

RESOLUTION OF THE AUSTIN NEIGHBORHOODS COUNCIL (ANC) REGARDING COUNCIL MEMBER POOL’S H.O.M.E. (HOME OPTIONS FOR MIDDLE-INCOME EMPOWERMENT) RESOLUTION

Whereas, instead of city-wide upzoning, the Austin Neighborhoods Council (ANC) members acknowledge the need for a more carefully thought out and tailored approach that takes each council district and neighborhoods’ needs, infrastructure capacity, ecological uniqueness, and culture into account; and

Whereas, Article X of the City Charter states, “It is the purpose and intent of this article that the city council establish comprehensive planning as a continuous and ongoing governmental function in order to promote and strengthen the existing role, processes and powers of the City of Austin to prepare, adopt and implement a comprehensive plan to guide, regulate and manage the future development within the corporate limits and extraterritorial jurisdiction of the city to assure the most appropriate and beneficial use of land, water and other natural resources, consistent with the public interest. Through the process of comprehensive planning and the preparation, adoption and implementation of a comprehensive plan, the city intends to preserve, promote, protect and improve the public health, safety, comfort, order, appearance, convenience and general welfare; prevent the overcrowding of land and avoid undue concentration or diffusion of population or land uses; facilitate the adequate and efficient provision of transportation, water, wastewater, schools, parks, recreational facilities, housing and other facilities and services; and conserve, develop, utilize and protect natural resources. It is further the intent of this article that the adopted comprehensive plan shall have the legal status set forth herein, and that no public or private development shall be permitted, except in conformity with such adopted comprehensive plan or element or portion thereof, prepared and adopted in conformity with the provisions of this article.”

Whereas, the ANC believes development should pay for development and the taxpayers not be burdened with paying for problems created or exacerbated.

Whereas, the ANC acknowledges the need for affordable housing opportunities for a range of incomes, including a critical need for those within the 30-60% MFI; and

Whereas, the staff’s Affordability Impact Statement, dated October 23, 2023, shows the H.O.M.E. Resolution does not make housing **deeply (Monica G)** affordable and would result in the redevelopment of owner or renter occupied single-family homes; and

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Whereas, the staff’s Affordability Impact Statement, dated October 23, 2023, indicates that the H.O.M.E. Resolution will likely increase housing costs by increasing taxation on land, that it increases displacement pressure that inevitably damages affordability for those affected, that it is only neutral with respect to income-restricted affordable housing, and the only positive affordability effect cited from lifting unrelated adult occupancy limits, which enables dorm housing in single family districts, the overall effect being a deterioration of housing affordability **(Larry Akers)**;

Whereas, the ANC represents neighborhoods throughout the City of Austin and acknowledges the past harms caused by the 1928 Master Plan and H.O.M.E. Phase **1** is considered by many residents as the new “2023 Master Plan”; and

Whereas, the ANC is alarmed that the H.O.M.E. Resolution will escalate the gentrification of Black or African Americans and Hispanic or Latino communities and escalate the displacement of any resident (owners and renters) who will be impacted as a result of the increased taxes; and

Whereas, the ANC is alarmed that the H.O.M.E. Resolution will escalate the displacement of all working class and low and middle-income people, including seniors, owners, single parents, students and renters who will be impacted by gentrification throughout the city and will be adversely impacted by the impending tax increases; and

Whereas, the ANC supports the City's efforts to implement the **Austin (Monica G)** Climate Equity Plan and is concerned with the H.O.M.E. Resolution's negative impact on the environment, including the reduction of tree canopy and green spaces needed to combat the **Urban (Monica G)** Heat Island Effect and other climate related problems including flood resilience and drought protection; and

Whereas, the ANC acknowledges the City of Austin is nationally recognized **as the heart of (Monica G)** Flood Alley and recognizes additional density throughout the city without addressing the vulnerability of **flash flood and (Lorraine Atherton/Larry Akers)** flood-prone areas and neighborhoods which will result in greater catastrophic loss of life and property as proposed by the H.O.M.E. Resolution; and

~~**Whereas**, the ANC acknowledges the City of Austin is nationally recognized as Flash Flood Alley and recognizes additional density throughout the city without addressing the vulnerability of flashflood and flood-prone areas and neighborhoods which will result in greater catastrophic loss of life and~~

Whereas, the ANC recognizes the "fee-in-lieu" strategies used by the city should be ended since these fee-in-lieu strategies do not directly address onsite issues created by new development and redevelopment and can transfer the problem(s) and/or situation(s) to other areas of the city instead of being directly implemented onsite. Furthermore, deeply affordable housing should be placed onsite in new development and redevelopment projects instead of using a fee-in-lieu to avoid ongoing and deepening economic and racial segregation that exists in Austin; **(Megan Meisenbach/Larry Akers)** and

Whereas, the ANC recognizes the need to address the public safety infrastructure (police, fire, EMS), including access to those in need, that has not been maintained or sustained to effectively keep up with the demand in the city's growth throughout the decades; and

Whereas, the ANC membership has historical knowledge and experience and is vested in the importance of creating complete communities and strategically implementing a plan that keeps current and future residents, including visitors to Austin, safe; and

Whereas, the H.O.M.E. Resolution's potential effect on affordability is a theory, not a demonstrated fact **(Larry Akers)**; and

Whereas, the City and its voters are expending enormous resources to build mass transit and develop transit corridors with residential density focused along them to enable the viability of that investment, and the H.O.M.E. Resolution's dispersal of residential density into single-family zoned areas runs exactly counter to the concentration of density along transit corridors required for the viability of our mass transit investment **(Larry Akers)**; and

Whereas, deed restrictions designed to ensure neighborhood integrity are inequitably applied in different areas of the city and are difficult, contentious, and expensive for homeowners to enforce, and by creating

mismatches between the Land Development Code and those deed restrictions that do exist, the H.O.M.E. Resolution introduces land use policy conflicts whose resolution is a burden to those most affected; (Larry Akers) and

Whereas, the City Council did not require an affordability requirement in their December 7, 2023, H.O.M.E. Resolution vote; and

Whereas, the Texas statutes do not restrict short-term rentals (Monica G) (STRs); and

Whereas, the Texas statutes do not restrict rental caps (Monica G).

NOW, THEREFORE, BE IT RESOLVED THAT the ANC opposes the H.O.M.E. Phase 2 Resolution as currently written; and

BE IT FURTHER RESOLVED THAT the ANC urges Mayor Watson and the City Council to follow Mayor Watson's campaign position: to step back and initiate a collaborative approach with stakeholders in each district appointed to a task force and charged with consensus on finding realistic density and **true affordable** housing goals in each district and addressing the following recommendations:

- Explore housing options on City owned and vacant properties; (Betty Weed) and
- Implementation of HOME should be geographically phased in, so that experience in targeted areas can serve to validate its positive effects on affordability before applying the zoning changes city-wide; (Larry Akers) and
- Ensure any proposed Land Development Code amendments (Monica G) being considered by the City Council on H.O.M.E. Phase 2 (or as retitled by City Council) are made public for a minimum of 60 days prior to the City Council taking any action and allow the community time to review, assess, and provide input prior to the City Council taking any action; and
- Ensure any reports related to H.O.M.E. Phase 1 and H.O.M.E. Phase 2 (or as retitled by City Council) that the City Council will act on, that any proposed recommendations are made public for a minimum of 60 days prior to the City Council taking any action and allow the community time to review, assess, and provide input prior to the City Council taking any action.
 - This includes, but is not limited to, the following reports for H.O.M.E. Phase 1 and H.O.M.E. Phase 2 (or as retitled by City Council):
 - Annual Impact Report, which is due to the City Council on March 21, 2024,
 - The report due to the City Council six (6) months after the H.O.M.E. Phase 1 Resolution
 - The report will be used to assess any positive and negative impacts of the H.O.M.E. Phase 1.
 - The full report due to the City Council 12 months after the H.O.M.E. Phase 1 Resolution
 - The report will be used to assess any positive and negative impacts of the H.O.M.E. Phase 1.
- Implement a collaborative process that incorporates a qualitative and quantitative community engagement process that includes environmentalists, neighborhoods, and the development community that will result in creating a safe and habitable environment for all residents of Austin in the long term; and
- In the interest of transparency and good governance, the City Council needs to fund an independent analysis of the impact of these zoning changes. There should be a signed and sealed report from professional registered engineers on the water, sewer, electrical grid, storm water, and traffic infrastructure needed to support this increased density. The Council should fund a report from a CPA

on the cost of **these this (Monica G)** infrastructure repairs or upgrades. Only after these reports have been released to the public should these proposals be considered; and

- **The City should hire an independent analyst to determine what beneficial and detrimental impacts the H.O.M.E. Resolution's land use changes will have on our mass transit investment (Larry Akers); and**
- In the interest of public safety:
 - Not exceed the drinking water resource capacity REQUIRED to support residents and businesses in Austin in perpetuity.
 - **Add a metric for air quality which will be impacted by density and by additional construction. AIRNOW.gov (Irene Pickhardt)**
 - Involve and secure recommendations from all Public Safety and Quality of Life Boards and Commissions to ensure a thorough vetting of all policy recommendations of the City Council to ensure there are no negative outcomes on all public safety and quality of life measures.
 - Involve and secure recommendations from all Public Safety and Quality of Life Agencies and Entities to ensure a thorough vetting of all policy recommendations of the City Council to ensure there is guaranteed capacity in place to provide all required resources to protect all residents and business. Example agencies and entities including, but not limited to the following: Austin Energy, Lower Colorado River Authority (LCRA), Municipal Utility Districts (MUDs), Pedernales and Bluebonnet Power Companies, Electric Reliability Council of Texas (ERCOT) and other electric Utility Suppliers, including Texas Gas Service, Texas Department of Transportation (TxDOT), CapMetro, Central Texas Regional Mobility Authority (CTRMA), Federal Emergency Management Agency (FEMA); Police, Fire, and EMS, **Homeland Security and Emergency Management Office (Monica G)**, Public Health, Regional Hospitals, Travis County, Public and Private School Districts, Higher Education, Environmental Protection Entities.
 - Occupancy limits should follow national and state laws and once adopted, must be enforced as to not result in harm to vulnerable populations (i.e., human trafficking, those with disabilities, seniors, homeless, etc.).
 - Prohibit any new density in areas susceptible to creek flooding, localized flooding, streambank erosion, and flash flooding or designated to be within the Atlas 14 floodplain; and
- No increase in impervious cover allowances over the currently assigned limits without an engineering report required for Conditional Overlay (CO) amendments that exceed SOS IC restrictions; and, requirement of site plan area evaluation of infrastructure in cases of expansion to meet those limits modified for increased density; and
- Comply with the FEMA regulations so as not to compromise any property owner's ability to participate in the federal flood insurance program; and
- Prohibit "fee-in-lieu" stormwater control options to new density, development, or redevelopment upstream of areas susceptible to flash flooding, creek flooding, localized flooding, or designated to be within the Atlas 14 floodplain; and
- Address the impact that additional density will have on sanitation related services including street access for pick-up (trash, recycling, composting); and
- Identify conflicts in city ordinances and resolve them so as not to violate property rights and public safety standards (ASMP vs H.O.M.E. Resolution); and
- Maintain Subchapter F and existing FAR requirements and reevaluate areas for improvement; and
- Ensure basic public services are provided when housing density is introduced – utilities infrastructure (water, electricity, gas), public safety infrastructure (police, EMS, fire), public health infrastructure, and public transportation; and
- Comply with all national housing standards, including ADA accessibility; and

- Maintain, respect, and not undermine existing homeowner deed and covenant restrictions (CCRs), so as not to financially burden any residents wanting to exercise their rights to enforce them (i.e., Houston defends deed restrictions); and
- Incentivize homeowners so they can afford to participate in providing affordable housing on their lot and that meets protective and functional code compliance.
- ~~Explore housing options on City owned and vacant properties.~~

Presented to ANC: _____, 2024

ANC Approved: _____, 2024

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