

**CITY OF HOUSTON TAX INCREMENT REINVESTMENT ZONE NO. 13/OLD SIXTH
WARD REDEVELOPMENT AUTHORITY
INFRASTRUCTURE
REIMBURSEMENT POLICY**

OBJECTIVE

The City of Houston Tax Increment Reinvestment Zone No. 13/Old Sixth Ward Redevelopment Authority (hereafter “Zone” or “TIRZ 13”) adopted a Project Plan and Reinvestment Zone Financing Plan for the purpose of financing the construction of public facilities and infrastructure necessary to catalyze residential and commercial development and redevelopment within the Zone boundaries. The objective of this policy is to define the conditions under which the Zone will consider reimbursement for specific public improvements built by a developer for the benefit of the public around a developer’s project within the boundaries of TIRZ 13.

HISTORY

The Houston City Council created the Zone in 1998 and it is funded by tax increment funds received from the City of Houston.

PROCEDURES AND GUIDELINES

Any developer that would like to pursue a potential reimbursement for proposed public improvements to be built around a proposed project within the Zone must submit a proposal for funding to the Projects and Planning Committee (hereafter “Committee”) of the TIRZ 13 Board of Directors (the “Board”). This proposal must be submitted to the Committee for review and consideration before an agreement will be considered by the board.

All Proposals must include:

- The budget for the entire project, including realty, site preparation, engineering, construction, legal, or any other costs related to the project. This budget must include a line-item breakdown of the public infrastructure costs for which the request is being made.
- Developer financial statements evidencing capacity to complete the project and the developer’s financial need for reimbursement.
- Plans and Specifications for the project and any public improvements.
- Estimated start of construction date and estimated schedule for construction.
- Detailed description of public improvements for which reimbursement is sought.
- Drawings or photographs of the project and pro forma projections (if applicable).
- Description of developer’s experience in developing similar projects.
- Identification of the property benefited, and the increment expected.
- The developer’s proposal for reimbursement.
- Any business or immediate family relationships with Board members or consultants

Proposals will be reviewed by the Committee, and the Committee may request additional information from applicants. The Committee will present a recommendation to the Board. The recommendation will be to enter negotiations for an agreement or to reject the proposal. After all information has been received by the Committee. The Committee will review and place the item on the board agenda at one of the next 2 regularly scheduled board meetings. Developers will be notified of the date and time of the Board meeting at which the board of directors will consider the recommendation and determine if TIRZ 13 will proceed with negotiations.

If approved by the board, the Committee will enter into negotiations with the developer. Following negotiations, the Committee will make a recommendation to the Board to accept or reject

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the negotiated development agreement. All parties will be notified of the date and time of the Board meeting at which the directors will consider the recommendation.

INFRASTRUCTURE DEVELOPMENT AGREEMENT TERMS

CRITERIA

Criteria for consideration of potential development agreements are based on factors including, but not limited to:

- Importance of the public infrastructure project to the goals of the Zone's Project Plan; the Committee will only recommend projects that directly advance the goals of the Project Plan.
- Current or intended land use.
- Increment created.
- Potential of improvement to encourage other development or to improve the quality of life for residents and businesses in the Zone and the people of Houston.
- If the development is in a historic district the development must comply with the guidelines to be eligible for a potential development agreement.

TERMS

General Terms for potential development agreements include but are not limited to:

- Reimbursement using TIRZ 13 funds will only be considered for public infrastructure and affordable housing and will be approved on a case by case basis. TIRZ 13 will not entertain reimbursements outside of these categories.
- TIRZ 13 reserves the right to enter into a development agreement in its sole discretion.
- There is no implied requirement by TIRZ 13 to negotiate or enter into an agreement.
- TIRZ 13 does not pay any interest on funds to be reimbursed and will not borrow funds or issue bonds to reimburse developers.
- In the funding of development agreements, TIRZ 13 will commit no more than fifty percent (50%) of the net tax increment (after all required City fees and expenses have been paid) created by an applicant's approved project for the funding of the developer's approved development agreement.
- TIRZ 13 expressly reserves the right to require development, storm water, utility or traffic impact studies and any other studies for any project in which it is considering financial participation. The expenses for any study required by TIRZ 13 shall be reimbursable only if the project is approved and TIRZ 13 financial participation occurs.
- The agreement will provide details of documents to be provided to the TIRZ and all drawings, documents and procedures that will required TIRZ review. These will include but are not limited to – Storm Water Management studies and recommendations, topographic survey, documentation, calculations, drawings, and designs, utility load studies and recommendations, documentation, calculations, drawings, and designs, traffic impact studies and recommendations, documentation, studies, calculations, drawings, and designs.
- TIRZ 13 expressly reserves the right to require the developer to conduct public engagement meeting(s) regarding the project.
- Construction must not begin on the project or the public improvements before the development agreement is approved by the Board and the City of Houston. If a development agreement is approved, the parties to the agreement must complete the project in accordance

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with the terms and conditions of that development agreement and provide all required approvals, information and documents.

- It shall be the responsibility of the developer to provide TIRZ 13 with BEFORE, DURING, and AFTER photographs of the improvements, and grant TIRZ 13 the right to use these photographs for promotional and educational materials without remuneration.
- All parties to any development agreement must agree to place a sign on said property denoting the TIRZ 13 financial contribution for the duration of construction of the project. The design of the sign will be provided by TIRZ 13.
- For those developments within a historic district, the development must comply with the guidelines.

RELEASE OF FUNDS

No reimbursement funds will be released until:

- All documentation required under the terms of the development agreement has been received, reviewed and approved by the Committee.
- All work has been completed and approved/released by City of Houston and an inspection of the project has been done by TIRZ 13 or its consultant(s).
- If applicable, executed copies of any contract work guarantees shall be attached to the final inspection reports.
- Written request for payment, including invoices, release of liens, and other supporting documentation has been submitted to and approved by TIRZ 13.
- All other terms as detailed in the development agreement have been met.

INSURANCE

Developer will be required to maintain (or cause the developer's contractor to maintain) insurance coverage on the project during construction, in accordance with the terms and conditions of the development agreement.

TIRZ 13 RESERVES THE RIGHT TO MODIFY THIS POLICY AT THE SOLE DISCRETION OF THE BOARD.