



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

|                       |                                                                                                                                                                                                                                                                                                                                                                      |                      |                      |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------|
| <b>File #:</b>        | RS2023-2249                                                                                                                                                                                                                                                                                                                                                          | <b>Name:</b>         |                      |
| <b>Type:</b>          | Resolution                                                                                                                                                                                                                                                                                                                                                           | <b>Status:</b>       | Passed               |
| <b>File created:</b>  | 6/8/2023                                                                                                                                                                                                                                                                                                                                                             | <b>In control:</b>   | Metropolitan Council |
| <b>On agenda:</b>     | 6/20/2023                                                                                                                                                                                                                                                                                                                                                            | <b>Final action:</b> | 6/20/2023            |
| <b>Title:</b>         | A resolution declaring surplus and authorizing the conveyance of real property to certain nonprofit organizations, and authorizing grants not exceeding \$3,000,000.00 from the Barnes Fund for Affordable Housing to AWAKE Nashville, Inc. for the express purpose of constructing affordable or workforce housing for older adults. (Proposal No. 2023M-007PR-001) |                      |                      |
| <b>Sponsors:</b>      | Kyonzte Toombs, Gloria Hausser, Kevin Rhoten, Brett Withers, Ginny Welsch, Burkley Allen, Tonya Hancock                                                                                                                                                                                                                                                              |                      |                      |
| <b>Indexes:</b>       |                                                                                                                                                                                                                                                                                                                                                                      |                      |                      |
| <b>Code sections:</b> |                                                                                                                                                                                                                                                                                                                                                                      |                      |                      |
| <b>Attachments:</b>   | 1. Exhibits                                                                                                                                                                                                                                                                                                                                                          |                      |                      |

| Date      | Ver. | Action By                     | Action   | Result |
|-----------|------|-------------------------------|----------|--------|
| 6/23/2023 | 1    | Mayor                         | approved |        |
| 6/20/2023 | 1    | Metropolitan Council          | adopted  |        |
| 6/20/2023 | 1    | Budget and Finance Committee  | approved |        |
| 6/20/2023 | 1    | Planning and Zoning Committee | approved |        |
| 6/20/2023 | 1    | Affordable Housing Committee  | approved |        |
| 6/13/2023 | 1    | Metropolitan Council          | filed    |        |
| 5/31/2023 | 1    | Planning Commission           | approved |        |

A resolution declaring surplus and authorizing the conveyance of real property to certain nonprofit organizations, and authorizing grants not exceeding \$3,000,000.00 from the Barnes Fund for Affordable Housing to AWAKE Nashville, Inc. for the express purpose of constructing affordable or workforce housing for older adults. (Proposal No. 2023M-007PR-001)

WHEREAS, the Metropolitan Government owns certain parcels of property identified as the “Properties”, as shown in Section 1 below; and,

WHEREAS, Section 7-3-314(e) of the Tennessee Code Annotated (the “Act”) permits a metropolitan government by resolution of its governing body to authorize the conveyance of the real property acquired pursuant to a delinquent tax sale by grant to a nonprofit organization; and,

WHEREAS, the Act requires that no property may be granted prior to the expiration of the statutory redemption period; and,

WHEREAS, the Act requires that all such property be used to construct affordable and workforce housing for residents of Davidson County; and,

WHEREAS, on January 16, 2023, the Metropolitan Housing Trust Fund Commission issued a request for application to qualified nonprofit organizations to participate in the nonprofit housing development grant program; and,

WHEREAS, on November 17, 2022, Metropolitan Council appropriated \$8,000,000 in American Rescue Plan Act funding to the Housing Division of the Planning Department for the express purpose of supporting housing for older adults through RS2022-1861; and,

WHEREAS, on June 15, 2021, the Metropolitan Council passed Resolution RS2021-966, a resolution which accepted grant funds for local government support from the Coronavirus State and Local Fiscal Recovery Funds established by the American Rescue Plan Act of 2021 ("ARP Funds") from the U.S. Department of the Treasury to The Metropolitan Government of Nashville and Davidson County, which was subsequently signed into law by Mayor John Cooper on June 16, 2021; and,

WHEREAS, Resolution RS2021-966 established a COVID-19 Financial Oversight Committee ("the Committee") whose role is to collect, consider, and recommend appropriate uses of the ARP Funds as designated by the Metropolitan Council disbursement plan. The Committee will submit its reports and recommendations to the Mayor, the Director of Finance, and the Metropolitan Council not later than June 30, 2025; and,

WHEREAS, there are federal requirements for use of ARP Funds that require that these funds be expended or obligated on or before December 31, 2024; and,

WHEREAS, AWAKE Nashville, Inc. has been selected to receive a grant conveying two parcels of property as shown in Section 1 and

WHEREAS, the requirements of Section 7-3-314(e) of the Act have been met as to the Properties; and,

WHEREAS, the grant process has conformed to the requirements of Tennessee law; and,

WHEREAS, Section 7-3-314 of the Tennessee Code Annotated states that metropolitan forms of government may provide financial assistance to a nonprofit organization in accordance with the guidelines of the Metropolitan Government; and,

WHEREAS, Section 5.04.070 of the Metropolitan Code of Laws provides that the Metropolitan Council may by Resolution appropriate funds for the financial aid of nonprofit organizations; and,

WHEREAS, pursuant to the regulations and procedures of the Metropolitan Housing Trust Fund Commission, the Metropolitan Housing Trust Fund Commission has accepted the recommendations of the Barnes Fund Review Committee that the appropriated funds be distributed to the following nonprofit organizations: AWAKE Nashville, Inc. and,

WHEREAS, it is to the benefit of the citizens of The Metropolitan Government of Nashville and Davidson County that the conveyance of property and these grant contracts be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. The Metropolitan Council declares the following parcels of land, owned in fee simple by the Metropolitan Government, and described in Exhibits A through B attached hereto and incorporated herein, to be surplus.

| Parcel ID   | Address - Location     | Council District |
|-------------|------------------------|------------------|
| 06000003400 | 2937 Brick Church Pike | 2                |
| 06000003500 | 2939 Brick Church Pike | 2                |

Section 2. The Metropolitan Government is hereby authorized to convey the properties identified in Section 1 to AWAKE Nashville, Inc.

Section 3. The Metropolitan Housing Trust Fund Commission is hereby authorized to enter into a grant contract with AWAKE Nashville, Inc. for the express purpose of constructing affordable and workforce housing the terms and conditions of which is attached hereto as Exhibit C and incorporated herein. Such grant contract shall specify the terms and conditions under which the conveyance is to be made including a deed restriction requiring the property to be used exclusively for construction of affordable and workforce housing for residents of Davidson County as those terms may be defined in Tennessee Code Annotated § 5-9-113.

Section 4. There is hereby appropriated \$3,000,000.00 from the Barnes Fund for Affordable Housing to fund grants to the nonprofit organization as follows:

| Nonprofit             | Amount         | Exhibit |
|-----------------------|----------------|---------|
| AWAKE Nashville, Inc. | \$3,000,000.00 | A       |

Section 5. The Metropolitan Government of Nashville and Davidson County is hereby authorized to enter into a grant contract with the nonprofit organization listed in Section 4 above for the grant amount designated therein, subject to the terms and conditions under which the grant funds are to be spent, attached hereto as Exhibits A and incorporated herein.

Section 6. This Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

#### Analysis

This resolution declares surplus and authorizes the conveyance of these two properties and further authorizes grants not exceeding \$3,000,000 to AWAKE Nashville, Inc. for the express purpose of constructing or rehabilitating affordable or workforce housing for older adults.

Tenn. Code Ann. §7-3-314(e) permits Metro to convey by resolution any real property acquired pursuant to a delinquent tax sale by grant to a non-profit organization for the purpose of constructing affordable or workforce housing. This section also specifies that no property may be granted prior to the expiration of the statutory redemption period. This section also requires that all such property be used to construct affordable and workforce housing for residents in the county.

On January 16, 2023, the Metropolitan Housing Trust Fund Commission issued a request for applications to qualified nonprofit organizations to participate in the nonprofit housing development grant program. On November 17, 2022, Metropolitan Council appropriated \$8,000,000 in American Rescue Plan Act funding to the Housing Division of the Planning Department for the express purpose of supporting housing for older adults through RS2022-1861.

2937 and 2939 Brick Church Pike would be declared surplus and conveyed to AWAKE Nashville.

In addition to the grant of real property, AWAKE Nashville would receive from the Barnes Fund a grant totaling \$3,000,000 to construct 47 affordable housing units for older adults ages 62 and over. Tenn. Code Ann. § 7-3-314 authorizes Metro to provide financial assistance to nonprofit organizations. In addition, Section 5.04.070 of the Metro Code of Laws provides that the Council may appropriate funds for the financial aid of nonprofit organizations by resolution. The grant contracts are attached to the resolution.

Per state law and section 5.04.070 of the Metro Code, adoption of this resolution requires 21 affirmative votes.

*Fiscal Note: This appropriation would reduce the balance of the Barnes Fund by \$3,000,000.*