

ORDINANCE NO. 16-64

AN ORDINANCE AMENDING SECTION 18-35 (BUILDING PERMIT FEES; ECONOMIC INCENTIVE PROGRAM) OF THE CODE OF ORDINANCES BY DELETING SUBSECTION (B) (REDUCTION OF PERMIT FEES), AND ADDING A NEW SUBSECTION (B) (WAIVER OF BUILDING PERMIT FEES), RELATING TO THE CITY OF PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION'S AFFORDABLE HOUSING PROGRAM FOR NEW CONSTRUCTION OF SINGLE FAMILY RESIDENTIAL STRUCTURES. SAID CHANGES REPEAL ALL OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING THE EFFECTIVE DATE HEREOF.

WHEREAS, pursuant to Ordinance No. 16-35, the City of Port Arthur Section 4A Economic Development Corporation (PAEDC) desires to promote economic development and provide incentives for new construction as described by 42.U.S.C. 12745, with a project area bounded by Atlanta Street on the West, 8th Street on the North, Nashville Street on the East and 5th Street on the South within the City of Port Arthur, Texas; and

WHEREAS, Legacy Community Development Corporation, a certified CHDO, acting as Construction Manager will construct ten (10) affordable homes annually beginning October 1, 2016 and extending until September 30, 2019; and

WHEREAS, the PAEDC's Affordable Housing Program will provide down payment assistance, up to \$30,000, for the ten (10) qualified homebuyers, not to exceed \$300,000 annually; and

WHEREAS, the PAEDC has requested that the City of Port Arthur waive all building permit fees for the construction of the ten (10) homes associated with the PAEDC's 4B Affordable Housing Program, as delineated in Ordinance 16-35; and

WHEREAS, pursuant to Ordinance 16-35, the City agrees to waive the building permits fees associated with the construction of ten (10) single family residential structures annually for a period of three (3) years beginning October 1, 2016 and ending September 30, 2019, as delineated in Exhibit "A"; and

WHEREAS, the customer requesting the waiver of building permit fees must be the same customer that is constructing the ten (10) single family residential structures and has qualified and certified the homebuyers to receive the down payment assistance from PAEDC's 4B Affordable Housing Program.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARTHUR:

SECTION 1. That, the facts and opinions in the preamble are true and correct.

SECTION 2. That, the City Council hereby amends Section 18-35 (Building Permit Fees; Economic Incentive Program) of the Code of Ordinances by deleting Subsection (b) (Reduction of Permit Fees), and adding a new Subsection (b) (Waiver of Building Permit Fees), relating to the waiver of building permit fees requested by City Of Port Arthur Section 4B Economic Development Corporation, relating to their Affordable Housing Program for new construction of single-family homes, as delineated in Exhibit "A".

SECTION 3. That all ordinances or parts of ordinances in conflict herewith are herein repealed, but only to the extent of said conflict.

SECTION 4. That, this Ordinance, being an Ordinance not requiring publication, shall become effective October 1, 2016.

SECTION 5. That, a copy of the caption of this Ordinance be spread upon the Minutes of the City Council.

READ, ADOPTED AND APPROVED on this 18th day of Oct., A.D., 2016, at the Regular Meeting of the City Council of the City of Port Arthur, Texas, by the following vote:

AYES:

Mayor: Freeman; Mayor Pro Tem Scote

Councilmembers: Hamilton, Albright, Richard, Lewis
Swati, Moses and Frank.

NOES:

None.

ATTEST:

D.F.
DERRICK FORD FREEMAN, MAYOR

Sherry Bellard
SHERRI BELLARD, CITY SECRETARY

APPROVED AS TO FORM:

Val Tizeno
VAL TIZENO, CITY ATTORNEY

APPROVED FOR ADMINISTRATION:

Brian McDougal
BRIAN MCDOUGAL, CITY MANAGER

Beverly A. Freeman
BEVERLY A. FREEMAN, DIRECTOR OF
HOUSING & NEIGHBORHOOD REVITALIZATION

EXHIBIT "A"

Sec. 18-35. - Building permit fees; economic incentive program.

- (a) *Refund of building permit fees.* In order to provide incentives for the construction of new residential homes in the city, building permit fees will be refunded for new single family residential structures when the following conditions are met:
- (1) The customer has completed four or more single-family residential homes during the previous year within the city.
 - (2) The customer requesting the refund must be the same person/contractor that has contracted with the City of Port Arthur.
 - (3) The refund will be the actual cost of the permits for the structure or structures.
 - (4) The city may also enter into a developer participation agreement with terms as delineated at the discretion of the city council.
- (b) *Reduction of permit fees.*
- ~~(1) Until December 31, 2006, there will be a 50 percent reduction of permit fees and tap fees, effective immediately, for new single family residences to be built in the City of Port Arthur.~~
 - ~~(2) If a developer builds more than four single family residences per year, there will also be a refund of building permit fees and tap fees, less the actual costs of the meters and other actual costs incurred by the city.~~
 - ~~(3) If a nonprofit repairs single family residences then building permit fees will not be charged.~~
- (b) *Waiver of building permit fees.*
- ~~(1) Pursuant to Ordinance No. 16-35, for the next three (3) years, commencing on October 1, 2016 and extending until September 30, 2019, the existing Section 4A (Type A Economic Development Corporation) Sales and Use Tax within the City of Port Arthur shall be utilized for the cost of land, buildings, equipment, facilities, and improvements found by the City of Port Arthur Section 4A Economic Development Corporation Board of Directors to be required or suitable for the promotion of development and expansion of affordable housing, as described by 42 U.S.C. 12745, with a project area bounded by Atlanta Street on~~

the west, 8th Street on the north, Nashville Street on the east and 5th Street on the south within the City of Port Arthur, Texas, which is a category of projects under Section 505.153 of the Local Government Code (Type B Economic Development Corporation), with the condition it will be limited to single family dwellings and the total annual spending by the City of Port Arthur Section 4A Economic Development Corporation will not exceed \$300,000. Said period of time can be extended an additional three (3) years by the City Council by a two-thirds (2/3) vote of the City Council after reviewing public comment on the proposed cost and impact of the project.

- (a) The contractor requesting the waiver of building permit fees must be the same person/contractor that has contracted with the City of Port Arthur Section 4A Economic Development Corporation for the project listed in Section 1 above.
- (b) Request must include legal descriptions of the lots to be developed.
- (c) The contractor must enter into a contract with the City of Port Arthur Section 4A Economic Development Corporation, which must be approved by the City Council.