as shall be necessary or convenient to carry out the Home Building Program, including without limitation any application procedures and requirements necessary to apply for designation as eligible to participate as a Homebuilding Entity in the Home Building Program; provided, however, that all such terms and conditions must comply with the terms and conditions of this article and with any and all applicable requirements of law.
- k. Anything to the contrary in this article notwithstanding, the inclusion of any Lot in the Home Building Program and the conveyance of any Lot shall be subject to and in accordance with all applicable provisions of any applicable Contract with a Taxing Entity, and, wherever possible, the provisions of any applicable Contract with a Taxing Entity shall be cumulative of and in addition to the provisions of this article and the terms and conditions of the Home Building Program.
- l. Anything to the contrary in this article notwithstanding, the City, in the City's discretion, may act as a Homebuilding Entity with respect to any Lot and provide for the construction or rehabilitation of single-family residential houses on said Lot and the conveyance of said Lot directly to Income Eligible Persons without conveying said Lot to a Homebuilding Entity. To the fullest extent possible, the City shall comply with the requirements of this article when acting as a Homebuilding Entity as authorized by this section. Nothing in this section authorizes the City to violate any applicable provision of any Contract with a Taxing Entity.

**Sec. 33-54. Agreements authorized.**

- a. The City Manager, the City Manager's designee and any other official of the City as shall be required, are hereby authorized to negotiate and execute any and all contracts and other documents, as approved by the City Attorney's Office, associated with the Home Building Program, including, without limitation, any and all contracts and other documents between the City and any Homebuilding Entity for the Homebuilding Entity's participation in the Home Building Program; provided, however, that the Homebuilding Entity shall have been designated by the Program Administrator for participation in the Home Building Program, that all such contracts comply with the applicable requirements of this article and that each conveyance of real property shall be approved in advance by the City Council.
- b. The City Manager or the City Manager's designee and any other official of the City as shall be required are hereby authorized and directed to negotiate and execute any Contract with a Taxing Entity and any and all contracts and other documents, as approved by the City Attorney's Office, incident to the execution and fulfillment of said Contract with a Taxing Entity, including, without limitation, any interlocal agreement, tax trust agreement, and/or limited power of attorney by and between the City and any Taxing Entity or combination of Taxing Entities for the purpose of designating the City as trustee for Lots so that said Lots may be used in support of the Home Building Program; provided, however, that any agreement authorizing the City to convey Lots under the authority of §34.051 of the Texas Tax Code must comply with the provisions of said section.

**Sec. 33-55. Designation, acceptance and conveyance of Lots authorized.**

- a. The City Manager shall have and is hereby granted the authority, without further approval from the City Council, to designate any City-owned Tract as a Lot for purposes of participation in the Home Building Program and to convey said Lot as provided in this article without further approval of the City Council. The City Manager may designate a City-owned Tract for participation as a Lot in the Home Building Program regardless of whether the City-owned Tract otherwise meets the definition of "Lot" in any Contract with a Taxing Entity.
- b. Subject to the terms and conditions of this article, the City Manager and/or any other official of the City as shall be required is/are hereby authorized to negotiate and execute, without further approval of the City Council, any and all deeds, contracts and other documents, as approved by the City Attorney, necessary for the acceptance and/or designation of any Lot or Lots for participation in the Home Building Program and the conveyance of any Lot or Lots to any Home Building Entity in accordance with the Home Building Program.
- c. Contingent upon authorization by the City Council, the City may sell any Lot that, in the City's discretion, is unsuitable for participation or use in the Home Building Program or is unlikely to be used for the Home Building Program. Any such Lot will be sold in accordance with and only as authorized by the applicable provisions of Chapter 34 of the Texas Tax Code and the proceeds from any such sale shall be distributed as provided by the applicable provisions of said chapter. Nothing in this section authorizes the City to violate any applicable provision of any Contract with a Taxing Entity."