

Chapter 481. Travis County Public Improvement District Policy and Procedures¹

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Subchapter A. [General Provisions]

481.001 General Provisions

- (a) A public improvement district is a tool that provides for the financing of the costs of public improvements or Services that benefit a definable part of the County. It allows the costs of PID improvements or Services to be borne by

¹ Chapter 81 was adopted by Travis County Commissioners Court on January 26, 2016, item 10, and replace October 17, 2017, item 14. Chapter 81 was renumbered as Chapter 481 on June 1, 2018 (approved May 15, 2018, Item 7). Chapter 481 was amended August 16, 2022, Item 25. Chapter 481 was replaced January 30, 2024, Item 12, with an effective date of February 1, 2024. See order replacing chapter for information on how chapter provisions apply to public improvement districts created prior to the February 1, 2024.

- those who receive special benefits from the improvements or Services because they own property in that definable area. At the same time, residents of the County who live outside the definable area also receive some benefit from those improvements or Services.
- (b) The purpose of this chapter is to outline the policies and procedures the Commissioners Court will use to consider whether creation of a PID, a levy of PID assessments, or issuance of PID bonds is in the best interest of the County.
 - (c) For purposes of the several filing requirements of the PID Act, the person performing the functions of a municipal secretary for the County is the assistant Travis County Clerk responsible for maintaining the minutes and other records of the Commissioners Court.
 - (d) The Commissioners Court may, on a case-by-case basis, waive a requirement of this chapter if it does not conflict with state or federal law or regulations. Any requirements waived shall be noted in the resolution approving the PID petition or other relevant document and must include a finding that the waiver is in the best interest of the County.
 - (e) PID bonds under this Chapter may be issued by either the County or a development authority or corporation created by the County. If one of the latter entities issues the PID bonds, references to the County and Commissioners Court in the provisions of this chapter related to bond issuance shall be interpreted as a reference to the entity and its governing body.
 - (f) PIDs should be financially self-sufficient and not require the County to incur any costs associated with the formation of the PID, PID bond issuance costs, PID administration, or the construction of PID improvements.
 - (g) Under certain circumstances, the Commissioners Court may place a moratorium on the creation of new PIDs. When the Commissioners Court establishes a moratorium, County staff will only work on PIDs that were created before the date on which the moratorium was established.

481.002 Definitions

In this chapter

- (1) "Affordable Housing" means, in general, housing for which the occupant is paying no more than 30 percent of their gross income for housing costs, including utilities, insurance, property taxes, and any assessments (including PID assessments) levied, as established by the federal Department of Housing and Urban Development. For the purposes of this policy, affordability means housing affordable to households earning 30%-80% of the Area Median Income for rental housing and to households earning 80%-120% of the Area Median Income for home ownership.

- (2) “Approved Master Plans” means master and regional plans approved by the Commissioners Court, such as the Land Water and Transportation Plan, the Colorado River Corridor Plan, and the Eastern Creeks Greenbelts Plan.
- (3) “Area Median Income” means the midpoint of a specific area’s income distribution and is calculated on an annual basis by the U.S. Department of Housing and Urban Development.
- (4) “Capital Economic Progress Corporation” mean the Texas nonprofit corporation formed by the Commissioners Court.
- (5) “ETJ” means the extraterritorial jurisdiction of a municipality.
- (6) “Market Feasibility Study” means a study that examines the likelihood that a proposed real estate development project supported by a PID will be financially successful and generate sufficient PID assessments based on historical and projected real estate demand and supply trends.
- (7) “Owners” means owners of real property in the PID.
- (8) “Petitioners” means the Owners signing the PID petition and their successors and assigns.
- (9) “PID” means public improvement district.
- (10) “PID Act” means Local Government Code Chapter 372, as amended.
- (11) “PID assessments” means special assessments levied on property within the PID under the PID Act to pay for PID improvements.
- (12) “PID bonds” means special assessment revenue bonds issued under the PID Act by the County or a corporation created by the County under that are payable by PID assessments from, and secured by special assessment liens on, property in the PID.
- (13) “PID Community Benefit Fee” means a fee paid by a Petitioner to the Capital Economic Progress Corporation and that may be used to address and advance goals identified by the County as set forth in Subchapter B.
- (14) “PID improvements” may include the following and any other improvements authorized under Section 372.003 of the PID Act:
 - (A) landscaping;
 - (B) erection of fountains, distinctive lighting, and signs;
 - (C) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of-way;
 - (D) construction or improvement of pedestrian malls;
 - (E) acquisition and installation of pieces of art;
 - (F) acquisition, construction, or improvement of libraries;

- (G) acquisition, construction, or improvement of off-street parking facilities;
 - (H) acquisition, construction, improvement, or rerouting of mass transportation facilities;
 - (I) acquisition, construction, or improvement of water, wastewater, or drainage facilities or improvements;
 - (J) the establishment or improvement of parks;
 - (K) projects similar to those listed in Subparagraphs (A)-(J);
 - (L) acquisition, by purchase or otherwise, of real property in connection with an authorized improvement;
 - (M) special supplemental services for improvement and promotion of the district, including services relating to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement;
 - (N) payment of expenses incurred in the establishment, administration, and operation of the PID; and
 - (O) the development, rehabilitation, or expansion of affordable housing.
- (15) "PID petition" means a petition for creation, modification, dissolution, or renewal of a PID.
- (16) "Service and Assessment Plan" means an ongoing plan approved by the Commissioners Court that covers a period of five years from the date of approval that defines the annual installments on the total PID assessment and the projected cost for PID improvements, and that is updated annually by the Commissioners Court to establish the annual installments and budget for the PID.
- (17) "Services" means special supplemental services for improvement, promotion, and maintenance of a PID, including services for health and sanitation, water and wastewater, public safety, recreation, and any other services authorized by the PID Act.
- (18) "Superior Community Benefits" means public improvements or community benefits, which may be location-specific, that exceed local governmental requirements and are quantifiably superior to the level of public improvements or community benefits typically generated by real estate development projects that do not involve PID financing.
- (19) "TCDA" means the Travis County Development Authority, a public nonprofit local government corporation that was established by the Commissioners Court to aid, assist, and act on behalf of the County in the performance of the County's governmental functions to promote the economic development of the County, including the management of public improvement districts.

- (20) "TCDA Board" means the board of directors of the Travis County Development Authority.

481.003 Required Community Benefits

- (a) Subject to the requirements of this chapter, the Commissioners Court will consider approval of the creation of a PID only if the PID supports real estate development projects that provide the following community benefits that are superior to the level of community benefits typically generated by real estate development projects that do not involve PID financing:
- (1) Has mixed uses, specifically, commercial/retail uses and residential uses, in the proposed PID unless the land does not support commercial or retail uses because of physical obstructions or jurisdictional limits or if the Petitioner requests a commercial-only PID;
 - (2) Has diverse housing types, meaning a mix of housing options, such as multi-family property, garden homes, condominiums, town homes, duplexes, tri-plexes, quad-plexes, and single-family detached homes. This provision does not apply to commercial-only PIDs;
 - (3) Has mixed-income housing, meaning housing that includes products at a variety of price points. This provision does not apply to commercial-only PIDs;
 - (4) Complies with onsite residential affordability requirements, set by the County, for homeownership and rental housing in the PID as outlined in Subchapter B, or pays a PID Community Benefit Fee as outlined in Section 481.006;
 - (5) Allows all Affordable Housing in the PID to be developed in partnership with the Travis County Housing Finance Corporation, if a housing finance corporation is necessary, and allows the County to approve the Affordable Housing development partner(s);
 - (6) In a commercial/retail-only PID, a PID Community Benefit Fee will be paid as outlined in Section 481.006 and must include at least four of the resiliency and sustainability requirements as outlined in Subchapter C;
 - (7) Except for commercial-only PIDs, incorporates identifiable planned development elements that exceed minimum governmental standards for development, including:
 - (A) bike lanes, in instances when the County's Transportation and Natural Resources Department determines that those lanes are appropriate,
 - (B) electric vehicle charging stations,
 - (C) scalable and upgradeable broadband infrastructure,

- (D) at least one amenity center including recreation spaces, (e.g., swimming pool, basketball court, tennis courts, workout room, community room), free Wi-Fi, and emergency power back-up,
 - (E) one or more spaces within the PID that can serve as a refuge(s) of last resort in case of an emergency such as a fire,
 - (F) connected walking trails throughout the subdivision,
 - (G) superior landscape design including fountains or art pieces,
 - (H) interior parks and/or community gardens, and
 - (I) superior and innovative design for environmental protection including low-impact development, native and drought-resistant landscaping, stormwater quality treatment features such as designed wetlands and vegetated filter strips, creative flood control structures, exceptional planning for tree and wildlife preservation, and fire protection.
- (8) Prioritizes commercial/retail space for affordable child care, health care, access to fresh food, and other needed services and amenities based on geographic location.
- (b) It is not necessary that all community benefits be funded by PID assessments or PID bonds. If a community benefit is not eligible for PID financing based on Section 372.003 of the PID Act, the Petitioner must ensure ongoing financing of the benefit from other sources.
- (c) Each PID petition must include a chart regarding the level of community benefits that the PID will provide that are superior to the level of the community benefits that would normally be provided without PID financing. The chart must:
- (1) Identify each Superior Community Benefit;
 - (2) Cite the level of community benefits that are normally required and the applicable governmental rules or regulations regarding those requirements;
 - (3) Describe and quantify the extent to which each Superior Community Benefit exceeds the minimum standards required by governmental rules and regulations;
 - (4) Identify each source of funding for providing and maintaining each Superior Community Benefit, and
 - (5) Specify the Petitioner's schedule for providing each Superior Community Benefit.
- (d) At the time of PID creation, the community benefits proffered by the Petitioner in the chart described in Subsection (c) above will be considered final and be deemed binding upon the Petitioner, and the Petitioner's commitment to provide those community benefits will be memorialized in the PID financing agreement and other binding documents. After a PID is created, the Petitioner

must obtain approval of the Commissioners Court before making any changes to a community benefit listed in the chart described in Subsection (c) above.

- (e) Regardless of the required community benefits provided in the PID, the Petitioner must comply with all applicable governmental requirements related to construction and permitting throughout the development process, including, but not limited to, all applicable requirements of the County's Transportation and Natural Resources Department, the Fire Marshal's Office, and all other County departments.

481.004 PIDs within Municipal Limits or ETJs²

- (a) The Commissioners Court will not consider any petitions to create a PID that is located wholly in the corporate limits of a municipality. For areas within city limits, PIDs created by the municipality are preferred. Generally, the Commissioners Court will consider PID petitions for property in municipal limits only if:
- (b) For a proposed PID in the ETJ , the Petitioner shall be responsible for coordination with and between the County and the municipality at the earliest possible date to assess municipal annexation plans, the maximum PID assessment rate relative to municipal taxation, relative responsibilities for acceptance and maintenance of PID improvements to be financed by the PID, and related matters.
- (c) For a proposed PID in the ETJ, the Petitioner must provide the County with acceptable evidence that the municipality has been notified in writing of the Petitioner's intent to request creation of the PID by the Commissioners Court.
- (d) The County will not consider any proposed PID that is sought to be annexed during the creation process.

481.005 Preferential Requirements

If multiple PID petitions are received by the County at or around the same time, the County will prioritize review of PID petitions for PIDs that have one or more of the following characteristics over those that do not:

- (1) PIDs in which the cost of public improvements is financed without County financial participation. Except for public improvements specifically listed in a voter-approved County bond proposition, the County will not expend or pledge a tax increment, general fund

² Revisor's note: The following language in Section 481.004(a) was intended to be deleted by the Commissioners Court when it adopted revisions to Travis County Code Chapter 481 on January 30, 2024: "For areas within city limits, PIDs created by the municipality are preferred. Generally, the Commissioners Court will consider PID petitions for property in municipal limits only if:". See Section-by-Section "Crosswalk" Comparison of Proposed Revisions to Travis County Code Chapter 481, PID Policy, at page 15, <https://traviscotx.portal.civicclerk.com/event/3109/files/attachment/33967>.

revenue, general obligation bond, certificate of obligation proceeds, or any other County funding to support the costs of PID Improvements, unless explicitly approved by Commissioners Court as advancing a County purpose.

- (2) PIDs which include required community benefits described in Section 481.003.
- (3) PID petitions signed by 100% of the Owners in the PID boundaries.

481.006 PID Community Benefit Fee

- (a) Initial Payment of PID Community Benefit Fee. Each time a Petitioner submits a request for the levy of PID assessments, the Petitioner must specify a desired PID bond issuance date and deposit into escrow an initial PID Community Benefit Fee to the Capital Economic Progress Corporation equivalent to 10.5% of the total amount of requested assessment amount, unless the Petitioner is providing affordable housing in lieu of paying the PID Community Benefit Fee as outlined in Subchapter B.
- (b) If the Commissioners Court approves the levy of PID assessments:
 - (1) the Petitioner must, on the date the Commissioners Court approves the levy, pay the Capital Economic Progress Corporation, via ACH or cashier's check, the amount of any difference between 10.5% of the actual PID assessments levied and the initial PID Community Benefit Fee payment described in Subsection (a) if the initial Benefit Fee payment is less than 10.5% of the actual PID assessments levied, and
 - (2) the initial PID Community Benefit Fee described in Subsection (a) will be released to Capital Economic Progress Corporation no later than three business days after the assessments are levied.
- (c) Payment of Remainder of PID Community Benefit Fee – PID Bonds Issued Within 36 Months After Levy of Assessments. If the Commissioners Court approves an order levying assessments and the Commissioners Court consents to the issuance of PID bonds within 36 months after levying the assessments securing the PID bonds, the Petitioner must, no later than three business days before the closing date of the PID bonds secured by the assessments, deposit into escrow the remainder payment of the PID Community Benefit Fee, in an amount equal to the sum of (Y) the difference between 17.5% of the amount levied for any parcel for which the assessment was paid in full or in part before the closing date of the PID bonds secured by the assessments and that were or will be used to reimburse the Petitioner for the Actual Costs of the applicable Authorized Improvements less the initial PID Community Benefit Fee allocable to that parcel and (Z) the difference between 17.5% of the net PID bond proceeds less the initial PID Community Benefit Fee allocable to the PID bonds, and this remainder payment of the PID Community Benefit Fee will be available to be released to the Capital

Economic Development Corporation no later than three business days after the closing date of the PID bonds.

- (d) If more than 36 months have elapsed after the Commissioners Court approved an order levying assessments, and the County has not received a bond issuance request from the Petitioner or the Petitioner has failed to demonstrate compliance with the requirements for bond issuance as set forth in this chapter or in a financing agreement, the Petitioner must pay the remainder of the PID Community Benefit Fee, equal to 7% of the actual PID assessments levied, to the Capital Economic Progress Corporation, via ACH or cashier's check, no later than January 31 after the first date that interest is first collected on the Assessments.
- (e) Payment of Remainder of PID Community Benefit Fee Not Required If Petitioner Has Provided Evidence of Compliance with Bond Issuance Requirements But County Does Not Consent to Bond Issuance. If more than 36 months have elapsed after the Commissioners Court approved an order levying assessments, and the Commissioners Court, after having received a bond issuance request and evidence that demonstrates the Petitioner's compliance with the County's requirements in this chapter for the issuance of PID bonds, does not consent to the issuance of PID bonds, the Petitioner will not be required to pay any additional PID Community Benefit Fee associated with that levy of assessments.
- (f) A Petitioner may seek to reduce the required PID Community Benefit Fee by providing pro formas and other financial documentation demonstrating what level of PID Community Benefit Fee the project will support, including:
 - (1) An assessment revenue pro forma for the proposed project;
 - (2) A financial review of the development projections and absorption schedule;
 - (3) An analysis of (1) and (2) that describes the timing and amount of PID assessment revenue that will be generated based on varying levels of assessments;
 - (4) A comparison of the project with other similar projects in the area that will not have an assessment; and
 - (5) Proposed and estimated reserve amounts, if any.
- (g) Use of the PID Community Benefit Fee is outlined in Subchapter D.
- (h) The PID Community Benefit Fee described in Subsection (a) will be returned to the Petitioner if:
 - (1) The Commissioners Court has not waived the requirement for an appraisal relating to the Petitioner's request to levy assessments and the Travis County Development Authority has not ordered an appraisal within 60 days after the Petitioner's deposit of the PID Community Benefit Fee, or

- (2) The Commissioners Court does not approve an order levying the requested assessments after the conclusion of a hearing regarding the Petitioner's request to levy assessments.

481.007 Limitations on Use of PID Bond Proceeds

- (a) The payment of a PID Community Benefit Fee to the Capital Economic Progress Corporation pursuant to Section 481.006 is not to be considered a "public improvement project" as described in Section 372.003(b) of the PID Act.
- (b) Unless a Petition specifies that one of the primary purposes of the proposed public improvements is to develop, rehabilitate, or expand affordable housing, PID bond proceeds are not allowed to be used to pay for:
 - (1) The PID Community Benefit Fee, or
 - (2) On-site affordable housing.

481.008 Fees for PID Creation, Administration, Management, and Monitoring

- (a) By submitting a PID petition, the Petitioner agrees to reimburse the County for the County's administrative and operational costs relating to the PID, such as costs of:
 - (1) reviewing the PID petition;
 - (2) publishing related notices;
 - (3) reviewing the appraisal, the initial Service and Assessment Plan, and the Market Feasibility Study, including the cost of services provided by County consultants, bond counsel, and financial advisors;
 - (4) assessment levy;
 - (5) bond issuance;
 - (6) review and approval of plans for and inspection of construction of PID Improvements for the purpose of monitoring the Petitioner's compliance with the terms of the PID financing agreement described in Section 481.011, including the Petitioner's obligation to provide those PID Improvements described in the Petitioner's PID petition, and the Petitioner's compliance with this Chapter;
 - (7) PID administration and operation, collection of assessments, foreclosures, etc., whether provided by staff or consultants; and
 - (8) monitoring the Petitioner's compliance with this Chapter and the Petitioner's contractual obligations, including the Petitioner's obligations to comply with construction worker protection standards, meet historically underutilized business ("HUB") requirements, provide affordable housing, construct authorized improvements, and provide community benefits.

- (b) PID Petition Fee. The Petitioner must provide funding for County and TCDA staff to review the PID Petition, publish related notices, review PID Petition documents, negotiate community benefits, and prepare the agenda for PID creation. If the cost to complete this work exceeds the PID Petition fee collected, the Petitioner must provide additional funding by depositing funds into the PID Administration Escrow Account described in Subsection (c) to cover the additional costs. If the PID is created and the Petition fee has not been exhausted, the County and TCDA will continue to bill against the fee until it is exhausted.
- (1) The PID Petition fee is set by the Commissioners Court and is not refundable, even if the PID is not created. The Petitioner must submit a PID Petition fee with each PID Petition it submits. The County will not consider a PID Petition until after the County receives the PID Petition fee. The payment of a PID Petition fee is not a guarantee that the County will approve the creation of the proposed PID.
 - (2) The PID Petition fee will be reviewed annually during the County's budget process and may be updated by Commissioners Court action on at least an annual basis.
- (c) PID Administration Escrow Account. At the time a PID Petition is submitted, the Petitioner must execute a PID administration escrow agreement with the County and/or the TCDA and make an initial deposit of \$50,000 into an escrow account (the "PID Administration Escrow Account"). These funds will be used to cover the costs of TCDA and County staff and County and TCDA third-party consultants during the PID creation, negotiation, and document creation process prior to the levying and collection of assessments. Monthly reports on the account status will be provided to the Petitioner, with supporting documentation available upon the Petitioner's request, and each time the account balance is below \$5,000, the Petitioner must deposit into escrow another \$10,000 if requested by the County or the TCDA. Once the County determines that a PID Administration Escrow Account is no longer needed, any remaining funds will be returned to the Petitioner.
- (d) Improvement Area Administration & Management of Ongoing PID Responsibilities. When assessments are levied, an improvement area administration account ("Improvement Area Administration Account") will be established. The County's ongoing administrative and operational costs related to an approved PID, such as collection of PID assessments, review and approval of Service and Assessment Plan updates, and other costs shall be reimbursed from PID assessments as outlined in the Service and Assessment Plan. The County's costs will be determined on an annual basis and outlined in the Service and Assessment Plan. Until the Improvement Area Administration Account is funded from assessments, these costs will be covered by funds deposited in the PID Administration Escrow Account.
- (e) Compliance Escrow Account. At the time a Petitioner notifies the County that a new improvement area or phase of construction will begin, the Petitioner will

make an initial deposit of \$25,000 into an escrow account (the “Compliance Escrow Account”) to cover the County and TCDA’s costs to monitor the Petitioner’s compliance with the County’s HUB and worker protection requirements, and other requirements set forth in the PID financing agreement. Monthly reports on the account status will be provided with supporting documentation available upon the Petitioner’s request, and when the account balance goes below \$5,000, the Petitioner must deposit an additional \$10,000 into the Compliance Escrow Account. At the end of construction, if any funds remain, they will be returned to the Petitioner.

481.009 Contents and Filing of Petition

- (a) A Petitioner shall notify in writing the County Judge, the Commissioner of any precinct in which a proposed PID is located, and the County Executive of Planning and Budget Office at least 45 days in advance of its intent to file a PID petition. The Petitioner may be required to attend one or more pre-filing meetings or Commissioners Court presentations scheduled by the County.
- (b) A PID petition must include the following:
 - (1) The Petitioner’s responses to the County’s PID application;
 - (2) A chart as described in Section 481.003(c);
 - (3) A description of the Petitioner’s qualifications and previous experience with real estate development, financing of real estate developments, and prior PIDs;
 - (4) A legal description of the boundaries of the PID, a black and white map of the PID boundaries suitable for publication, and a “commonly known” description of the area to be included in the PID;
 - (5) Acceptable evidence of the feasibility of the real estate development project and the PID, considering both the market for the proposed product types and the Petitioner’s capacity to deliver the project. Acceptable evidence includes a market study, Phase 1 environmental site analysis, and a feasibility study, all of which must have been prepared no earlier than 180 days before the date the PID Petition is filed with the assistant Travis County Clerk responsible for maintaining the minutes and other records of the Commissioners Court;
 - (6) Evidence of its committed sources of funding for the private improvements and any public improvements not being funded by the PID bond proceeds;
 - (7) Plans for the entire PID that demonstrate compliance with Section 481.003;
 - (8) Any plan for phasing of both the real estate development supported by the PID and construction of public improvements in the PID;

- (9) A partnership agreement, or detailed plan of how the PID will achieve on-site Affordable Housing, if applicable;
- (10) A statement as to whether the Petitioner intends for the PID to be a reimbursement PID in which the Petitioner would pay for authorized improvements up front and be reimbursed from assessments collected over time or whether the Petitioner intends for the PID to be a bonded PID in which PID assessments would be levied contemporaneously with the issuance of PID bonds;
- (11) The Petitioner's preliminary plan for the anticipated financing of the construction of the authorized improvements in the proposed PID, including:
 - (A) The maximum PID bond amount;
 - (B) The estimated annual assessment revenue generated;
 - (C) The estimated annual installments as an equivalent tax rate;
 - (D) The estimated desired date(s) for levying assessments and issuance of PID bonds and the estimated amount of each assessment and bond;
 - (E) The proposed maturity date for PID bonds;
 - (F) The proposed timetable of the development; and
 - (G) Any other supporting information related to the success of the PID;
- (12) The general nature of the proposed improvements, the name of the entity to which the proposed improvements will be dedicated or conveyed, the name of the entity that will be responsible for maintaining the proposed improvements, and the estimated schedule for completion of the proposed improvements;
- (13) The estimated cost of the proposed improvements and whether the estimate includes the costs of issuance and other financing costs;
- (14) The proposed method of assessment;
- (15) A statement that the Petitioner desires for the PID to be managed and administered by the County;
- (16) The proposed apportionment of costs between the PID and governmental entities, including documentation regarding any cost-sharing with a governmental entity for any improvements that will be partially funded by PID assessments or PID bonds;
- (17) A statement that the Petitioner requests or concurs with the establishment of the PID;
- (18) A statement that a PID advisory body may be appointed to develop and recommend an improvement plan to the County, and whether the Petitioner proposes one;

- (19) A current tax roll of the Owners in the PID, including a separate list of any property that is designated as a homestead;
- (20) Letters from at least two banks or financial institutions confirming that the petitioner is in good financial standing;
- (21) Information regarding the financial history of the Petitioner, including:
 - (A) Information as to whether the Petitioner or its officers has been, is currently, or contemplates being in receivership;
 - (B) Information as to whether the Petitioner or its officers has ever defaulted on any loans or financial obligations; and
 - (C) Information as to whether the Petitioner or its officers has any loans or other financial obligations on which payments are not current.
- (22) A statement certifying that the Petitioner and its officers are not currently delinquent with respect to payment of city, county, state, and federal taxes;
- (23) A statement from the Petitioner acknowledging:
 - (A) its obligation to provide the community benefits proffered by the Petitioner in the chart described in Section 481.003(c);
 - (B) its obligation to pay requirement and timing of a PID Community Benefit Fee in accordance with Section 481.006, if applicable;
 - (C) its obligation to timely pay the costs of implementing the PID as outlined in Section 481.008; and
 - (D) that construction must not start until conditions set forth in Section 481.011 are satisfied;
- (24) A site plan or general plan of development that outlines land use and thoroughfare connections and information as to how the development is consistent with or will advance Approved Master Plans;
- (25) A sunset clause and a pre-executed petition by the Owners to dissolve the PID if first assessments are not levied within three years after the creation of the PID;
- (26) A contingency plan to address maintenance or disposition of PID Improvements or property that has not been dedicated to the public if the PID is dissolved;
- (27) Information which clearly identifies the benefit of the PID to the affected property owners;
- (28) Information that describes how, for a period of 30 years after PID assessments are levied or until the maturity date for any PID bonds issued, whichever period is longer, the Petitioner will ensure, in each calendar year in which single-family homes are sold, that no more than ten percent of those sales are to partnerships, tenancies in common, limited liability companies, or corporations; and

- (29) Any other information required by this Chapter or the PID Act.
- (c) A PID may not overlap the boundaries of another PID.
 - (d) Development of property within a PID may not require variances from applicable development regulations if granting the variance would result in a significantly lower standard of development.
 - (e) Expiration of PID Petitions. Once a PID Petition is received, the County will either approve, deny, or request additional information from the Petitioner. If the Commissioners Court does not hold a public hearing within nine months after receiving a PID petition because the Petitioner has failed to provide information requested by the County or if a Petitioner does not provide requested information within six months after a County request, the PID petition is deemed to have expired, and the Petitioner must submit a new PID Petition, along with a new PID Petition filing fee, if the Petitioner seeks to create a new PID.

481.010 Notice, Public Hearing, and Approval of Petition

- (a) County staff will assess the adequacy of the PID Petition and the petitioner's compliance with this chapter and the PID Act and recommend to the Commissioners Court whether to proceed with a public hearing on the PID Petition.
- (b) If the Commissioners Court approves setting a public hearing on the PID Petition, County staff will:
 - (1) publish notice of the hearing as required by the PID Act, and
 - (2) mail the notice to property owners as required by the PID Act.
- (c) The hearing may be continued from time to time. During the six-month period after the date of the final adjournment of the hearing, the Commissioners Court may adopt a resolution authorizing the creation of the PID in accordance with the Commissioners Court's findings as to the advisability of the improvements. If the Commissioners Court does not adopt a resolution authorizing creation of the PID within the six-month period after the final adjournment of the public hearing, the PID Petition is deemed denied.
- (d) The Commissioners Court may authorize a PID only if a majority of all members of the Commissioners Court approve a resolution to establish a PID, and the authorization takes effect on the date the resolution is adopted.
- (e) The Commissioners Court will consider written protests regarding the creation of a PID if the protests are submitted:
 - (1) During the 20-day period after PID creation takes effect;
 - (2) To the assistant Travis County Clerk responsible for maintaining the minutes and other records of the Commissioners Court;

- (3) By at least two-thirds of the record Owners in the PID or the Owners of at least two-thirds of property in the PID.
- (f) Issuance of PID bonds and construction of PID Improvements may not begin until the later of the 21st day after PID creation takes effect or final resolution of any PID protest.

481.011 PID Financing Agreement

- (a) A Petitioner must not begin work on any PID Improvements until after the Petitioner has entered into a PID financing agreement with the County and the TCDA, a form of which will be provided by the County, that, among other things:
 - (1) sets forth the terms and conditions regarding the Petitioner's obligation to provide community benefits, comply with the requirements of this policy, and pay for monitoring and enforcement of those requirements;
 - (2) requires that the Petitioner pay or reimburse the County for both the County's one-time and ongoing administrative and operational costs;
 - (3) requires that the Petitioner notify the County on an ongoing basis regarding the start of any new improvement areas, construction phases, requests for the levy of assessments, and requests for the issuance of PID Bonds;
 - (4) describes the financing of the PID Improvements and the payment of assessment revenue or PID bond proceeds to pay the costs of the PID Improvements;
 - (5) describes the planning, development, construction, management, and maintenance of the PID Improvements, including review and approval by, and any interlocal agreements between the County and the government entities ultimately responsible for the PID Improvements;
 - (6) prohibits the Petitioner from assigning its obligations under the PID financing agreement unless:
 - (A) the Petitioner provides the County at least 30 days' prior written notice of the proposed assignment, including a copy of the assignment agreement between the Petitioner and the proposed assignee,
 - (B) the Petitioner and the proposed assignee each warrants and demonstrates to the County's satisfaction that the proposed assignee is qualified and capable of assuming the Petitioner's obligations under the PID financing agreement,
 - (C) the assignment does not and will not result in the issuance of municipal securities by any other state of the United States or political subdivision thereof; and

- (D) the Petitioner obtains the County's written approval of the proposed assignment; or
 - (E) the Petitioner assigns the financing agreement to an entity that controls, is controlled by, or is under common control with the Petitioner, the entity assumes all rights and obligations of the Petitioner without any modifications to the financing agreement, and the Petitioner provides the County and the TCDA written notice of the assignment in accordance with the financing agreement.
- (7) provides that after assessments are levied, PID bonds may be issued (A) following a request from the Petitioner or (B) when the County determines, solely in the County's discretion, that circumstances exist such that the issuance of PID bonds secured by the assessments would advance a public purpose or would result in savings to the Owners of property subject to the assessments;
 - (8) prohibits the Petitioner from utilizing the services of a former employee of the County, the TCDA, or a current or former consultant of the County or the TCDA who has provided services to the County or the TCDA relating to the PID;
 - (9) includes terms and conditions for ongoing PID administration, operation, and management, including collection of PID assessments;
 - (10) describes any Services to be funded by the PID;
 - (11) provides that, in the event of default by the Petitioner under a PID financing agreement or a reimbursement agreement, the County shall, after providing the Petitioner notice and an opportunity to cure, have the right to recapture all prior reimbursements or terminate its obligations to the Petitioner, or both; and
 - (12) includes indemnification language, provided by the County, that, among other things, requires that the Petitioner, without using any assessment revenues, contract assessment revenues, or PID bond proceeds, must fully indemnify and hold harmless the County and the TCDA, and their respective elected officials, employees, officers, directors, representatives, and agents, individually and collectively, from among other things:
 - (A) the breach of any provision of the financing agreement by the Petitioner;
 - (B) the negligent design, engineering, or construction by the Petitioner of any PID Improvement;
 - (C) the Petitioner's nonpayment under contracts with its general contractor or subcontractors for any PID Improvement under the financing agreement;
 - (D) any claims against one or more of the indemnified parties relating to any PID Improvement financed through the PID; and

- (E) any third party claims relating to any PID Improvement financed through the PID
- (13) requires that, until all PID bonds have matured or 30 years after assessments are levied (if PID bonds are not issued), whichever occurs later, the Petitioner will ensure that, in each calendar year in which single-family homes are sold, no more than ten percent of those sales will be made to partnerships, tenancies in common, limited liability companies, or corporations and provides that if the Petitioner fails to comply with this requirement, the County may refuse to levy assessments or consent to the issuance of PID bonds.
- (b) Certifications for Payment. The County will not authorize payment or reimbursement to the Petitioner for design and construction costs for authorized improvements until after the County's third-party PID administrator has received a certification for payment from the Petitioner and has determined that the Petitioner has provided sufficient documentation to demonstrate that the Petitioner has complied with the requirements of this chapter and with the provisions of the PID financing agreement. The Petitioner may not submit more than one certification for payment per month but must submit at least one certification for payment each quarter. The County will not approve the release of funds for the final certification for payment until after the Petitioner has corrected errors or violations identified by the County's Contract Compliance Program with respect to worker protection standards.
- (c) Each PID financing agreement will specify that the Petitioner's contracts and subcontracts for design and construction of the PID Improvements shall substantially conform to the requirements the County applies to design and construction contracts for roads built pursuant to public/private participation agreements, including the County's requirements regarding the Professional Services Procurement Act, the solicitation of competitive bids, the use of historically underutilized businesses, and provisions for performance and payment bonds.
- (d) Each PID financing agreement will include a requirement that each of the Petitioner's construction contracts and subcontracts for improvements financed by PID assessments or PID bond proceeds must comply with the following construction worker protection standards:
 - (1) Payment of the prevailing wage or the Travis County living wage, whichever wage is higher, to construction workers;
 - (2) Providing OSHA-10 training for construction workers and OSHA-30 for construction safety managers;
 - (3) Providing workers compensation insurance for construction workers;
 - (4) Allowing independent monitoring of the construction sites by on-site monitors approved by the County; and

- (5) Recruiting at least 30% of their construction workforce from local, Department of Labor-certified apprenticeship programs that provide bilingual instruction or other training programs that provide bilingual instruction approved by the County.
- (e) In addition to other consequences, noncompliance with Section 481.011(d) may result in any one or more of the following consequences for the Petitioner:
- (1) The County may halt construction in the PID or on any related PID Improvement(s) until and unless Petitioner comes into compliance;
 - (2) The County may assess a fine against the Petitioner if the County has statutory authority to do so;
 - (3) The County may bar the Petitioner from participating in future PID projects located in Travis County, Texas; and
 - (4) The Petitioner may be barred from using a noncompliant contractor on future phases of the project.
- (f) In addition to any requirements set forth in a PID financing agreement, with respect to authorized improvements that are financed by PID assessments or PID bond proceeds and with respect to required community benefits financed with or without PID assessments or PID bond proceeds, the Petitioner must provide the TCDA's construction administrator the following:
- (1) The construction schedule for each authorized improvement and each community benefit;
 - (2) Copies of the engineering services and deliverables;
 - (3) Notice and an opportunity to attend preconstruction conferences and copies of minutes from those conferences and any exceptions to those minutes;
 - (4) Copies of communications between the Petitioner and the governmental entity that will be responsible for maintaining the authorized improvements;
 - (5) Copies of proposed change orders;
 - (6) Copies of approved change orders;
 - (7) Immediate action to correct any deficiencies identified by the TCDA's construction administrator during construction and during any applicable warranty period;
 - (8) The opportunity to be onsite to observe or inspect any work done or materials furnished;
 - (9) Copies of communications between the Petitioner and the governmental entity that will be responsible for maintaining the authorized improvements when the authorized improvements or the community benefits are substantially complete;

- (10) Copies of inspection requests and the opportunity to attend any final acceptance meetings;
- (11) Copies of the notice of substantial completion and an opportunity to conduct a final inspection;
- (12) An ongoing monthly updated accounting of funds disbursed, work progress, and remaining funding needed to complete each applicable authorized improvement;
- (13) Copies of any final acceptance letters from the governmental entity that will be responsible for maintenance of the authorized improvement or community benefit;
- (14) Copies of each certification for payment that the Petitioner submits; and
- (15) The opportunity to conduct a final review and inspection with respect to the Petitioner's final certification for payment.

481.012 Request to Levy Assessments and Issue Bonds

- (a) The County will authorize PID bond proceeds only to pay the costs of PID Improvements that have been designed and constructed to the applicable standards of the government entity responsible for them. For construction of PID Improvements, the Petitioner will be paid for costs incurred as construction progresses, but no more frequently than monthly.
- (b) Before the County will levy PID assessments or authorize issuance of PID bonds, the Petitioner must provide the following.
 - (1) A request to levy assessments and/or issue PID bonds at least 150 days in advance of the sale of homes.
 - (2) A fair market value appraisal of property in the PID by an independent third-party appraiser acceptable to the County.
 - (3) A Market Feasibility Study completed no earlier than 30 days before the request to levy assessments and/or issue PID bonds.
 - (4) A description of the method of assessment, including a comparison of the combined PID assessment and ad valorem tax burden on Owners in the PID with comparable combined burdens on landowners in nearby developments dated no earlier than 30 days before the request to levy assessments and/or issue bonds.
 - (5) Any plan for phasing of both the real estate development supported by the PID and construction of public improvements in the development.
 - (6) Any reports prepared by independent, third-party subject matter experts (e.g., engineers) as agreed upon by the County, the Petitioner, and underwriter.

- (7) Evidence sufficient to demonstrate to the satisfaction of the County that the minimum appraised value to lien ratio for each property subject to the proposed assessment is at least 2:1 for each request to levy assessments that does not also include a request for the concurrent issuance of PID bonds.
 - (8) Evidence sufficient to demonstrate to the satisfaction of the County that the minimum appraised value to lien ratio for each subject property is at least 3:1 for each request to issue PID bonds.
 - (9) The Petitioner's acknowledgement that it must comply with the County's deadlines for submitting information that County staff requests relating to agenda items that are intended to be considered for action by the Commissioners Court and that the Petitioner's failure to timely submit requested information will result in delays in actions to be taken by the Commissioners Court.
 - (10) The Petitioner's acknowledgement that the County may delay or decline the Petitioner's assessment levy request or bond issuance request if the Petitioner is not in compliance with the County's HUB requirements, the County's worker protection requirements, or other provisions of any agreement with the County regarding the PID.
- (c) Before the County will levy PID assessments or authorize issuance of PID bonds, contracts must be executed for:
- (1) Collection of PID assessments; and
 - (2) Third party administration and management of the PID.
- (d) The order levying assessments and a landowner agreement must be recorded in the County Clerk's Official Public Records to notify any prospective owner of the existence of PID assessments on the property.
- (1) All closing statements and sales contracts for property in the PID must disclose responsibility for payment of PID assessments and the amount of the PID assessments and must be acknowledged by the purchaser through a signature.
 - (2) Each grantor who conveys property that is subject to PID assessments must
 - (A) include a notice in the instrument of conveyance that the property is subject to PID assessments until the PID assessment is paid in full,
 - (B) obtain the grantee's written acknowledgement of the notice,
 - (C) record the instrument in the Official Public Records of Travis County, Texas, and
 - (D) provide a certified copy of the instrument to the County's third-party PID administrator.

- (3) The Petitioner must erect and maintain or cause to be erected and maintained, for the duration of the PID, signage disclosing the existence of the PID in a form and condition acceptable to the County along the main entries and exits at the boundaries of the PID that is clearly visible to all motorists entering and exiting the PID.
 - (4) The Petitioner must ensure that all signage and informational flyers in any sales centers within the PID and on its website include information regarding:
 - (A) the fact that the property is located in the PID and is subject to PID assessments;
 - (B) the total assessment for the property;
 - (C) the average annual assessment; and
 - (D) the equivalent tax rate.
 - (5) Each of the Petitioner's contracts with homebuilders must require the homebuilder to disclose the PID on any listing.
- (e) Property in the PID owned by Travis County shall not be subject to PID assessments. Property in the PID owned by another governmental entity may be assessed only pursuant to an interlocal agreement between the entity and the County.
 - (f) The PID may not finance improvements or Services within a gated community or a development in which PID Improvements would not be accessible to the general public.
 - (g) Billing and collection of PID assessments by the County Tax Assessor Collector is required.
 - (h) The initial combined PID assessment and ad valorem tax burden on Owners in a PID shall not exceed \$3.05 per \$100 of assessed property value at the time assessments are levied.
 - (i) The Commissioners Court will not approve the levy of assessments or consent to the issuance of PID Bonds if a Petitioner:
 - (1) is delinquent with respect to the payment of ad valorem taxes,
 - (2) has been notified of the Petitioner's breach of one or more agreements between the Petitioner and the County and has failed to cure the default after having been provided an opportunity to pursue a cure;
 - (3) has been notified of the Petitioner's noncompliance with construction worker protection standards and has failed to cure the default after having been provided an opportunity to pursue a cure; or
 - (4) has filed suit against the County or the Travis County Development Authority.

481.013 Financial Limitations and Performance Standards

- (a) Before levying PID assessments or authorizing issuance of PID bonds, the Commissioners Court shall:
 - (1) publish and mail notice of intention to consider proposed assessments and hold a public hearing as required by the PID Act and announce such public hearings as described in Section 481.010(b);
 - (2) determine the total cost of PID Improvements;
 - (3) approve a final Service and Assessment Plan and appraisal roll; and
 - (4) establish a separate PID fund in the County treasury.
- (b) The following limitations and performance standards shall apply to PID bonds.
 - (1) The minimum appraised value-to-lien ratio for each bond issuance shall be 3:1.
 - (2) The maximum maturity for each series of bonds shall be 30 years from the date of issuance.
 - (3) The aggregate principal amount of bonds required to be issued shall not exceed an amount sufficient to fund:
 - (A) actual costs of the qualified PID Improvements;
 - (B) required reserves and capitalized interest during the period of construction; however, interest shall not be capitalized for more than 12 months after the completion of construction and in no event for a period greater than 3 years from the date of the initial delivery of the bonds; and
 - (C) costs of issuance, arbitrage, rebate compliance, administrative fees, third party fees, or other costs related to issuance.
 - (4) Minimum Bond Issuance Amount. In general, the County will not consent to the issuance of PID bonds if the par amount is less than \$5,000,000, but the County may consider consenting to the issuance of PID bonds where the par amount is less than \$5,000,000 in those instances where the smaller par amount is likely to be supported by the market.
- (c) The PID bond reserve fund shall be funded from bond proceeds, letter of credit, or a surety policy at the time bonds are issued, as negotiated by the County and the bond underwriter.
- (d) The County will apply to PID bonds the same post-issuance compliance requirements the County applies to its general obligation and certificate of obligation debt.
- (e) The timing of reimbursement of construction costs (during the construction period or after construction is complete) will be established by the County and Petitioner based on financial considerations specific to the PID.

481.014 PID Administration and Management

- (a) The County will contract with the TCDA to manage and administer PIDs created by the Commissioners Court. The TCDA may in turn procure a third party third-party firm to perform specialized services in connection with the management of the PID.
- (b) The TCDA may require its TCDA consultant to:
 - (1) perform all duties required by the PID Petition, PID agreement, or other PID documents;
 - (2) submit to the County periodic reports of all PID activities and expenditures as required by the Service and Assessment Plan or any agreement with the County;
 - (3) submit to the County an annual independent audit of all PID financial activities;
 - (4) prepare all proposed assessment rolls;
 - (5) draft, control, and manage the Service and Assessment Plan and updates, which shall include a comparison of the combined PID assessment and *ad valorem* tax burden on Owners in the PID with comparable combined burdens on Owners in nearby developments; and
 - (6) submit all proposed assessment rolls and Service and Assessment Plan updates to the Commissioners Court for approval before the deadline imposed by the County Tax Assessor Collector for inclusion on the property tax bills.

481.015 Audit Requirements

Upon reasonable prior written notice, the County shall have the right during normal business hours to audit and inspect the records, books, and all other relevant records of the third-party administrator and the Petitioners related to Services and public improvements financed by the PID.

481.016 Boundary Modifications, Supplemental Assessments, Renewal, or Dissolution

The Commissioners Court may only renew, add territory to, supplement assessments for, or dissolve a PID in the same manner as a PID is created.

Subchapter B. Affordable and Fair Housing Requirements

481.101 Affordable and Fair Housing Policy

- (a) The Commissioners Court supports the use of long-term affordability mechanisms to create housing in the County that:

- (1) is affordable to individuals and families earning a wide range of incomes,
 - (2) is geographically dispersed throughout the County, and
 - (3) to the greatest extent possible, supports diverse housing types and mixed income neighborhoods.
- (b) In general, the Commissioners Court supports the creation of PIDs that will increase Affordable Housing opportunities for persons whose income is 80% or below the Area Median Income.
- (c) The Commissioners Court will comply with the Affirmatively Furthering Fair Housing requirements of the Fair Housing Act (Title VIII of the Civil Rights Act of 1968, 42 United States Code 3601-3619) when creating PIDs and will consider racial, ethnic, and economic segregation patterns in a given census block group.

As a community eligible for the U.S. Housing and Urban Development's ("HUD") Community Development Block Grant ("CDBG") Program, Travis County may not contribute to segregation patterns, but will instead seek to improve racial, ethnic, and economic balance through Affirmative Marketing, improving access to opportunity, and other appropriate strategies.

The Commissioners Court will comply with the Fair Housing Act, which prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex (including gender identity and sexual orientation), familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability.

The Commissioners Court will comply with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

Additionally, the Commissioners Court will comply with:

- (1) Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability in any program or activity receiving federal financial assistance;
- (2) Section 109 of Title I of the Housing and Community Development Act of 1974, which prohibits discrimination on the basis of race, color, national origin, sex, or religion in programs and activities receiving financial assistance from HUD's CDBG Program;
- (3) Title II of the Americans with Disability Act of 1990, which prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities as it relates to state and local public housing, housing assistance, and housing referrals;

- (4) the Architectural Barriers Act of 1968, which requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 be accessible to and useable by handicapped persons;
- (5) the Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance;
- (6) Executive Order 11063, which prohibits discrimination in the sale, leasing, rental, or other disposition of properties and facilities owned or operated by the federal government or provided with federal funds; and
- (7) Executive Order 13166, which eliminates, to the extent possible, limited English proficiency as a barrier to full and meaningful participation by beneficiaries in all federally-assisted and federally conducted programs and activities.

481.102 Housing Affordability in Lieu of PID Community Benefit Fee

- (a) In any PID in which Single-Family Homeownership housing units will be developed, at least fifteen percent of the Single-Family Homeownership housing units developed must be affordable to persons whose income is at or below 80% of the Area Median Income.
- (b) A Petitioner may seek to reduce the required percentage of Single-Family Homeownership housing units from fifteen percent to as low as ten percent by providing pro formas and other financial documentation demonstrating the economic feasibility of the percentage of affordable housing the project will support, including:
 - (1) An assessment revenue pro forma for the proposed project;
 - (2) A financial review of the development projections and absorption schedule;
 - (3) An analysis of (1) and (2) that describes the timing and amount of PID assessment revenue that will be generated based on varying levels of assessments;
 - (4) A comparison of the project with other similar projects in the area that will not have an assessment; and
 - (5) Proposed and estimated reserve amounts, if any.
- (c) A Petitioner may partner with an affordable housing developer acceptable to the County to achieve these goals.
- (d) Affordability of the units created in Section 481.102(a) must remain affordable during the 30-year bond period or for 30 years after assessments are levied, if bonds are not issued.

- (e) Long-term affordability of the housing units may be maintained through mechanisms that include but are not limited to:
 - (1) low-income housing tax credits,
 - (2) deed restrictions,
 - (3) the public ownership of housing lots,
 - (4) the nonprofit ownership of housing lots, and
 - (5) other programs as they become available.

481.103 Affirmative Marketing

- (a) A Petitioner must create and implement an Affirmative Marketing plan if the County determines that PID Petitioner should engage in Affirmative Marketing to inform targeted communities regarding housing opportunities in the PID. Each Petitioner that is required to engage in Affirmative Marketing must obtain the County's written approval of the PID Petitioner's Affirmative Marketing plan before implementing the plan.
- (b) The County will provide a standard form for the Affirmative Marketing plan and will make it available to Petitioners electronically.
- (c) The County will evaluate each Affirmative Marketing plan on an annual basis to determine whether the property is affirmatively furthering fair housing. The Petitioner must implement any changes the County recommends regarding the Affirmative Marketing plan.
- (d) The County will require the Petitioner to institute an Affirmative Marketing Plan in subsequent years for a PID that is required to have an Affirmative Marketing Plan under Section 481.103(a).

481.104 Affordable Housing Development Agreement

- (a) If a Petitioner agrees to provide on-site Affordable Housing, the Petitioner must enter into an Affordable Housing development agreement with the Travis County Housing Finance Corporation or a partner acceptable to the County. The form of the Affordable Housing development agreement will be provided by the County.
- (b) The Affordable Housing development agreement will include a provision that requires that the Petitioner execute any and all documents deemed necessary by the County and in a form established by the County, including, without limitation, deed restrictions and related instruments to ensure the Long-Term Affordability of Affordable Housing products within the PID.
- (c) Among other things, the County may require that the Affordable Housing development agreement include:
 - (1) Standards for determining affordable ownership cost;

- (2) The location, unit size in square feet, and number of bedrooms for Affordable Housing types to ensure affordable units are not isolated from market rate units and affordable units include a mix of sizes that can accommodate families with children, or senior citizens or single persons, or persons with disabilities, as appropriate;
- (3) A schedule for completion and occupancy of Affordable Housing units in relation to construction of market rate units;
- (4) A description of remedies for breach of the development agreement;
- (5) Provisions that require the PID Petitioner to maintain an inventory of Affordable Housing in the PID;
- (6) Provisions requiring that the PID Petitioner maintain records to demonstrate compliance with this Subchapter and to allow the County or someone designated by the County, to audit the PID Petitioner's records; and
- (7) Provisions that specify that, in the event of default by the Petitioner under the Affordable Housing development agreement, the County shall, after providing the Petitioner notice and an opportunity to cure, have the right to recapture all prior reimbursements or terminate its obligations to the Petitioner, or both; and
- (8) Any other provisions to ensure implementation and compliance with this Chapter.

481.105 Program Oversight, Monitoring, and Enforcement

- (a) The County will monitor each PID Petitioner's compliance with this Subchapter. The County may use a third-party administrator to oversee and monitor PID agreements.
- (b) The third-party administrator, in consultation with the Petitioner and County staff or Travis County Development Authority staff, will maintain an inventory of all Affordable Housing units within the PID.

Subchapter C. Commercial/Retail Affordability, Sustainability, and Resiliency Requirements

481.201 [Reserved]

481.202 [Reserved]

481.203 [Reserved]

481.204 Sustainability or Resiliency Features for Commercial Only PIDs

- (a) A Petitioner who seeks the creation of a PID that will have only commercial, non-residential uses must provide at least four sustainability or resiliency features within the PID in addition to what is required in Section 481.003.
- (b) Sustainability or resiliency features to be considered include, but are not limited to:
 - (1) Land donation to the County;
 - (2) Incorporation of elements from the Wildland Urban Interface Code;
 - (3) Structures to be built to a green building standard above and beyond any current requirements;
 - (4) Utilization of low-impact development strategies;
 - (5) Development plans that follow the City of Austin’s Environmental Criteria manual for Green Storm Water Quality Infrastructure;
 - (6) Installation of an aeration feature in each detention pond;
 - (7) Dedication of 5-15% of the total PID area as a wildlife/conservation easement managed by a homeowners’ association;
 - (8) Rainwater collection systems;
 - (9) Sustainable SITES certification;
 - (10) Integrated pest management;
 - (11) WELL certification for buildings;
 - (12) Dark-sky friendly features;
 - (13) Space for community meetings, youth programs, senior programs, and other non-profit/community needs; and
 - (14) Other options as applicable above and beyond municipal or County requirements that are substantive and have a community impact.

Subchapter D. PID Community Benefit Fee

481.301 PID Community Benefit Fee – Accounting, Reporting, and Use

- (a) A PID Community Benefit Fee will be collected as outlined in Section 481.006.
- (b) On not less than an annual basis, the Capital Economic Progress Corporation will present to the Commissioners Court:
 - (1) a report regarding the available funds in the PID Community Benefit Fee account;
 - (2) a 3-year projection of potential account growth;

- (3) a recommendation regarding the amount to spend and a competitive process by which to allocate funds for the upcoming fiscal year with priority given to affordable housing supports; and
 - (4) a report on the programs implemented through the PID Community Benefit Fee including performance metrics on the number of households assisted, units created and related de-identified demographic data.
- (c) The PID Community Benefit Fees collected may be used to:
- (1) support equitable affordable homeownership programs as identified and developed in coordination with the Diversity, Equity, and Inclusion Office in the County's Planning & Budget Office; or
 - (2) support projects that affirmatively further fair housing in historically underinvested communities; or
 - (3) provide supportive services and programs for families, such as early childhood education programs, after-school programs, support services for family caregivers, family counseling programs, and community health care services.