

**CITY OF CORINTH, TEXAS
ORDINANCE NO. 23-12-07-46**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, AMENDING TITLE XV, "LAND USAGE", CHAPTER 150, "BUILDING REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF CORINTH BY ADOPTING A NEW SECTION 150.300, ET. SEQ. ENTITLED "PROPERTY RESIDENTIAL ENHANCEMENT PROGRAM", TO ESTABLISH A PROGRAM FOR ENHANCEMENT OF RESIDENTIAL PROPERTIES WITHIN THE CITY; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AMENDMENTS SETTING FORTH THE PURPOSE OF THE ORDINANCE, ADOPTING DEFINITIONS, ESTABLISH THE PROGRAM, CRITERIA FOR APPLICANTS, ELIGIBILITY AND OTHER RELATED MATTERS; PROVIDING A CUMULATIVE REPEALED; PROVIDING SEVERABILITY; PROVIDING A SAVINGS/CONFLICT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Corinth is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, it is recognized that the overall health, safety, and vitality of residential neighborhoods are directly related the exterior appearance of the homes and related structures such as privacy fences, roofing, and other exterior features of homes; and

WHEREAS, programs which provide assistance to homeowners have proven to reverse the negative impacts of aging homes and assist in enhancing the property values; and

WHEREAS, it is recognized that a new partnership between the City of Corinth and residential homeowners is necessary to provide assistance with the financial burden in maintaining older homes by providing reimbursable grants; and

WHEREAS, the City desires to create a Property Residential Enhancement Program ("PREP") to improve community vitality by addressing residential properties that are in disrepair; and

WHEREAS, the PREP will aid residential homeowners in making essential repairs and improvements when they lack sufficient resources; and

WHEREAS, through the PREP, homeowners may receive financial assistance through a grant-rebate to assist with exterior repairs to their home. this new program; and

WHEREAS, the City finds it necessary to establish criteria for applicant and project

prioritization and eligibility.

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

SECTION 1
INCORPORATION OF PREMISES

The above and foregoing Recitals constitute legislative findings of the City Council, are true and correct and are incorporated into the body of this Ordinance for all purposes.

SECTION 2
AMENDMENTS

2.01. Title XV, “Land Usage” of Chapter 150, “Building Regulations” of the Code Of Ordinances of the City of Corinth by adopting a new Section 150.300, *et. seq.* entitled “Property Residential Enhancement Program” to be and read in its entirety as follows with all other chapters and sections of Title XV not expressly amended hereby remaining in full force and effect without amendment:

“Property Residential Enhancement Program (“PREP”).

150.300. Purpose. The purpose of this subsection is to establish a Property Residential Enhancement Program (“PREP”) to improve community vitality and the public health, safety and welfare by addressing residential properties that are in disrepair, recognizing that the overall health, safety, and vitality of residential neighborhoods are directly related to the exterior appearance of homes and related structures, and to provide a program that will aid residential homeowners in making essential repairs and improvements when they lack sufficient resources, by establishing the PREP and criteria for applicants, projects, and eligibility.

150.301. Definitions. The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Above Low-to-Moderate Income means a household gross income that is above the 80% (Median Family Income) (MFI) as provided in the then current HUD Income Limits.

Applicant or Homeowner means a person who is an individual and is the owner of the home for which the PREP application is being made, has resided at the location for at least two (2) years prior to the date of application submittal, and for which the home is the person’s primary residence. For purposes of frequency of application standards of this Chapter, the term includes any family member or other person residing at the address for which the PREP application is being made, who has an ownership interest and where the home is the persons’ primary residence.

Certify or Certification means provide executed affidavit(s) and other supporting documentation as required by City for verification of facts presented.

Disabled means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment per standards adopted by the U.S. Department of Housing and Urban Development, as such standards may be amended from time to time.

Eligible Project or ***Project*** means one or more eligible repairs as identified in this Chapter for which a qualifying Applicant may receive or has received a PREP Grant.

Fiscal Year means the fiscal year of the City of Corinth which begins on October 1 of each year and ends on September 30 of the following year.

Home or Property means a residential dwelling, including fences and accessory structures, located on a property zoned and utilized for residential purposes in accordance with the zoning district in which the property is located, which is located within the corporate boundaries of the City of Corinth, and which is owned by an individual who meets the requirements of a Homeowner as defined herein.

Low-to-Moderate Income means a household gross income that is at or below the 80% MFI (Median Family Income) as provided in the then current income limits established by the US Department of Housing and Urban Development (HUD) based on the Dallas, TX HUD Metro Fair Market Rent Area.

PREP Grant or ***Grant*** means an award of funding from the City pursuant to the Property Residential Maintenance Program for Eligible Projects as identified in this Chapter.

Residential Housing Standards means the City adopted International Property Maintenance Code, Building Code and Zoning Ordinance, as amended.

150.302. Applicant Eligibility.

- A. An Applicant may be eligible for assistance under the PREP, if the following conditions are met:
 1. The Home is a detached single or detached two-family dwelling unit;
 2. The Home is located within the city limits of Corinth, Texas; and
 3. The Home is at least five (5) years old on the date of the PREP application.
- B. The Applicant owns and continuously occupied the Property as their principal residence for at least two (2) years prior to the date of application submittal. Homes owned by a sole proprietorship, corporate or other business entity are not eligible for a PREP Grant under this Chapter.
- C. The Applicant provides documentation confirming that all payments for City-provided utilities are current for the Property.
- D. The Applicant completes and submits a PREP Application provided by the City including supporting documents as required by City. All supporting information is certified as true and correct by the Applicant in accordance with this Chapter.

- E. The Applicant has not applied for, or has applied for but has not received, a PREP Grant during the current and previous two (2) Fiscal Years.

150.303. Prioritizing Applicants.

- A. In reviewing PREP applications, the City reserves the right to give priority to the following groups (The order of listing shall not be interpreted as establishing or implying an order of priority.):
1. Homeowners that Certify their Gross Annual Income is equal to or below the 80% Median Family Income Limit set by the U.S. Department of Housing and Urban Development (HUD), based on the Dallas, TX HUD Metro FMR Area.
 2. Homeowners that are 62 years of age or older.
 3. Homeowners that identify as Disabled, as defined herein.

150.304. Eligible Projects

- A. Eligible Projects are limited to the exterior of the Home. Eligible repairs should:
1. bring the dwelling into compliance with the City's Residential Housing Standards,
 2. protect the health and safety of the residents and/or the neighborhood, and
 3. improve the aesthetics of the Property and/or the neighborhood.
- B. Examples of eligible repairs to Property include:
- a. Concrete and driveway repair or replacement;
 - b. General repair Projects (siding, fascia, trim);
 - c. Fencing replacement;
 - d. Exterior door replacement;
 - e. Exterior house painting for exposed surfaces needed for weatherproofing;
 - f. Gutter replacement and drainage repairs;
 - g. Demolition of accessory structures including sheds, carports, patios, pergolas, etc., subject to section 150.305 (D) of this Article;
 - h. Roofing repair or replacement;
 - i. Walkway repair or replacement (not public sidewalks);
 - j. Window repair or replacement; and/or
 - k. Mailbox straightening.

150.305. Ineligible Projects

- A. Solely cosmetic repairs to Property;
- B. Repairs covered by insurance;
- C. Unsafe or substandard Homes that cannot be made safe for habitation with the matching funds under PREP; and
- D. Repairs to accessory structures, except as allowed herein; provided however, demolition of substandard accessory structures may be allowed under the PREP if the Homeowner has not previously breached an agreement with the City for remediation of a code violation where demolition was required for compliance.

150.306. Ineligible Applicants.

- A. Applicants that have been previously awarded a PREP Grant and failed to comply with the requirements of the Grant or City ordinance.
- B. Applicants that have provided false, incorrect, or misleading information.
- C. Applicants that have received a Grant in the past two (2) Fiscal Years from the date of application per section 150.309 (A).

150.307. Regulation of Work. The following standards shall apply:

- A. The City shall only reimburse Homeowners after the work for which the PREP Grant is approved has been completed, and the Project has passed inspection by City staff.
- B. The PREP Grant shall not be allowed retroactively for completed Projects.
- C. Applicants must submit a completed application and receive a Commencement of Work before construction begins and before a construction contract is signed by the Applicant.
- D. The City will not accept applications for repairs that have already been purchased, for which construction has already begun, or that are completed.
- E. The City will not hire the contractor, enter into any agreement with the contractor, or be responsible for the completion of the work.
- F. Contractors performing work on PREP-funded Projects must:
 - 1. provide proof of General Liability Insurance (ACORD certificate required),
 - 2. register as a general contractor with the City's Building Services Division if a permit is required, and
 - 3. provide a minimum one-year written warranty for general repairs or a five-year warranty for roof repairs, beginning on the date of final acceptance of the work performed.
- G. Prior to approval of any funding, the contractor shall provide written proof of the contractor's liability insurance and warranty to the Homeowner.
- H. Prior to the commencement of work on the Project, all necessary permits must be obtained from the Building Inspections Division of the City.
- I. Prior to the distribution of any Grant funds, all permits must pass all final inspections with a City Building Inspector.
- J. The Applicant shall be responsible for ensuring all documentation requested by City staff is provided.

150.308. City Development Standards and Deed Restrictions.

- A. It is the exclusive responsibility of the Applicant to confirm the Project meets all requirements of the City's Unified Development and any other related development or design codes prior to the submission of a PREP application.
- B. It is the exclusive responsibility of the Applicant to ensure that all work adheres to any requirements established by any applicable homeowner association (HOA) and related private deed restrictions or covenants.

150.309. Funding Assistance.

- A. Only one (1) Grant may be applied for by and/or awarded to an Applicant every two (2)

Fiscal Years.

- B. Applicants may choose to combine multiple Projects on one Application, the costs for which will be combined and used to calculate one Grant award accordingly.
- C. Eligible Applicants and Projects may be approved for a fifty percent (50%) matching Grant, capped at the amounts listed below. Once the Project is completed and the payment is disbursed, no additional assistance may be requested for two (2) Fiscal Years. PREP Grants are awarded on a competitive basis pursuant to the criteria specified in this Chapter and are awarded at the sole discretion of the City.
- D. A minimum Grant amount of \$250 must be requested for an Application to be eligible for consideration by the City.
- E. The City will match a homeowner's investment up to \$5,000 if his/her household gross income qualifies as Low to Moderate Income as defined herein.
- F. The City will match a homeowner's investment up to \$1,000 if his/her household gross income qualifies as Above Low-to-Moderate Income

150.310. Grant for the Replacement of Private Retaining Walls Adjacent to Thoroughfares.

The City will consider using PREP Grant funds to match an Applicant's investment up to \$3,000 to repair or replace a private retaining wall adjacent to a public thoroughfare, regardless of Household Income when determined by the City to serve the interest of public health, safety and welfare. When combined with other an Eligible Project for which an Applicant seeks a Grant, this matching award will be calculated separately from the other project costs"

SECTION 3
CUMULATIVE REPEALER

This Ordinance shall be cumulative of the Unified Development Code and all other Ordinances of the City of Corinth and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance or where expressly repealed hereby. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 4
SEVERABILITY

If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 5
SAVINGS/CONFLICT

In the event of a conflict between the provisions of this Ordinance and any other regulation or rule prescribed by charter, another ordinance, resolution or other authorization of the City, the provisions of this ordinance shall control. Notwithstanding the foregoing, all rights and remedies of the City are expressly saved as to any and all complaints, actions, claims, or lawsuits, which have been initiated or have arisen under or pursuant to such conflicting Ordinance, or portion thereof, on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the conflicting Ordinance shall remain in full force and effect.

SECTION 6
EFFECTIVE DATE

This Ordinance shall take effect upon its passage in accordance with state law and the City's Home Rule Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS on this the 7th day of December 2023.

DocuSigned by:
Bill Heidemann
AC74FAA88CA6468

Bill Heidemann, Mayor

ATTEST:

DocuSigned by:
Lana Wylie
D77DD89EB0C3473

Lana Wylie, City Secretary



APPROVED AS TO FORM:

DocuSigned by:
Patricia Adams
B5BAE55D871D428

Patricia A. Adams, City Attorney