

RESOLUTION NO. R-2025-1

AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE AN AGREEMENT TO TRANSFER CITY-OWNED PROPERTY TO NONPROFIT ORGANIZATION, EAST TEXAS CARES RESOURCE CENTER, INC., TO FACILITATE A PUBLIC PURPOSE FOR THE CITY BY ADMINISTERING DAY-TO-DAY RESPONSIBILITIES FOR A NON-CONGREGATE SHELTER HOUSING THE QUALIFYING POPULATION WHICH INCLUDES THOSE AT RISK OF HOMELESSNESS AND/OR HOUSING INSTABILITY; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to promote, encourage, develop affordable housing, and alleviate homelessness; and

WHEREAS, the City of Tyler, Community Development Block Grant received HUD HOME-ARP program funding in the amount of \$1,313,072.00 to specifically address the need for non-congregate temporary housing shelters that will serve families, adults, and or individuals who may be experiencing homelessness or on the verge of becoming homeless, in accordance to the four "qualifying populations" set by HUD's HOME-ARP plan; and

WHEREAS, the CDBG purchased two homes located at 512 W. 32nd Street, Tyler, Texas 75702, and 516 W. 32nd Street, Tyler, Texas, 75702. Both homes were not built by the City of Tyler but were newly constructed units purchased with HOME-ARP funds because they meet what is considered a non-congregate shelter; and

WHEREAS, HUD funding requires that these units be used as temporary shelters for qualified homeless candidates through a social service agency, in this case, the East Texas Cares Resource Center, which has agreed to function in this capacity to carry out the day-to-day functions; and

WHEREAS, the HOME-ARP (American Rescue Plan) defines "*qualifying population*" as a person deemed homeless or at risk of being homeless as defined in 24 CFR 91.5, a person fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking, as defined by the U.S. Department of Housing and Urban Development (HUD), and other populations consisting of those who do not qualify under the above three qualifying population definitions but meet one of the "other" populations criteria identified in Section IV of the HOME-ARP Notice. "*Other*" populations are persons experiencing homelessness as defined in 24 CFR 578.3 and 576.2, as well as persons at risk of homelessness as defined in 24 CFR 578.3 and 576.2; and

WHEREAS, the HOME-ARP (American Rescue Plan) defines *non-congregate* shelter as one or more buildings that provide private units or rooms for temporary shelter, serve individuals and families that meet one or more of the "qualifying populations," and do not require occupants to sign a lease or occupancy agreement; and

WHEREAS, the Admission and Occupancy Rule states that HOME-ARP units may only be occupied by individuals or families that meet the criteria for one or more of the "*qualifying population*," thus the transferred property will not be used as rental property because they are defined and designated as temporary shelters by HUD; and

WHEREAS, the transferred property program participants may not be charged occupancy fees or other charges to occupy a HOME-ARP, unit unless the City determines such fees and charges are customary and reasonable and the charges comply with 24 CFR 578.77(b); and

WHEREAS, Texas Local Government Code §253.011 authorizes the City to enter into an agreement to transfer real property to a nonprofit organization whereby the nonprofit organization must use the property in a manner that primarily promotes a *public purpose* of the City; and

WHEREAS, the **CITY** desires to transfer the real property to East Texas Cares Resource Center, Inc., a nonprofit organization exempt from federal taxation under Section 501(c)(3), Internal Revenue Code; and

WHEREAS, the **CITY** believes that East Texas Cares Resource Center, Inc., would be best able to maintain and use both properties as *non-congregate* shelter(s) to promote *public purposes* for *qualifying populations* that seek to assist and alleviate homelessness in the City of Tyler in accordance with the HOME-ARP (American Rescue Plan) provisions; and

WHEREAS, the organization, East Texas Cares Resource Center, Inc., is to use the facility in compliance with the HOME ARP (American Rescue Plan) Program for either *non-congregate* shelter, tenant-based rental assistance, or supportive services to address the "*qualifying population*" at risk of becoming homeless; and

WHEREAS, the organization, East Texas Cares Resource Center, Inc., agrees to be solely responsible for the maintenance, appearance, preservation, restoration and care of the property located at 516 W. 32nd Street, Tyler, Texas, 75701 and 512 W. 32nd Street, Tyler, Texas, 75701; and

WHEREAS, the organization, East Texas Cares Resource Center, Inc., agrees to comply with all applicable federal, state, and local laws, including any applicable requirement to obtain and maintain a Special Use Permit to operate; and

WHEREAS, the City shall have the right to periodically inspect the real property for the term of the agreement and for the purposes of making recommendations, including, but not limited to, authorized use, maintenance, appearance, preservation, restoration, and care of the real property by the organization, East Texas Cares Resource Center, Inc., and

WHEREAS, pursuant to Texas Local Government Code §253.011 if the nonprofit organization, East Texas Cares Resource Center, Inc., at any time fails to use the property in a manner that promotes the *public purposes described herein*, ownership of the property automatically reverts to the City; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

Part 1: That the findings set forth above are incorporated into the body of this resolution as if fully set forth herein.

Part 2. That the City Manager of the City of Tyler, and/or designated City Staff, is hereby authorized, empowered, and directed to take all actions necessary to execute and effectuate the transfer of property(s) located at 512 W. 32nd Street, Tyler, Texas 75702, and 516 W. 32nd Street, Tyler, Texas 75702 specifically address the need for non-congregate temporary housing shelters that will serve families, adults, and or individuals who may be experiencing homelessness or on the verge of becoming homeless, in accordance to the four "qualifying populations" set by HUD's HOME-ARP plan.

Part 3. That the non-profit organization, East Texas Cares Resource Center, Inc., shall utilize the properties located at 512 W. 32nd and 516 W 32nd Street, Tyler, Texas, as a non-congregate shelter to promote and administer the day-to-day functions of the following *public purposes* to the *qualifying population* only:

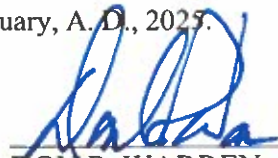
1. Development and diversification of programs and services provided to the community; and/or
2. Assist an individual or family who lacks a fixed, regular, and adequate nighttime residence; and/or
3. Expect to serve people who are experiencing homelessness/ or on the verge of homelessness annually; and/or
4. Customize protocols for resident intake, discharge, conflict resolution, and data management; and/or
5. Aid the community in overcoming social, cultural, and economic barriers through educational programs and instructions; and/or
6. Provide non-congregate shelter for those at risk of homelessness, domestic violence, sexual violence, or at risk of housing instability; and/or
7. Establish an agreement for respectful cohabitation and program participation, promoting safety and accountability; and/or
8. Intake interview and background check documents of that individual or family who lacks a fixed, regular, and adequate nighttime residence, or is at risk of imminently losing their primary nighttime residence from the "qualifying population"; and/or
9. Assist temporary residents pursue educational opportunities or job training programs to help secure sustainable employment.

Part 4: That the City Manager of the City of Tyler, and/or designated City Staff, is hereby authorized, empowered, and directed to take all actions necessary to execute and effectuate the transfer of property(s) located at 512 W. 32nd Street, Tyler, Texas 75702, and 516 W. 32nd Street, Tyler, Texas 75702.

PART 5: That should any section, subsection, sentence, provision, clause, or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause, or phrase of this resolution and the same are deemed severable for this purpose.

PART 6: This resolution shall become effective upon approval.

PASSED AND APPROVED this 8th day of January, A. D., 2025.



DON P. WARREN, MAYOR
CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK



APPROVED:


DEBORAH PULLUM,
CITY ATTORNEY